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FACTSHEET – THE NETHERLANDS

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

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Table of Content

I.	Introduction	3
II.	Legal frameworks.....	5
III.	Investigations and prosecution	7
IV.	Jurisdiction rules	9
V.	International cooperation	11
VI.	Assistance to victims.....	13
VII.	Civil society involvement and cooperation.....	14
VIII.	Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.....	15
IX.	Education for children	17
X.	Higher education curriculum and continuous training.....	18
XI.	Research	20

I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including the Netherlands.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by the Netherlands to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to the Netherlands

On the exemption of criminal liability of children “producing and possessing” CSGSIV of themselves as clarified by the Committee’s Opinion of 2019:

The Committee observes that the Netherlands is among the minority of Parties where there are rules allowing for the criminalisation of production and possession of own CSGSIV, if the child(ren) in question have not reached the legal age for sexual activities.²

The Committee notes that children who generate and/or possess CSGSIV intended solely for their own private use can be held criminally liable on the basis of Article 240b of the Dutch Criminal code, consisting of the penal provision on “child pornography”. However, the Dutch Supreme Court has ruled in its decision of 9 February 2016³ that the text of this provision is overinclusive and that situations appear that grammatically fall under the scope of the provision but are at odds with the aims of the legislator, following from the explanatory documents. In these cases, the criminal judge could decide not to hold the suspect criminally liable. In determining whether such a situation appears, the judge can take into account a number of factors, in particular, the specific acts of the suspect, the age of those involved, the consent of the individuals involved and the absence of any indication of a risk of the image(s) being disseminated among persons other than those involved. This Supreme Court case law is to be codified in legislation.⁴

- The Committee **requests** that the

Netherlands ensures that a child will not be prosecuted when he/she possess:

- their own self-generated sexually suggestive or explicit images and/or videos;
- self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
- the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.⁵

Criminalisation of conduct related to “offering or making available” child sexual abuse material (CSAM) and its relationship with the sharing of their own or other children’s self-generated material:

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own or other children’s CSGSIV in the Netherlands.⁶

Therefore, the Committee **requests** that the Netherlands ensures that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual and intended solely for their own private use.⁷
- the distribution or transmission by children of self-generated sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention.⁸

² Paras. 67, 68, 73.

³ Supreme Court of the Netherlands, 9 February 2016, ECLI:NL:HR:2016:213. The following link will take you to the ruling of the Dutch Supreme Court: ECLI:NL:HR:2016:213, Hoge Raad, 14/05420 (rechtspraak.nl)

⁴ Para. 69.

⁵ Recommendation II-6.

⁶ Paras. 78, 82.

⁷ Recommendation II-8.

⁸ Recommendation II-9.

On the prosecution of conduct amounting to “sexual extortion of children”:

In cases where the sexual extortion is intended to procure additional sexual images or videos, the Committee observes that the Netherlands prosecute for offences related to corruption of children, and trafficking in human beings.⁹

In cases where the objective of the perpetrator is to obtain other sexual favours from the child depicted on the images/videos or from another child, it would prosecute for sexual abuse of a

child in accordance with Article 18, participation in pornographic performances, corruption of children, and solicitation of children for sexual purposes.¹⁰ It would also prosecute the conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20.¹¹ Finally, in cases where the sexual extortion is intended to procure a financial gain, the Netherlands would qualify the conduct as extortion or aggravated extortion.¹²

Generic recommendations of the Committee on the legal frameworks

The Committee **invites** all Parties, including the Netherlands:

- to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)¹³ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children as the Committee acknowledges that using the term “child pornography” can undermine the gravity of the crimes it refers to;¹⁴
- to introduce explicit references in its respective legal framework to conduct

concerning child self-generated sexual images and/or videos, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort;¹⁵

- to have a definition of “child sexual abuse material” in line with its Recommendation II-1;¹⁶
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention;¹⁷
- to consider criminalising the offence of “grooming” (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.¹⁸

⁹ Para. 100

¹⁰ Para. 102.

¹¹ Para. 103.

¹² Para. 106.

¹³ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology](#)

[Guidelines”](#), pages 38-40 in particular.

¹⁴ Recommendation II-1.

¹⁵ Recommendation II-2.

¹⁶ Recommendation II-3.

¹⁷ Recommendation II-4.

