

## **Global Alliance against Child Sexual Abuse Online**

### **The Netherlands**

**Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection**

<b>Operational Goal:</b>	Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions <u>already undertaken</u></i></b>	<p>From 2010 to 2012, Dutch law enforcement (police and prosecution) adopted a policy shift in which priority is given firstly to identifying and rescuing victims of CSA (priority 1); secondly, to investigating and prosecuting the actual abuser and the major disseminators of CSA material (priority 2); and thirdly, although with some posteriority due to capacity reasons, to the investigation and prosecution of downloaders of CSA material (priority 3).</p> <p>To this end “standard” working procedures and protocols have been adapted or newly adopted. Police has invested in training police personnel tasked with investigations into child sexual abuse.</p> <p>For many years Dutch police has saved images of child sexual abuse, which have been classified as being illegal images according to the Dutch penal law, in a database. To enhance the effective use of this database the images have been hash coded.</p> <p>Dutch law enforcement, especially the police, actively participates in Interpol’s efforts in identification of victims. This includes contributing and making use of the ICSE database.</p>
<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that <u>will be undertaken and timeframe</u></i></b>	In 2012 an application by the Netherlands was awarded for a grant within the ISEC framework to set up a project, called In-4-mation, to explore (more) possibilities to share information between Europol, Interpol and (during the project five) EU Member States. This project has recently started. In 2013 the project will outline judicial, technical, and/or other barriers within the member states or the organizations.

**Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders**

<b>Operational Goal:</b>	Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders
<b>Operational Goal:</b>	Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online
<b>Actions ALREADY UNDERTAKEN</b>	
<b><u>Description of the actions already undertaken</u></b>	<p>1. <i>Establish the necessary legal framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders</i></p> <p>Currently a proposed Bill is pending in Dutch Parliament aimed at implementing the EU Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and the sexual exploitation of children and child pornography, and replacing the Council Framework Decision 2004/68/JBZ (PbEU L 101, 15 april 2011) (hereafter; the Directive). The Directive – both in design and in content – is strongly inspired by other existing international judicial instruments with regard to the protection of children against child sexual abuse, in particular the Council of Europe’s Treaty for the protection of children against sexual exploitation and sexual abuse (Ets. 201). Because the Netherlands is already legally bound to the judicial instruments mentioned, the legislative implications of the Directive are relatively small. Compared to the Council of Europe treaty and to the Directive Dutch legislation on child sexual abuse and child pornography is “state of the art”.</p> <p>In order to secure the uniform implementation of the Directive in daily practice the Dutch prosecution’s office plays a pivotal role. In the “Instruction on investigations and prosecution of sexual abuse of children” (published in Staatscourant 2010, nr. 19123) and the “Instruction on child pornography” (Stcrt. 2010, 19121) the prosecution’s office describes the work process for investigations and prosecutions in child sexual abuse cases. In the Directive much attention is devoted to the care for victims of sexual abuse. The Instruction 2010, nr. 19121 also duplicates essential obligations from the Instruction of Victim’s rights (Stcrt. 2010, 20476). In Dutch case law it was ruled that Instructions of the Prosecution’s office are to be seen as “standing law practices”. The prosecution’s office is bound by the rules, and civilians can take note of the “pseudo” rules, because the Regulations of the prosecution’s office are published.</p> <p>Since October 2012 the detectives on child pornography and on child sex tourism operate in a nationally organized uniform entity. This means that within the newly installed national police force both the national unit as well as the 10 regional units have a uniform team for investigations into child pornography and child sex tourism. These units</p>

employ 150 detectives and are directed as one organization.

The police and the prosecution's office installed a national advisory committee ("stuurgroep") to determine a national strategic framework for and the national priorities of the investigations into child pornography and child sex tourism. The national advisory committee also monitors the implementation of the framework and the priorities. Next to this, a so-called tactical advisory committee is installed to prioritize, guide the implementation and monitor the results of concrete investigations. This tactical committee closely watches the focus shift in investigations from downloaders towards victims of CSA, the actual abuser and the major disseminators of CSA material.

Operational decisions on the fight against child pornography are taken by the national unit of the General Prosecution Service, whereas operational decisions to prosecute remain within regional prosecution's offices. On a national level four prosecutors have been appointed to secure the interlinking of an national approach and regional prosecutions.

On the basis of public-private partnership a taskforce is active in which internet service providers, the police and several departments cooperate. A paramount result of this cooperation is the development and implementation of a voluntary "notice and take down" procedure. Nowadays around 95 per cent of internet service providers make use of this procedure.

