

# Tipping the Scales

Recommendations for a better balance in combating child sex tourism



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## Colophon

Terre des Hommes is a development organisation dedicated to children; it is named after a book by the famous French writer and World War II pilot Antoine de Saint Exupéry – author of “The Little Prince”. Even before this book was published, he wrote *Terre des Hommes* (Earth of Mankind) in which he called upon ‘the people of the earth’ to take their responsibilities seriously and to show solidarity. He said, “there is no third world. There is one world for which we’re all responsible.”

Founded in 1966 by dedicated volunteers, Terre des Hommes Netherlands now supports some 220 local project partners in 15 countries and provides emergency aid in an additional three countries (Haïti, Burkina Faso and Lebanon). Regional offices in Bangalore India (South Asia), Jakarta Indonesia (South East Asia), Nairobi Kenya (East Africa) and Cochabamba Bolivia (South America) are charged with the responsibility of monitoring, overseeing, reviewing and evaluating projects that are initiated and implemented by local partner organisations.

The United Nation’s Convention on the Rights of the Child (CRC) is the cornerstone of all projects and programmes. This Convention represents the recognition by the international community that, not only do children *deserve* to be protected but that they have a *right* to be so. These rights have been enshrined in this almost universally accepted treaty and have subsequently been incorporated in national legislation in an overwhelming majority of the world’s nations.

Terre des Hommes Netherlands is a member of the Terre des Hommes International Federation (TdHIF), based in Geneva Switzerland. Other Terre des Hommes’ member organisations are found in Canada, Denmark, France, Germany, Italy, Luxembourg, Spain and Switzerland (comprising three organisations in Basel, Geneva and Lausanne). The TdHIF seeks to ensure coordination among the Terre des Hommes’ organisations and representation at an international and European level. The TdHIF holds a consultative status with the United Nations, the International labour Organisation (ILO) and the Council of Europe.

The main theme of Terre des Hommes’ work centres on the issue of child exploitation, the most serious violation of the rights of the child. Increasing numbers of children fall victim of human trafficking, prostitution or hazardous forms of child labour as defined by the ILO’s 1999 Worst Forms of Child Labour Convention. Terre des Hommes strives to *prevent* child exploitation, removes children from exploitative situations and ensures that they may develop in a secure, healthy and supportive environment. The organisation invests in education, training and capacity enhancement, in raising awareness among children, youngsters and adults and – given that poverty is one of the main factors contributing to child exploitation – Terre des Hommes offers parents the opportunity to increase their income by providing access to savings and credit schemes. To seek justice for the victims, Terre des Hommes encourages children and their families to report abuse and child exploitation cases, offers legal aid and social protection, trains and assists police, public prosecution offices and justice departments. Victims can also count on Terre des Hommes and partners for assistance during police investigation and legal proceedings.

To advocate and *promote* the rights of children, Terre des Hommes organizes public and media campaigns to raise awareness, conducts research into the scale and nature of abuse and exploitation as well as lobbies for attention and change. The organisation follows and seeks to influence policy makers on local, national and international levels to adopt, ratify, maintain and enforce legislation to prevent child exploitation and to protect victims of such practices.

Terre des Hommes has been involved in the struggle against the abominable phenomenon of child sex tourism for a number of years now, working closely together with local organisations in the countries of destination, mainly in Asia.

Too often, perpetrators convicted of sexual offences against minors are still regularly acquitted. Local police often lacks the man power to investigate these matters properly, making evidence gathering incredibly complicated. Therefore Terre des Hommes trains investigators to identify western and local paedophiles in Cambodia, Indonesia, the Philippines, India and Nepal, based on the successful approach of its Cambodian project partner APLE.

Abroad, Terre des Hommes closely monitors decision-making and policies to ensure prevention of child sex tourism and victims receiving the assistance they need and are entitled to. In the Netherlands, Terre des Hommes shares information on the issue with Ministry of Security and Justice and the NPKK (National Programme on combating Child Pornography and Child Sex Tourism), among others.

This report is based on research by C.Z. de Vree commissioned by Terre des Hommes<sup>1</sup>, the experience and knowledge the organisation has gained by working against child sex tourism in South East Asia for almost ten years, a detailed literature research, case analyses as well as interviews with various field workers and other stakeholders and interested parties.

<sup>1</sup> The unedited version of the report by C.Z. de Vree may be viewed at the Terre des Hommes office upon request.

“A goal without a plan is just a wish.”

