



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

Sexual Violence Against Children Offenders Monitoring Report

2015–2019

Management Summary

**sexual
violence
against
children**

Management summary

This Sexual Violence Against Children Offenders Monitoring Report 2015-2019 (*Dadermonitor sek-sueel geweld tegen kinderen 2015-2019*) is about dealing with sexual violence against children, including from a criminal law perspective. It provides insight into the number of offenders in each phase of the criminal justice system in 2015-2019. Wherever it is necessary to interpret these results, reference is made to recent developments in the comprehensive approach to sexual violence against children. With this report, the National Rapporteur would like to offer recommendations on improving the approach to this issue to everyone involved in dealing with it.

Based on the findings of the report, the National Rapporteur sees a number of points for attention and opportunities in dealing with offenders of sexual violence against children. Sexual violence against children is a gross violation of children's right to safe and healthy development, and thus must be dealt with. All children are at risk of experiencing sexual violence, regardless of their age or background. Moreover, sexual violence can occur anywhere: within the family, at school or in the online world. It is therefore the duty of everyone in a child's direct or indirect environment to protect them from this.

THE IMPACT OF COVID-19

Although the figures in this report cover the period 2015-2019, so before the outbreak of COVID-19, the developments described have already been influenced by the pandemic to some extent. For example, various organisations are seeing an increase in reports of online sexual abuse, such as 'sextortion'. As a result, during the COVID-19 outbreak, several initiatives were undertaken to be able to identify and monitor the most vulnerable groups. The National Rapporteur is following the various developments closely.

Offenders of sexual violence against children in the criminal justice chain

The National Rapporteur monitors the number of offenders of sexual violence against children with regard to various aspects and phases: prevalence, reporting, detection, prosecution, sentencing, rehabilitation and recidivism.

The exact number of offenders of sexual violence against children is unknown

The exact number of offenders of sexual violence against children will never be known, because sexual violence is not always recognised and reported. So-called prevalence studies can be used to estimate the number of offenders involved in sexual transgression and sexual violence in the Netherlands. Unfortunately, based on these studies, the only figures available are those on the sexually transgressive behaviour of minors. These show that fewer than 2% of the adolescents aged 12-17 have ever forced or coerced someone to have sex. It is striking that young people feel that they have been forced to have sex more often than they indicate that they have forced someone else to. This could mean that they do not dare to say or are unwilling to say that they have ever used pressure to have sex. It could also mean that they do not realise that they are violating someone's boundaries and do not see themselves as an offender. This emphasises that there is a need to address talking and learning about sexuality and desired forms of interaction, not least because sexual violence is increasingly starting and taking place online, especially among young people. It is therefore important to understand the changing manifestati-

ons of this issue, particularly online. There is also a need to embrace the opportunities that technology offers for prevention and education.

Fewer known suspects and more online forms of sexual violence

Dealing with sexual violence against children from a criminal law perspective begins when the police become involved. In the 2015-2019 period, the police recorded almost 17 thousand incidents of sexual violence against children. However, only in approximately a third of these cases was a suspect registered. This is potentially worrying because punishing – and if necessary treating – offenders is an essential step in the comprehensive approach to sexual violence against children. Another conspicuous development is that there are more and more reports of online forms of sexual violence. For example, the proportion of recorded incidents of non-consensual sexting has increased from 10% in 2017 to 14% in 2019. The number of reports of child sexual abuse material in 2019 is also five times higher than in 2015. In the past government term, a great deal of progress was made in tackling online child sexual abuse. The National Rapporteur would therefore like to emphasise that dealing with (online) sexual violence, requires perseverance, endurance and greater professional expertise, as well as focusing on the most urgent issues.