*2. Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online*

The implementation of the Directive has provided a base for effective penal action against child sexual abuse and sexual exploitation and the protection of victims of such crimes. The directive is the framework upon which policies and implementation has to be executed.

The police and the General Prosecution's office have installed a joint knowledge and information sharing center. This center aims at developing new tools and products to enhance the penal action against sexual abuse and sexual exploitation and the protection of victims of such crimes. In addition good and best practices, as well as new judicial rulings and scientific insights are collected and disseminated.

The Dutch police has developed a model containing penal and other actions to prevent or disturb sexual abuse and sexual exploitation of children. This model identifies the diverse and often subsequent actions of (potential) offenders of these crimes. On these various actions countermeasures have been developed to create barriers for (potential) offenders to engage in sexual abuse and sexual exploitation of children. In this way the police hopes to broaden the approach of sexual abuse and sexual exploitation of children and to introduce effective measures both in the situation before the actual abuse, as well as after the abuse. At the moment these ideas are being elaborated in the course of a multi-annual project in which the ministries of Security and Justice and of Public Health are implementing the described policies in an Action Plan

	<p>titled “Children safe” (2012 – 2016). The prevention of sexual abuse and sexual exploitation of children is part of this action plan, as well as “aftercare” for victims after the abuse, e.g. by offering psychological and other care to abuse victims, as well as psychological help to perpetrators in order to prevent recidivism.</p> <p>Dutch police also invested heavily in research and development of new technological methods that support the tactical and forensic investigations into child sexual abuse cases. This involves among other things technical tools to quickly search images of sexual abuse in computer folders with images or in movies in an automated way, and thus without having a detective looking at all the images or movies that have been recorded in computers or digital data carriers. The Dutch police shares these innovations with their international network of police organizations, including Interpol and Europol.</p>
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**Actions that WILL BE UNDERTAKEN**

<p><b><i>Description of the actions that will be undertaken and timeframe</i></b></p>	<ol style="list-style-type: none"> <li>1. <i>Establish the necessary legal framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders</i> <p>Prosecution decisions in a child sexual abuse case have to be an appropriate response to the committed criminal actions. In these cases this usually means that the case is brought to court. The defendant has to answer for his/her actions in a public court hearing, where the prosecutor demands an appropriate punishment and where a judge passes a judgment and a sentence.</p> <p>However, facts and circumstances of a particular case can justify a disposal outside the courtroom. Such facts and circumstances consist <i>inter alia</i> of the age of an incident, changing interests of victims when it comes to dealing with the incident, and personal circumstances of the perpetrator, especially if a professional evaluates that swift (psychological) treatment of the perpetrator is deemed necessary and will prove to be more effective than an – often prolonged - court procedure. In exigent circumstances the prosecutor can order a provisional acquittal with special terms, such as compulsory (psychological) treatment and surveillance by the probation office. The General prosecution office started these “extra-court” disposals recently (August 2012).</p> </li> <li>2. <i>Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online</i> <p>The approach of child sexual abuse abroad by travelling sex offenders (child sex tourism) has been intensified during the last years. A critical report of the independent National rapporteur on child sexual abuse, who solicitedly and unsolicitedly advises Dutch ministers and the Parliament, contributed to this. During the recent reorganization of the police, as described above, the capacity for investigating child sexual abuse by travelling offenders has also doubled. A new practical strategy is developed at the moment. To this end an so-called phenomena study</p> </li> </ol>
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	<p>is being conducted which will deliver input for this new strategy. Developing barriers for travelling offenders is a priority within this strategy, as well as the way in which the Netherlands can cooperate with other states, especially countries of destination for offenders. Dutch police and prosecution's office have participated in the recent conference (December 2012) of the virtual global taskforce (VGT). The Netherlands intend to become a member of the VGT in 2013.</p>
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Dutch police and prosecution's office will host an international conference on child sexual abuse in April 2013.

Currently the Netherlands participate in a EU-financed international survey into the practices of prioritizing investigations. A model is to be developed to facilitate such prioritization.