- *Antoine de Saint-Exupéry*

## **A red flag**

Child sex tourism is defined as the sexual abuse of a child in a country other than that from which the perpetrator originates. Terre des Hommes has been operating in the field of combating this sinister form of tourism for 10 years now. In this time it has become obvious that the task of apprehending Dutch nationals involved in this criminal practice is a complex and challenging one which the Dutch authorities have not yet managed to get to grips with. The need for international collaboration and information exchange, vital in tracking the perpetrators, makes the identification and prosecution of child sex tourists even more complex. The perpetrators themselves are informed and motivated individuals, capable of exploiting legal loopholes, bureaucratic red tape and poor communication between government agencies nationally and internationally in order to gain access to children in often trusted settings in the land of their choosing.

A lack of public awareness of the intentions of these predators combined with insufficient supervision of children in support institutions there also gives abusers ample opportunity to come into contact with minors under false pretences. These children in developing countries are not protected by the law of their own land from the horror visited upon them by a tourist from another land, often our own.

### *Highly complex legal system*

Bringing a perpetrator to trial in a developing country is a complicated process and not always successful. Many receive exceptionally low sentences for their crimes, others walk free due to a lack of evidence, as procuring witnesses can be extremely difficult. The potential for corruptive and intimidatory pre-trial practice is substantial. The Dutch government, in attempting to bring these offenders to justice is dealing with a highly complex legal system under which the police and the judiciary need to detect, prosecute and bring the perpetrator to trial.

Terre des Hommes has documented the complexity of the Dutch government's fight against and tackling of child sex tourism and, despite the many hurdles, it sees plenty of opportunity to combat (potential) perpetrators more effectively. A number of interventions are conceivable which would provide a better means of tackling Dutch child sex tourists. The resulting recommendations can be found in chapter 7.

### *Prevention and assistance*

In the fight against child sex tourism, the current emphasis is on repression. However the Dutch influence on combating child sex tourism in the repression phase is restricted because it depends on the child sex tourism destination and victim willingness to report crimes. Terre des Hommes believes that the Dutch government should focus more on providing assistance to destination countries and on prevention. The Dutch government should be able to proactively share knowledge and experience with the countries where child sex tourism occurs and assist them in addressing child sex tourism more effectively.

Given the high level of recidivism (repeated offences by a perpetrator) in cases of child sexual abuse, which sometimes occur years later and are difficult to predict, Terre des Hommes is among those calling for an annotation in the passport of individuals convicted of sexual offences involving minors. This note is preventative in three main ways, and more effective than the revocation of a passport alone. The preventative effects are first seen at the immigration desks of the destination country. Immigration officers can refuse entry to convicted child sex tourists on the basis of that record.

The annotation works as a red flag for child support agencies at home and abroad. If the staff at these agencies carry out passport checks as part of their application procedures they will know immediately whether an applicant poses a threat and can thus prevent future abuse. Passport checks are not yet mandatory for these agencies– an ID card is sufficient – but Terre des Hommes is calling for changes in the legislation.

Also, an annotation in the passport can alert local police officers if they apprehend a child sex tourist for a new offence. The annotation tells them about previous offences and can provide added motivation to open a new case.

Finally, this study shows that more intensive collaboration between police, the judiciary and NGOs is possible and desirable. Ultimately, NGOs are closest to the source in cases of child sex tourism. This would allow the government and NGOs to achieve their shared aim: to protect children around the world from sexual abuse by potential Dutch perpetrators.

Overall, the conclusion must be that there is a disturbing imbalance in the pursuit of justice for victims of child sex tourism. It is simply too easy for potential offenders to abuse children and too difficult for law enforcement agencies to prosecute. This report urges Government to redress the lack of balance and deliver justice.

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## 1. Molested for a few pence

Despite the many ways in which child sex tourism manifests itself, this report focuses primarily on the situation where a Dutch person molests a child in a developing country. Unfortunately, this happens more frequent and more serious than generally thought.

Terre des Hommes defines child sex tourism as committing or in any way supporting the sexual abuse of children abroad as described in legislation<sup>2</sup>, possibly in exchange for goods, money or promises.

It is important to keep the overlap between the child sex tourism domain and child pornography in mind. A Dutch citizen travelling to a foreign country to produce child pornography, falls under the definition of child sex tourism because it involves sexual child abuse abroad. Often, child sex tourists photograph or record their abuses, without this being their primary objective (Moerenhout, 2013).

### *Unprotected and ignored*

Children in developing countries often lack education and protection, and are more likely to fall prey to abusers. Poverty levels are high and sex is the only way for many families to earn money and make a living. Some parents actively commit their children to prostitution. In other cases, children are orphans and sell their bodies to earn money for food and shelter. They go, alone or with friends, to areas in large cities with a lot of tourists.

Children are approached in bars, boardwalks and shopping streets, predominantly by much older western men, who take them to a hotel and molest them for a few pence. Children face all sorts of health risks, from AIDS and other STDs to psychological problems, mutilation and even death. Once they are in the sex industry it is very difficult for them to return to a life with structure, education and safe shelter. The victims feel ashamed and develop a very low self-esteem, not least because their government ignores their problems.