Fewer cases referred to the Public Prosecution Service

In about half of the registered incidents of sexual violence against children, an official police report is made. This percentage has remained fairly stable over the years. Nevertheless, it is necessary to know why no report is made in about half of the incidents, since the most important objective is for the victims to get the help they need. In contrast to the stable number of reports, in the past five years fewer cases have been referred to the Public Prosecution Service (OM) after registration with the police. That share has fallen from 28% in 2015 to 22% in 2019. The higher proportion of cases in which no suspect is registered seems to play a role in this regard. In 2015, no suspect was registered in 38% of the cases, while in 2019 this involved 56% of them. It is difficult to explain what this relates to. It is unclear, for example, why the Public Prosecution Service only rarely begins investigations on its own initiative. Another factor is that the source of the report made cannot be deduced from the figures. If it is the case that most of these are active reports of criminal offences, rather than reports of vague suspicions for example, the number of offenders being found is disappointingly low, while this also means that relatively few cases are being referred to the Public Prosecution Service.

Few offenders are being prosecuted

Not only are the police referring fewer and fewer cases to the Public Prosecution Service, but the latter is also summoning fewer suspects. In the five years under review, only about half of the cases registered led to a summons. In addition, in 2019 almost four out of ten cases were dismissed due to lack of evidence, especially in ‘hands-on’ cases. This is all worrying. It means that it is important to consider what is required to step up digital detection. With more and more of our lives taking place online, there is also a greater chance of finding digital supporting evidence of the crime committed, such as chats between offenders and victims. Such digital material can therefore prove to be of great value, especially in vice cases, which are usually difficult to prove.

Penalties are becoming heavier and longer

The number of cases being dealt with by the courts in the first instance decreased in 2015-2019. The sentences being given by the courts to offenders of sexual violence against children are becoming increasingly severe. In 2013, 50% of the cases ended in a non-suspended prison sen-

tence or partly non-suspended prison sentence, whereas in 2019 this occurred in 75% of the cases. Moreover, non-suspended prison sentences are becoming longer. On the other hand, the courts often choose to impose one day's imprisonment plus community service. This raises questions about the community service ban. Is that an appropriate restriction for the courts? And is the community service ban the right means to achieve the legislative objectives of prevention, preventing repetition, and protecting victims and society? These questions, as well as the lengthy processing times at the Public Prosecution Service and in the courts, require further investigation in the interests of young victims of sexual violence.

More frequent monitoring for 'hands-off' offences

Adult offenders of sexual violence against children were increasingly less likely to receive supervision in 2015–2019. According to the Probation Service, this trend can be seen with regard to all offences. This downward trend is not visible in youth rehabilitation. It is also notable that juveniles and adults do receive supervision for 'hands-off' offences relatively often. Qualitative file research may shed more light on the reasons for this development.

More research is also needed to learn whether probation supervision is effective. The fact that the juvenile probation supervision ends as scheduled in 99% of cases does not necessarily mean that the juvenile in question is doing well. If they have complied with the conditions, there is no reason under criminal law to extend their supervision. Yet there are often concerns about their behaviour or environment. How can these young people get the help and guidance they need? In the case of adult offenders, supervision is usually also ended as scheduled. However, starting in 2018, the proportion of cases where supervision was imposed, in which at least one aspect of this was ended prematurely due to a negative outcome, has been rising. In addition, from the same year onwards, the proportion of cases where supervision was imposed, in which at least one aspect of this was ended prematurely due to a positive outcome, has been declining. Gaining insight into why this is the case could provide leads for how to improve the approach to rehabilitation so that it better addresses the problems and requirements of offenders of sexual violence against children.

Recidivism often is not for a sexual offence

Based on research conducted by the Dutch Research and Documentation Centre (WODC), this report establishes the recidivism (a new criminal case) of offenders convicted of sexual violence against children in 2001–2015. From 2006 onwards, the results show a slightly decreasing general trend with regard to recidivism involving offenders of sexual violence against children. Younger offenders and offenders with a lengthier criminal record have a higher chance of recidivism in a general sense. The figures also show that offenders of sexual violence who are recidivist offenders are subsequently usually involved in criminal cases that are unrelated to sexual offences. In addition, the longer it is that offenders have not committed a new sexual offence, the less likely it is that they will indeed do so. These data are important to bear in mind when engaged in risk management as well as for proper rehabilitation.

