



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

SUMMARY

On solid ground

Tackling sexual violence against children in the Netherlands



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



PREVENTION

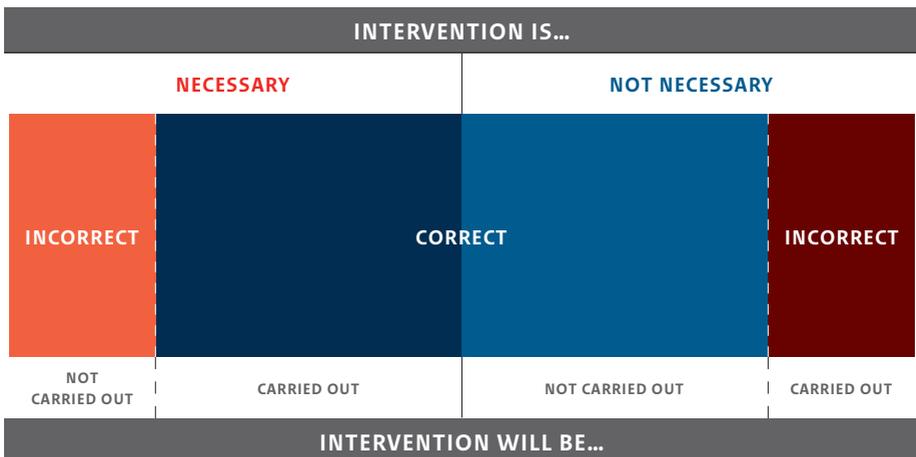
The preventive measures that are currently adopted place too much emphasis on the ability of victims to defend themselves rather than on the responsibility of the offender.

(recommendation 6)

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.



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.

- 32% of children experience sexual violence before the age of 18
- 10% of girls experience unwanted manual sex
- 5% of girls experience unwanted oral or genital sex
- 41% of girls become victims, more often than boys (23%) but this difference is smaller for hands-off sexual violence

Anyone can be a victim, but some children are more at risk than others:

- Older children more than young children
- Children with a disability
- Children in dysfunctional families
- Children in blended or single-parent families

Victims do not always see themselves as victims; boys relatively less often than girls.

Consequences

Diverse: some experience scarcely any problems, others feel shame at what has happened, have frequent nightmares and difficulty concentrating, while yet others suffer psychological, medical and sexual problems for years.

Age is a factor: a baby, for example, might not recall anything of the sexual violence later but stress caused by the abuse could affect brain development. Very young children might suddenly regress into behaviour appropriate to a younger age and school-age children are more likely to have problems concentrating.

Victims who talk

- Victims often only tell what happened to them years later, or never
- Boys are less inclined to talk about the sexual violence than girls
- Most children who call the Children's Hotline are looking for a sympathetic ear

Parents, professionals and the government can make it easier for victims to talk by encouraging open discussion of sexual violence.

Recognizing the signs of victims

Identification: Recognizing the signs of sexual violence and being able to formulate a suspicion on the basis of those signs.

Identification is difficult:

- There may be no (apparent) signs
- Signs might also be symptomatic of other problems
- Physical signs disappear quickly, and even more quickly in small children (within 24 hours)
- Individuals are unable to recognize the signs or are unable or unwilling to believe them

- 1,8% of children aged between 12 and 17 are victims of abuse within the family
- 0,07% of children aged between 12 and 17 are recognized as possible victims of abuse within the family by local professionals.

A lot has been done in recent years to improve the identification of child abuse; specific attention to sexual abuse remains important.

There are three types of reports to the Child Abuse Counselling and Reporting Centre (AMK): for advice, consultation and investigation.

- 45% reports for advice and consultation (private)
- 55% reports for advice and consultation (professional)
- 31% reports for investigation (private)
- 69% reports for investigation (professional)

The AMK investigates 25% of the reports of sexual violence, which is less than often than for reports of other forms of child abuse.