¹⁸ Recommendation II-10.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to the Netherlands

The Committee observes that the Netherlands' investigation and prosecution services are already in line with some of its recommendations as the Netherlands has:

- specialised law enforcement units dealing with ICT facilitated offences with a specialised section/department dedicated exclusively to cyber or sexual crimes against children.¹⁹
- specialised investigative units handling ICT facilitated sexual offences where these are committed by children.²⁰
- training modules provided by State authorities for law enforcement agents, prosecutors and judges related to aspects of child sexual exploitation and sexual abuse.²¹
- victim identification units within law enforcement for cases of ICT facilitated sexual offences against children.²²

The Committee also observes that the Netherlands makes an active contribution to INTERPOL's International Child Sexual

Exploitation (ICSE) image and video database.²³

To improve the effective implementation of the Convention, the Committee **requests** the Netherlands:

- to ensure that training on ICT-facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.²⁴
- to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.²⁵
- The Committee also **invites** the Netherlands to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.²⁶

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are

adequately financed to ensure sufficient resources, including staff, equipment and training.²⁷

The Committee **invites** all Parties, including the Netherlands:

- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children

¹⁹ Paras. 115, 116.

²⁰ Para. 135

²¹ Paras. 145, 146, 156, 157, 167.

²² Para. 180.

²³ Para. 189.

²⁴ Recommendations III-16 and III-18.

²⁵ Recommendation III-28.

²⁶ Recommendation III-8.

²⁷ Recommendations III-3 and III-7.

have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, ICT technical knowledge and offences involving child self-generated sexual images and/or videos.²⁸

- to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT facilitated coercion or extortion of children is available to prosecutors and to judges.²⁹

- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.³⁰

- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.³¹

Promising practices

In the Netherlands, the Dutch Police has specific units on CSAM and Child Sexual Trafficking (CST), consisting of highly specialised and specifically trained personnel, also with regard to offences involving CSAM and ICT facilitated coercion or extortion. Different initiatives within the police organisation aim to enhance cooperation and collaboration between CSAM and CST teams, vice teams and the specialised Teams on Digital Law Enforcement and High-Tech Crime.

In 2014, experts from the Netherlands engaged in a Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification.³⁵ This initiative has been continued, including its 10th edition in October- November 2021.³⁶

On measures to ensure the effective investigation and prosecution of offenders:

- The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.³²

It also **invites** all Parties, including the Netherlands:

- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.³³

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.³⁴

²⁸ Recommendations III-9 and III-10.

²⁹ Recommendations III-17 and III-19.

³⁰ Recommendation III-20.

³¹ Recommendation III-21.

³² Recommendation III-30.

³³ Recommendation III-31.

³⁴ Recommendation III-32.

³⁵ See: <https://www.europol.europa.eu/activities-services/europol-in-action/operations/victim-identification-taskforce>

³⁶ <https://www.europol.europa.eu/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse>

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to the Netherlands

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

The Committee observes that the Netherlands has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Accordingly, in the Netherlands, the Dutch Supreme Court established that prosecution based on the territoriality principle was applicable when the offence was committed both in the Netherlands and abroad, including when behaviour which forms a part of the offence took place in the Netherlands, but the offence was committed abroad.³⁷

Jurisdiction based on nationality and residency (Article 25(1) (d), (e))

It appears that the Netherlands establishes jurisdiction based on the nationality or residence of the alleged offender.

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

It appears that the Netherlands does not apply this condition for prosecution.

Jurisdiction not subordinated to the condition that the acts are criminalised at the place

where they were performed (Article 25(4)): the dual criminality principle

The Committee observes that in the Netherlands³⁸ the principle of dual criminality is not a requirement for offences of child sexual abuse committed by its nationals.³⁹

- To improve the effective implementation of the Convention, the Committee **invites** the Netherlands, if it is not already doing so, to remove the requirement for dual criminality when committed by one of its nationals, for offences of:

- possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved,⁴⁰

- solicitation of children for sexual purposes.⁴¹

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

The Committee notes that as detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). The passive personality principle is applied in respect of

³⁷ Para. 214.

³⁸ The Committee highlights that EU countries are also bound by the EU Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States specifically on sexual exploitation of children and “child pornography” crimes (Article 2.2.), where verification of the double criminality of the act is eliminated in the provided conditions.

³⁹ Para. 223.

⁴⁰ Recommendation IV-7.

⁴¹ Recommendation IV-8.

offences committed against nationals and habitual residents in the Netherlands only for offences punishable by imprisonment of at least six years⁴² In order to apply the passive personality principle in the Netherlands, the dual criminality principle is not a prerequisite of prosecution.⁴³

- The Committee **requests** Parties that are not already doing so, including the Netherlands, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁴⁴

⁴² Paras. 231, 232.

⁴³ Para. 232.