### *Lucrative business*

The countries concerned are often afraid of reputation damage, but also of losing a growing source of income. After all, the child sex industry is very lucrative. The perpetrators can carry on undisturbed and in relative anonymity in these countries. Some perpetrators commit abuse due to lust, others for financial gain. The abusers generally present themselves as benefactors. They give poor families money, shelter, protection, education and food. Sometimes, they even establish their own organisation for this purpose. Families become dependent on the perpetrator and turn a blind eye to abuse.

Perpetrators often get help from so-called 'facilitators': pimps, parents and 'aides who prostitute or exploit children, but also from travel agencies for child sex tourists, tuk-tuk drivers and hotel staff.

Perpetrators look for children in tourist attractions such as the beach, cafés and shopping streets. While child sex tourism mainly happens there and in large cities, Terre des Hommes has also witnessed a gradual shift in child sex tourism to remote rural areas. There, the perpetrator is completely free to do and have done whatever he wants. He often blends in by marrying a local woman or establishing a charity project. That gives him access to children in the community.

<sup>2</sup> This is defined as sexual acts with minors as set out in the Criminal Code articles 240b, 244, 245, 246, 247, 248a-248e, 249 and 273f 3°, 5°, 6°, 8°, 9°.

### *A big taboo*

Child abuse is often low on the list of the priorities for the judiciary and police workers in child sex tourism destinations; many are corrupt and make some extra income from the child sex industry. If a perpetrator does get caught and is apprehended, he is generally not sentenced immediately, partly due to corruption, but also because of ignorance among the police and the judiciary. Many local enforcement officials are not aware of (international) legislation concerning the sexual abuse of minors, nor do they know how to question and deal with these young victims in a child-friendly, non-suggestive manner or how to collect evidence useful against the perpetrator. Furthermore, in many developing countries sexual abuse is taboo, and hardly talked about. Children are ashamed of being abused and don't talk about it.

It is difficult for the victims to file a complaint; often, they are not even aware of their rights, feel uncertain and powerless on the issue and seldom receive support from family members. Also, victims, or their families, are often financially dependent on the perpetrator who may have used grooming strategies to gain power over their victim. Perpetrators threaten with physical and financial repercussions to get charges against them dropped. In addition, children do not always have the money to pay for transport to the police station and they simply cannot afford to disrupt their paid work to report a case.

These circumstances make it attractive for Dutch paedophiles to travel to developing countries to abuse children: they can avoid the Dutch legal system and indulge their desires in relative anonymity and with little chance of legal action against them.

### *High level of repeat sexual offences*

Finally, there is an exceptionally high level of repeat offenders among abusers. Case studies (see table 1) show that many child sex tourists have committed a similar offence previously. The Scientific Research and Documentation Centre (WODC) report "*Characteristics and repeat-offence figures for people with a previous sexual offence conviction*" (Schönberger 2012) shows that the percentage of repeat offenders who go on to commit a very serious sexual offence sharply increases after release: 10.1% immediately after release, after nine years this percentage jumps to 20.5% and after 18 years it rises as high as 30.5%. The figures from Terre des Hommes' partner organisation APLE (*Action pour les Enfants*) are also shocking: 90% of all foreign abusers in Cambodia are repeat offenders (see table 4). And these are just the cases that APLE is aware of.

These figures show that many of those previously convicted remain a risk to society, public order and themselves. This means that child sex tourism will remain a problem unless governments accept their responsibility and preventively combat child sex tourism by their own citizens. Terre des Hommes has been defending the rights of children in developing countries for many decades and is aware that the Dutch government is not doing enough to prevent and address child sex tourism.

## **Henk M. - children abused in their own children's home in Nepal**

On 8 February 2007, 59 year-old Henk M. was arrested in Nepal on suspicion of abusing the 48 (street) children in the Hamro Jivan children's home, which he founded in 2003. He was caught in the act with a young boy thanks to a trap set for him by Dutch volunteers at the children's home. In previous weeks, staff had gathered evidence which they passed on to the Nepalese police. Images showing how he abused children himself were also found on M.'s computer.

Following M.'s arrest, it remained unclear whether he would actually be sentenced in Nepal; statements were withdrawn and Nepal had virtually no legislation against child abuse. The court in Kathmandu finally sentenced M. on 8 April 2009 to nine years imprisonment in Nepal for the systematic abuse of several children.