- 70% girls
- 5% have physical and/or mental disability
- 87% from dysfunctional families
- 36% live with both biological parents
- 41% parental figure is the suspected offender
- 79% are from native Dutch families
- the average age is 8,9

- 54% investigations where abuse was established
- 63% abused children also experienced other forms of maltreatment
- 65% investigations where the AMK called in the social services (52% voluntary and 13% mandatory)

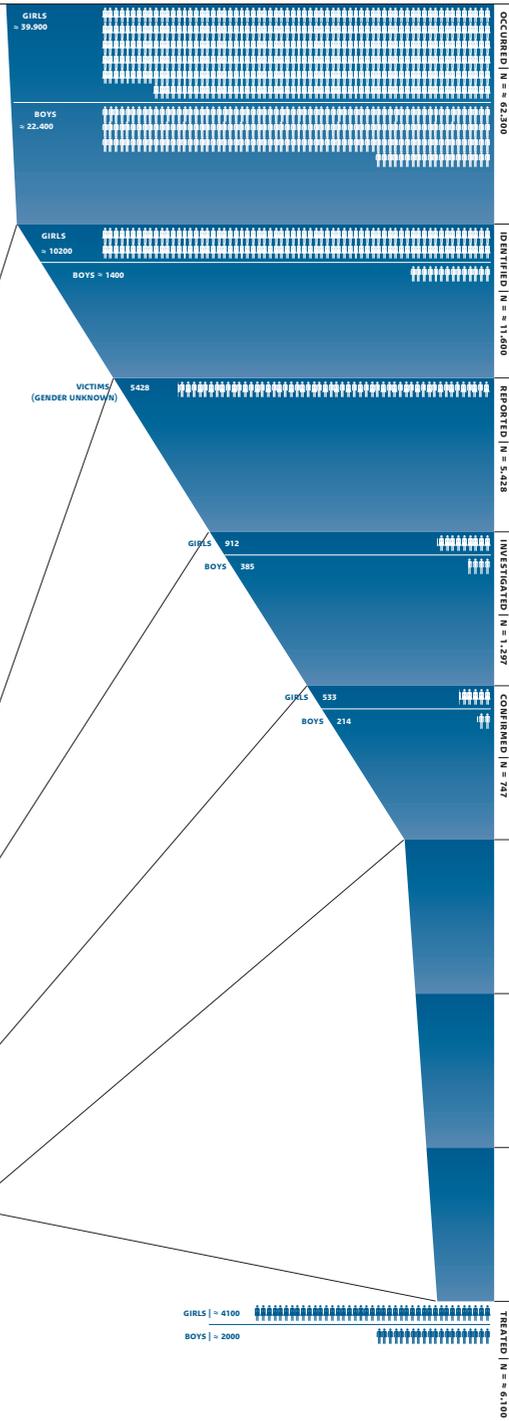
The AMK requests assistance for victims of solely sexual violence less often than for victims that also suffer other forms of child abuse.

There are many types of assistance available; it can therefore be difficult to find the right help.

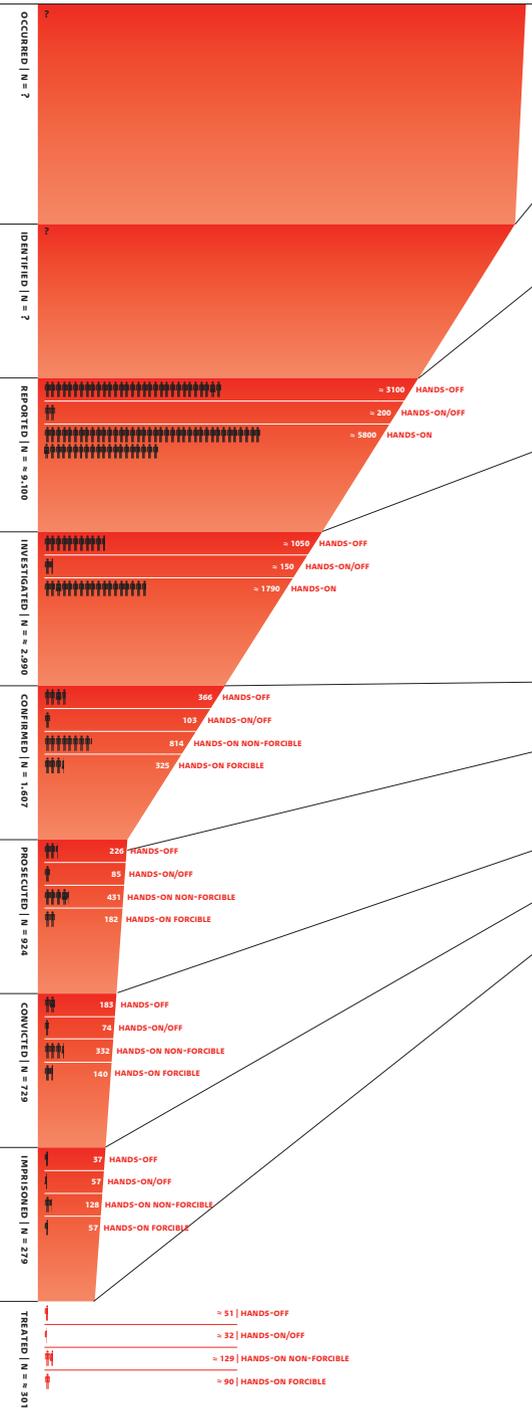
Victims have to be referred to the youth care and mental health care services to qualify for reimbursement of the costs of the help they receive.