⁴⁴ Recommendation IV-9.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations of the Committee on international cooperation specific to the Netherlands

The Committee observes that INHOPE,⁴⁵ WeProtect Global Alliance,⁴⁶ Virtual Global Taskforce,⁴⁷ ECPAT⁴⁸ and EMPACT cybercrime CSE/CSA⁴⁹ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in the Netherlands.⁵⁰

The Committee also observes that law

enforcement representatives from the Netherlands attend the Europol's central training course "Combating the Sexual Exploitation of Children on the Internet" (COSEC)⁵¹ and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁵²

Generic recommendations of the Committee on international cooperation

- The Committee **requests** all Parties, including the Netherlands, to extend their international cooperation with other Parties to improve the effective implementation of the Convention.⁵³

The Committee **invites** all Parties, including the Netherlands:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to child self-generated sexual images and/or videos.⁵⁴
- to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Convention, in matters related to child self-

generated sexual images and/or videos.⁵⁵

- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁵⁶
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to child self-generated sexual images and/or videos.⁵⁷
- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.⁵⁸

⁴⁵ www.inhope.org/

⁴⁶ <https://www.weprotect.org/>

⁴⁷ <http://virtualglobaltaskforce.com>

⁴⁸ <https://ecpat.org/>

⁴⁹ <https://www.europol.europa.eu/empact>

⁵⁰ Para. 255.

⁵¹ The course is also attended by experts from countries outside Europe, e.i. Australia, Canada, Colombia, New

Zealand, Singapore and the United States.

⁵² Para. 259.

⁵³ Recommendation V-3

⁵⁴ Recommendations V-6, V-11.

⁵⁵ Recommendations V-4, V-12, V-15.

⁵⁶ Recommendation V-5.

⁵⁷ Recommendation V-13.

⁵⁸ Recommendation V-9.

- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.⁵⁹
- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Convention, in investigation and proceedings concerning the offences established in accordance with the Convention, in particular

in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to child self-generated sexual images and/or videos.⁶⁰

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States.⁶¹

⁵⁹ Recommendation V-10.

⁶⁰ Recommendations V-14, V-16.

⁶¹ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to the Netherlands

The Committee observes that the Netherlands provided data referring to the number of calls received by helplines that assist victims of sexual offences. However it did not indicate what kind of follow-up was given to these calls.⁶²

To improve the effective implementation of the Convention, the Committee **requires** the Netherlands to take the necessary legislative or other measures:

- to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. These information services should be made available as widely as possible. This

can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, and especially the child, can understand, and it is free of charge.⁶³

- to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁶⁴

- Additionally, the Committee **invites** the Netherlands to ensure that the assistance measures referred to in Recommendation VI-3 are available to child victims of sexual exploitation and abuse facilitated by ICTs, including offences due to the production, possession, distribution or transmission of child self-generated sexual images and/or videos.⁶⁵

Generic recommendations of the Committee on assistance to victims

- The Committee **invites** all Parties, including the Netherlands to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-

facilitated sexual exploitation and abuse of children – including the risks associated with child self-generated sexual images and/or videos – and how to provide appropriate support to victims and to those who wish to help them.⁶⁶

⁶² Para. 296.

⁶³ Recommendation VI-1.

⁶⁴ Recommendation VI-3.

⁶⁵ Recommendation VI-4.

⁶⁶ Recommendation VI-2.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations of the Committee on civil society involvement and cooperation specific to the Netherlands

The Committee observes that in the Netherlands, NGOs, along with the media, are the most involved counterparts in the prevention of child sexual abuse and exploitation and victim assistance activities.⁶⁷

In the Netherlands the interaction with civil society includes preventive and awareness-raising activities to minimise the risk of abuse that children face online, including the issue of CSGSIV.⁶⁸

The Netherlands develops and supports different activities which are aimed at raising the awareness of not only children but also adults such as parents, educators, doctors and social workers about existing risks and dangers of ICTs for children.⁶⁹ Other civil society projects that takes place in the Netherlands - whether or not carried out in cooperation with the State – include educational activities aimed at preventing abuses related to the sharing of CSGSIV.⁷⁰

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including the Netherlands:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of child self-generated sexual images and/or videos.⁷¹
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.⁷²
- to support civil society to carry out

projects and programmes that include the issue of child self-generated sexual images and/or videos.⁷³

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁷⁴ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards child self-generated sexual images and/or videos.⁷⁵

⁶⁷ Para. 308.

⁶⁸ Paras. 320, 321.

⁶⁹ Para. 315.

⁷⁰ Para. 323.

⁷¹ Recommendation VII-3.

⁷² Recommendation VII-4.