Personal characteristics of offenders of sexual violence against children

Offenders of sexual violence against children are overwhelmingly male and of legal age. This applies to both 'hands-off' and 'hands-on' incidents registered by the police. However, with regard to these incidents registered by the police, over a quarter (27%) of the suspects are minors. The proportion of underage offenders is slightly higher for 'hands-off' offences than for 'hands-on' offences. The proportion of minors decreases further up the criminal justice chain. For example, 17% of convictions involves underage offenders, while 9% of the offenders with

an non-suspended prison sentence are minors. The fact that young people commit sexual violence at an early age is worrying, also in light of the fact that underage offenders are more likely to commit a crime again later. This means that efforts must be made to prevent offending, to prevent recidivism and – consequently – to prevent victimisation. To determine the most appropriate approach, knowledge about the nature and problems of this group of young offenders is needed. Research involving case studies could be a solution.

Opportunities for dealing with offenders of sexual violence against children

Any approach will only have an impact if it responds to the features of the ever-evolving phenomenon of sexual violence against children. This phenomenon is complex and hybrid, as are the problems it causes. This means that the solution is not a clear-cut one. The first step in finding tools to cope with the issue is to gain more insight into the issue. Falling victim to sexual violence as a child or perpetrating sexual violence against children can result from an accumulation of vulnerabilities (including unrelated ones) and events past and present. Moreover, sexual violence against children takes place within society. Developments such as the rapid advancement of technology as well as the COVID-19 outbreak have affected both the extent and the form in which sexual violence occurs.

The National Rapporteur sees opportunities and points for attention regarding preventing individuals becoming offenders (at whatever age), for appropriate interventions to stop and punish offenders and to prevent offenders from continuing to offend.

Preventing individuals becoming offenders at every age

It is worrying that sexual violence is already being committed at an early age. Everything must therefore be done to prevent individuals from offending, thus also preventing others from falling victim.

This requires first establishing which young people are vulnerable to becoming offenders. This is possible, for example, when municipalities and organisations involved at the local level learn together from case histories. For example, the case study research carried out by the National Rapporteur for the municipality of Amsterdam gives greater insight into the nature of the problem of young women and girls in the municipality falling victim. The research revealed that experiencing different forms of sexual violence as a victim is closely linked to having to deal with a multitude of problems from an early age. A better understanding of the risk factors and protective factors will allow appropriate measures aimed at the problems to be developed or existing ones to be further developed. This applies to both falling victim and becoming an offender.

Insight is also needed into new manifestations of this issue, in particular online. For example, research shows that abuse cases involving children or cases of sexual exploitation of minors are increasingly starting with social media. Furthermore, the number of incidents of non-consensual sexting that the police have registered has increased in recent years. Professionals have also been struggling with the invisibility of the issue since the emergence of social media. With a better understanding and awareness of technological developments that play a role in sexual violence and domestic sexual exploitation, appropriate preventive measures can be developed, implemented and tested for their effectiveness.

Finally, greater attention should also be paid to talking about and learning about sexuality and desired forms of interaction. This should also involve addressing the world that young people

live in and the one they experience online. Professionals and parents should be given the support they need to play a role in preventing sexual violence against children. The prevention of sexual violence against children is already being addressed in a number of ways, such as the #tothier (i.e. ‘it stops here’) campaign, the approved interventions taking place in schools, and the information provided there. There is no insight, however, into the extent to which this is taking place at all schools and how its lasting incorporation is ensured. Moreover, interventions can also take place outside schools.

Appropriate interventions for offenders of sexual violence

In order to stop sexual violence against children, a wide range of interventions are needed that are appropriate for matters including the issue at hand, the context of offenders, and the impact on victims.