- 6% investigations by the Child Care and Protection Board concerning sexual abuse
- 78% cases in which the Board requested a child protection order
- 100% cases in which requests for a child protection order by the Board were granted by the courts

The problems for which young people receive professional help are not known since that information is not registered. Consequently, the number of victims of sexual violence who receive help is unknown and can only be estimated.



OCCURRED IDENTIFIED REPORTED INVESTIGATED CONFIRMED TREATED



The number of people that commit sexual violence is not known. The suspects:

- 2% women
- 20% paedophiles
- 25% minors
- 27% persons with a (mild) mental disability
- 49% were never previously known to the Public Prosecution Service

RECOMMENDATION 3

Recognizing child sex offenders
 Offenders want to avoid being discovered, and they frequently succeed. In particular, individuals who abuse children over a longer period (hands-on assault) sometimes manipulate victims so that they are easier to abuse, and are also less inclined to talk about the abuse. Offenders can also manipulate those close to the victim, for example by winning the trust of the parents.

Reports to the police (Holland-Midden region)

- 61% hands-on
- 75% offenders are known to the victim
- 21% offenders are members of the family
- 87% hands-on offenders are known to the victim
- 59% victims report within 24 hours
- 17% victims report after more than a year
- Victims wait an average of 8 months to report if the offender is known to them, and 10 days if it is a stranger.

INVESTIGATED

Investigations (regio Hollands-Midden)
 Before an offence can be reported, the police first conduct a preliminary interview with the complainant. During the interview, the police provide a lot of information to the complainant, and also explain the many snags connected with filing a report. In principle, the victim is then given two weeks to reflect, even if he or she has already spent a long time considering whether to report the offence.

- 72% complainants who have a preliminary interview
- 30% preliminary interviews that lead to the filing of a report
- 14% victims who file a report if the person accused of a hands-off offence is known to them
- 32% victims who file a report if the person accused of a hands-off offence is a stranger

RECOMMENDATION 5

The police can also launch an investigation without a report (an *ex officio* investigation). However, this seldom happens.

The threshold for the launch of an investigation by the police is high and needs to be lowered.

Suspects registered by the Public Prosecution Service

- 77% suspects registered for hands-on offences
- 58% of suspects were summoned by the Public Prosecution Service
- 36% of cases were not prosecuted
- 80% of the decisions not to prosecute were made on technical grounds
- 82% of the decisions not to prosecute made on technical grounds were based on a lack of evidence

PROSECUTED

- 77% of the suspects prosecuted by the Public Prosecution Service were convicted
- 33% of those convicted had to pay compensation
- 39% of those convicted received a prison sentence; the average length of a sentence was less than a year (350 days)

IMPRISONED

Forensic care

- 6% of all convicted sex offenders commit another sex offence within ten years
- 5% of convicted offenders (minors and adults) are sentenced to civil commitment.

REHABILITATED

The methods used to estimate the risk of recidivism of convicted offenders are suboptimal. Consequently, offenders do not always receive the treatment they require and, as a result, sometimes receive too little, or more commonly too much treatment. Excessive treatment has little effect with low-risk offenders and can even increase the risk of recidivism.

- 10% patients for whom the estimated risk of recidivism is higher after completing the treatment than at the start of the treatment
- 71% suspects for whom the probation service recommends treatment (for low-risk suspects, 50%)
- 80% suspects for whom the probation service recommends supervision (for low-risk suspects, 68%)
- 83% increase in the number of new supervision orders in 2008-2012 (from 221 to 405)



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



Now is the time to gain some EXPERIENCE! (13 years old!)



"Our secret"



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



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



"Just for a moment!"



"You are a lust object"



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

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).

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