⁷³ Recommendation VII-5.

⁷⁴ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

⁷⁵ Recommendations VII-6, VII-7.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Observations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves specific to the Netherlands

The Committee observes that the Netherlands is among the few Parties which have awareness-raising programmes specifically for children in the situation of viewers/observers of other children producing and/or sharing CSGSIV of themselves. Vice detectives from the national police talk once a month to young people who are able to ask questions about online sexual behaviour, such as producing and sharing sexual images, videos and content (www.Vraaghetdepolitie.nl).⁷⁶

Additionally, the Committee notes the Safer Internet Centre's Digiraad initiative's awareness-raising activities by and for young people about online safety that takes place in the Netherlands as an example of good practice for the peer-to-peer awareness-raising method. Thanks to these activities, children, parents and schools are encouraged to make sensible use of the new media and be aware of the risks of putting sexually explicit material online (www.mediawijsheid.nl).⁷⁷

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including the Netherlands:

- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is "adapted to their evolving capacity" or, in other words, their age and degree of maturity.⁷⁸
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.⁷⁹
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and

foremost by their peers.⁸⁰

- to promote themselves and to encourage the information and communication of the technology sector, the media and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.⁸¹
- to introduce or step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive

⁷⁶ Para. 345.

⁷⁷ Para. 361.

⁷⁸ Recommendation VIII-2.

⁷⁹ Recommendation VIII-4.

⁸⁰ Recommendation VIII-5.

⁸¹ Recommendations VIII-6.

measures that can be taken.⁸²

- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about

the preventive measures that can be taken.⁸³

- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.⁸⁴

Promising practice

ECPAT's "make-IT-safe" project is a peer expert training project in which children and youngsters have been taught how to use the internet and smart phones safely and how to use social media, such as Facebook, Myspace, Netlog and WhatsApp in a responsible way. The 2-year project started in the beginning of 2013 and is based on the peer-to-peer principle, which allows youngsters (peer experts) to learn how to use new technologies and the media, as well as prevention of online violence, in a safe way and to pass the information and the knowledge to people of the same age. The project was supported by specially trained teachers and youth leaders, the so-called "Coaches". The particularity of the project is the fact that the project was conducted by ECPAT groups in five countries, namely in Austria, Belgium, Germany, the Netherlands and the United Kingdom.

The information is available in seven languages (Arabic, Serbo-Croatian, Dutch, English, French, German, Turkish). The information provided on the project's website (<http://www.make-it-safe.net/>) concerns Online Risks, Information for Parents and Youth Leaders and helpful Addresses.

⁸² Recommendation VIII-7.

⁸³ Recommendation VIII-8.

⁸⁴ Recommendation VIII-9.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations of the Committee on education for children specific to the Netherlands

The Committee observes that the Netherlands is among the minority of Parties that have courses on “sexuality and sexual diversity” as part of the national curriculum where children learn about the prevention of sexual exploitation and sexual abuse and risks associated with CSGSIV.⁸⁵ Such courses are provided in the course of primary and

secondary education in the Netherlands.⁸⁶ Additionally, the Committee observes that the Netherlands is among the minority of Parties that involve parents and other care takers in prevention and awareness raising initiatives.⁸⁷ Different tool kits have been developed in order to enable parents to identify risks of child sexual exploitation and sexual abuse.⁸⁸

Generic recommendations of the Committee on education for children

The Committee **invites** all Parties, including the Netherlands:

- to consistently involve children in the development of internet safety awareness

programmes.⁸⁹

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.⁹⁰

Promising practice

In the Netherlands, toolkits have been designed targeting parents of primary and secondary school-aged children. Materials for primary educational institutions include: “Kriebels in je buik”, a continuous learning tool for children aged 4-12 years, also providing brochures for parents pointing at risks posed online; the “Veiligwijjs” Method, which is offered to schools to enable them to embed “healthy relations” in their educational programmes, in line with the demands of children as well as their parents; and the project “Media Diamant”, a tool for parents regarding “media education” for their children. Materials for secondary school institutions include: the guide “Help, ik sta online”, aiming to help parents in situations where their children are exposed online; helpwanted.nl, a website providing information for parents and educators trying to get CSAM offline; the method “Online veiligheid voor ouders” offering online courses for parents, aimed at raising awareness for online risks; and the Project “Log in”, where, through theatre, parents are invited to start a dialogue about the use of internet by their children and risks on the internet.

⁸⁵ Paras. 383, 397.

⁸⁶ Para. 392.

⁸⁷ Para. 402.

⁸⁸ Para. 403.