The National Rapporteur calls for special attention to the processing times related to criminal cases involving young victims of sexual violence. A speedy conclusion helps victims in their recovery and encourages the willingness to report, while offenders also need to have their legal interests protected. It is positive that the Public Prosecution Service and the judiciary have made improving processing times a priority. Nevertheless, the National Rapporteur hopes that the police, the Public Prosecution Service and the judiciary will work together on these processing times, learn from each other and, above all, continue to consider the long term. For example, is it possible to take a more targeted and efficient approach to organising which cases come to court first? Is there enough coordination in the criminal justice system to reach a good decision?

Interventions that are not governed by criminal law, such as the Halt organisation’s ‘Respect Online’ intervention, also offer scope for this. (Halt is the Dutch organisation for preventing and fighting youth crime and punishing and rehabilitating young offenders.) This intervention contributes to custom solutions for offenders of non-consensual sexting. It is important to know to what extent this intervention is being used to a sufficient extent, whether it is reaching the right adolescents and whether it is effective in reducing recidivism. In addition, the question can be asked whether young individuals who are guilty of lighter offences involving ‘hands-on’ sexual violence could also be punished at Halt without the criminal law system becoming (further) involved.

Offenders of sexual violence against children are being punished more severely: an increasing number of cases end in a non-suspended prison sentence or a partly non-suspended one. It is striking that almost two out of ten non-suspended prison sentences are one-day ones, while in 95% of these cases community service is also imposed. This development raises questions about the community service ban with regard to cases of sexual violence against children. The National Rapporteur therefore recommends the following:

RECOMMENDATION 1

Evaluate the community service ban

The National Rapporteur recommends that the community service ban in cases of sexual violence against children be evaluated by the Minister of Justice and Security and the Minister for Legal Protection, in consultation with the judiciary.

Importance of preventing repeat offending

For the group of offenders that the authorities are already aware of, it would be possible to take a closer look at who these offenders are and to what extent complex problems are an issue related to their offences. This would allow the most appropriate help and guidance to be provided to ensure that these offenders can safely reintegrate into society. This would also help prevent victimisation.

It would also be relevant to take a critical look at the current rules related to the Certificate of Good Conduct (VOG). Being convicted for some types of sex offences may have a lifelong impact on whether a VOG can be obtained. For young offenders in particular, this can have disproportionately negative consequences. Given that when these offenders do reoffend, this usually does not involve vice offences, the question is how proportionate this consequence is.

Figures from Youth Rehabilitation show that 99% of juvenile offenders of sexual violence who are under supervision have this supervision ended as scheduled. This means that they have complied with the measures in the supervision plan. But what does this say about the effectiveness of the youth rehabilitation programme for young offenders of sexual violence? Do they get enough guidance to prevent repeat offending? And can they safely reintegrate into society after their juvenile rehabilitation period? It is important that youth rehabilitation and the chain partners answer these questions together, since they have the best understanding of the context of the lives that such young offenders lead. This gives rise to the following recommendation:

RECOMMENDATION 2

Conduct research into the concerns about young offenders after their supervision period

The National Rapporteur recommends that the Minister for Legal Protection, in consultation with the relevant implementing organisations, examine (1) who the young offenders of sexual violence for whom there are still barriers to appropriate rehabilitation once probation supervision has ended, what these barriers are, and (2) how these young individuals can best be helped.



Who is the National Rapporteur?

The National Rapporteur is Herman Bolhaar. The Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children consists of the National Rapporteur and a team of enthusiastic employees with a multidisciplinary background.

What does the National Rapporteur do against human trafficking and sexual violence against children?

The National Rapporteur investigates the nature and extent of human trafficking and sexual violence against children in the Netherlands. In the annual monitoring reports and the thematic studies, the emphasis is on monitoring and improving the strategies for tackling human trafficking and sexual violence against children.

Based on information from a wide range of sources, the National Rapporteur advises national and local government, other administrative bodies, international organisations and professionals who provide help and support, on how to prevent and combat human trafficking and sexual violence against children.

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