**Policy target No. 3: Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online**

<p><b>Operational Goal:</b></p>	<p>Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks</p>
<p><b>Operational Goal:</b></p>	<p>Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography</p>
<p><b>Actions ALREADY UNDERTAKEN</b></p>	
<p><b><u>Description of the actions already undertaken</u></b></p>	<p>1. <i>Develop, improve, and/or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks</i></p> <p>A characteristic feature both of the Directive and the Lanzarote Treaty is their multidisciplinary approach. Next to obligations with regard to material criminal law, these texts direct the implementation of measures to prevent, prosecute and protect with regard to child sexual abuse, as well as measures on victim care and protection, on treatment programs for (potential) abusers and on international cooperation. The Directive (and the Treaty) oblige member states to implement a wide array of measures. In legal terms the Directive is binding regarding the results of measures. In order to implement the Directive some measures are “translated” into the legal framework, whereas others consist of concrete and practical measures. This is certainly the case with regard to the provisions on the protection and treatment of victims (Articles 18 - 20) and provisions not directed towards victims or to material criminal law (Articles 3 until 17) and which inter alia deal with prevention of child sexual abuse (Articles 21 – 25).</p> <p>Media are ubiquitous and their impact is growing in society. Civilians need the capacity to use the benefits of media as well as to withstand their potentially strong impact. People have to be made aware of the way in which media work, how they color our lives, but also how to use modern media technology, both on a “technical” level and a personal level regarding the individual use of (social) media. Media education is a powerful tool, especially for children and adolescents when it comes to prevention of child sexual abuse. Parents and schools are vital in media education. From 2008 onwards the Dutch ministries of Health and of Youth and Family have implemented a special center for expertise on media education. This center (<a href="http://www.mediawijzer.net">www.mediawijzer.net</a>) aims at enhancing media education for the Dutch public, with a special focus on youth (10</p>

	<p>– 14 years).In the center many different organizations cooperate and provide education materials, campaigns, etcetera.</p> <p>Additionally a a public-private partnership titled “Digivaardig – Digiveilig” organizes and stimulates media education.</p> <p>The Dutch ministry of Security and Justice (together with the EU) subsidizes a hotline for referral of child sexual abuse, which is a member of the international In Hope network. Next to receiving actual referrals the hotline also deals with of (digital) education of youngsters on the risks of child sexual abuse, such as the risks of grooming (www.helpwanted.nl). Another initiative of this hotline is the introduction of a so-called referral button which people can download into their browsers. This button directs a person to the hotline’s website where one can report child sexual abuse as well as finding tips to be resilient to child sexual abuse. This website mainly focuses on 11 to 16 year olds.</p> <p><i>2. Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography</i></p> <p>The abovementioned actions have been shared internationally on various conferences. Campaign material is also available in English and is often shared via the internet.</p> <p>Having in mind the desired reduction of travelling offenders of child sexual abuse (child sex tourism) the Dutch police have launched an information campaign for tourists together with NGO’s and travel agents in 2010 and 2012. Especially tourists intending to travel to known destinations with child sex tourism were targeted.</p>
<b>Actions that WILL BE UNDERTAKEN</b>	
<p><b><i>Description of the actions that <u>will be undertaken</u> and timeframe</i></b></p>	

**Policy target No. 4: Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted**

<p><b>Operational Goal:</b></p>	<p>Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.</p>
<p><b>Operational Goal:</b></p>	<p>Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation</p>
<p><b>Actions ALREADY UNDERTAKEN</b></p>	
<p><b><u>Description of the actions already undertaken</u></b></p>	<p>1. <i>Encourage participation of the private sector in identifying and removing known child pornography material located in the relevant State, including increasing the volume of system data examined for child pornography images as much as possible.</i></p> <p>In 2008 the minister of Economic affairs signed a non legally binding agreement with a large number of internet service providers (ISP's) on a voluntary model of Notice and takedown of illegal expressions on the internet. Over the years over 95 per cent of the ISP's abide by this agreement. In practice this means that a uniform timebound procedure exists in which an ISP investigates a referral of the existence of illegal material on websites (pages) distributed inter alia by the ISP in question and subsequently takes a motivated decision whether it removes that material. Since 2009 a public-private partnership of internet service providers and law enforcement agencies and the ministries of Security and Justice and of Economic Affairs started a working group on internet and security. The group specifically dealt with the (then ongoing) project on DNS blocking of images of child sexual abuse. In this project the ISP's and the Dutch hotline "meld kinderporno op het internet" developed a method to block websites that contained known child sexual abuse images which were made available by Dutch police on a DNS level. However, a pilot study led to the conclusion that this DNS blocking method could be applied to such a small number of websites that the results did not justify the cost. Consequently this initiative was abandoned. In 2012 another project was launched in which the upload of images through a big hosting provider based in the Netherlands was matched with the (hash coded) database of known images of child sexual abuse. The pilot demonstrated that, from a law enforcement point of view, little to no investigations could be started. However it might be a worthwhile endeavor if the private sector could further investigate the possibilities to create "white listing" tools and applications to prevent private networks at home or business networks from spreading known child sexual abuse images.</p> <p>2. <i>Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation</i></p> <p>Dutch hotlines have a good working relation with the Dutch police. Dutch police seriously processes all referrals made by the hotlines.</p>



<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that <u>will be undertaken</u> and timeframe</i></b>	