⁸⁹ Recommendation IX-4.

⁹⁰ Recommendation IX-5.

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to the Netherlands

The Committee observes that some of the professionals in the Netherlands working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.⁹¹ However, it also observes that only some of the professionals working in contact with children seem to have been trained on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse.⁹²

Therefore, the Committee **requires** the Netherlands:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.⁹³
- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation

and sexual abuse of children:

- in the social protection sector
- in areas relating to sport, culture, and leisure activities.⁹⁴

- to ensure that the persons who have regular contact with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:

- in the health sector
- in the social protection sector
- in areas relating to sport, culture, and leisure activities⁹⁵

- to encourage awareness of the protection and rights of children among persons who have regular contact with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture, and leisure activities.⁹⁶

⁹¹ Para. 428.

⁹² Para. 429.

⁹³ Recommendation X-4.

⁹⁴ Recommendation X-5.

⁹⁵ Recommendation X-6.

⁹⁶ Recommendation X-7.

Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee also **invites** all Parties, including the Netherlands:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with child self-generated sexual images and/or videos, for example through education or continuous

training.⁹⁷

- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with child self-generated sexual images and/or videos.⁹⁸

Promising practices

In the Netherlands, multiple knowledge kits have been developed in order to enable teachers and lecturers to signal sexual exploitation and sexual abuse. Different programmes are available that can be used by educational institutions. When confronted with these signals, teaching personnel is under a legal obligation to report the exploitation or abuse.

⁹⁷ Recommendation X-2.

⁹⁸ Recommendation X-3.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to the Netherlands

The Committee observes that the Netherlands has provided information on research undertaken on the issues raised by CSGSIV.⁹⁹ The research on CSGSIV was conducted as part of a broader research project on sexual health of young people¹⁰⁰ in the Netherlands.¹⁰¹ Additionally, the Netherlands has informed of their participation for one or several years in the EU Kids Online research.¹⁰² Moreover, some of the research projects and publications on the topic were carried out by public authorities. For example, a publication addressing CSGSIV was issued by the WODC (Research and Documentation centre of the Ministry of Justice and Security) in the Netherlands.^{103/104} The Committee also observes that in the Netherlands, research on issues related to the psychological effects arising from CSGSIV being shared online (on adolescents' online sexual interactions) has been undertaken.^{105/106} The Netherlands is also among the Parties that collaborated with other research centres. In the Netherlands,¹⁰⁷ ministries respectively provided financing for research to the Norwegian Social research

(NOVA/OsloMet) and Rutgers organisation, Soa Aids Netherlands and the GGD (network of Dutch public health services in the municipalities).¹⁰⁸

On the other hand, the Committee observes a **difficulty in implementing the Convention** in the Netherlands as regarding surveys undertaken in the context of EU Kids Online, information is lacking to determine which body was in charge of supporting and/or carrying out research.¹⁰⁹

- The Committee **invites** the Netherlands to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from child self-generated sexual images and/or videos, with due respect for the requirements of personal data protection.¹¹⁰

⁹⁹ Para. 437.

¹⁰⁰ Study "Seks onder je 25a" (Sex under 25): <https://seksonderje25e.nl/>

¹⁰¹ Para. 438.

¹⁰² Para. 440.

¹⁰³ H.U. Nohlen, F. van Harreveld, "Scientific knowledge on behavior regarding five topics (sexting, violence during football games, employee theft, digitalizing dispute solutions and neighborhood nuisance and conflict)" (2017).

¹⁰⁴ Para. 450.

¹⁰⁵ Kerstens, J., & Stol W. (2014). Receiving online sexual request and producing online sexual images: The multifaced and dialogic nature of adolescents' online sexual interactions.

¹⁰⁶ Para. 441.

¹⁰⁷ Research "Seks onder je 25e": <https://seksonderje25e.nl/>

¹⁰⁸ Para. 450.

¹⁰⁹ Para. 458.

¹¹⁰ Recommendation XI-4.

Generic recommendations of the Committee on research

The Committee **invites** all Parties including the Netherlands:

- to ensure that data on the phenomenon of child self-generated sexual images and/or videos and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹¹¹

- to build on the findings from existing research on child self-generated sexual images and/or videos, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by child self-generated sexual images and/or videos.¹¹²

Promising practices

EU Kids Online is a multinational research network, working to increase knowledge of the opportunities, risks and safeties children face online including the topic of CSGSIV. A significant number of Parties, including the Netherlands, have participated in this research network for one or several years.

¹¹¹ Recommendation XI-2.

¹¹² Recommendation XI-3.