It was seemingly not M.'s only offence. He had long been known to the Dutch police. In 1994 he had been arrested in Spain for raping a child. In February 1995, he was sentenced to eight years for this. After two years behind bars in Spain, M. requested extradition to the Netherlands. In May of 1997 he was handed over to the Dutch judiciary. The court in Amsterdam decided that M. had served enough of his sentence in Spain and released him immediately.

The Nepalese children's home was financially supported by Dutch donors through the Foundation Hamro Jivan Nederland, which had not been aware of this previous conviction.

*Notable in this case:*

- In 1995, M. was sentenced in Spain to serve eight years for the rape of a child under the age of 12. After two years he was extradited to the Netherlands where he was released immediately;
- Years later, M. had no problem travelling to Nepal and setting up his own children's home there;
- The Dutch organisation which supported the children's home financially knew nothing about M.'s previous conviction;
- The Netherlands did not pass any information about M.'s previous conviction to the Nepalese government.

## 2. Tip of the iceberg

Dutch citizens are guilty of child sex tourism all over the world. The few figures that are available are just the tip of the iceberg. Given the lack of officially recorded data, Terre des Hommes has put together its own overview of 23 Dutch citizens sentenced, arrested or suspected of child abuse abroad, seen in the table below, based on the organisation's own practical experience and case histories between 1996 and today. This shows that the punishments are generally low, if the suspect is sentenced at all. In many cases, a children's home or institution is used as a cover. It is also clear that a considerable number of people in the table below have previously been suspected or convicted of a similar offence.

Table 1. Child sex tourism: Dutch citizens convicted, arrested or suspected

Year	Child sex tourism destination	Name	Status (sentenced/suspected/acquitted)	Repeat offence <sup>3</sup>
1. 1996	Philippines	Jan van der S.	Sentenced in the Netherlands to 5 years' detention for the rape of six Filipino girls under the age of 16.	No
2. 1997	Philippines	Lennart van E.	Sentenced in the Netherlands to 2 years' imprisonment, of which 8 months suspended, for the sexual abuse of two Filipino girls.	No
3. 1997	Thailand	De L.	Sentenced in the Netherlands to 3 years' imprisonment, of which 6 months suspended, for the sexual abuse of an under-age boy in Thailand and the possession of child pornography.	No
4. 1997	Sri Lanka	Name unknown	Sentenced in the Netherlands to 5 years' imprisonment for the sexual abuse of children below the age of 16 and the production of child pornography.	Yes
5. 2004	Gambia	Wim de W.	Sentenced in the Netherlands to 2 years and 6 months' imprisonment for the sexual abuse of an under-age girl.	No
6. 2005	Cambodia	René A.	Sentenced in Cambodia to 10 years' imprisonment and payment of compensation for the abuse of seven boys under the age of 15 and the production of child pornography. In 2011, A. was granted a royal pardon.	No
7. 2008	Brazil	Jerry K. and Johan T.	Sentenced in absence in Brazil to 21 years' and 18 years' imprisonment respectively for, among other things, taking child pornography photos involving twenty-four under-age girls. With emergency passports issued by the Dutch embassy, the men were able to flee to the Netherlands while their appeal was being dealt with in 2004. They have never been sentenced in the Netherlands for the Brazilian case.	Yes
8. 2009	Nepal	Henk M.	Sentenced in Nepal to 9 years' imprisonment for the sexual abuse of several children as young as 11.	Yes
9. 2009	Thailand	Name unknown	Sentenced in Nepal to 37 years' imprisonment for the abuse of a 12-year-old boy.	No

<sup>3</sup> As far as Terre des Hommes is aware.

10.	2009	Kenya	Benno L.	Suspected of child abuse in Kenya while L. was giving swimming lessons, in the same period in which L. was sexually abusing dozens of handicapped children in the Netherlands. The child abuse in Kenya was never proven.	Yes
11.	2011	Cambodia	Cees C.	Sentenced in Cambodia to 1 years and 6 months' imprisonment for the abuse of two under-age boys. C. was released after 10 months in custody. C. was thrown out of the country by the Cambodian authorities.	No
12.	2011	Gambia	Andreas van R.	Sentenced in Gambia to a fine of 2,600 euro and compensation to his victims for the rape of two girls under the age of 18.	No
13.	2011	Brazil	Amir I.	Sentenced in the Netherlands to 3 years' imprisonment, of which 18 months suspended, for running a paedophile forum, and the possession of child pornography and the sexual abuse of two Brazilian boys. I. was released after 18 months in custody. He is required to undergo 7 years of compulsory psychiatric treatment.	Yes
14.	2011	India	Wilhelmus W.	Sentenced in India to 10 years' imprisonment for abduction, child pornography and sexual child abuse. W. died in prison in India in February 2013.	Yes
15.	2011	Ghana	Arthur P.	Suspected of sexual child abuse of several young girls in Ghana, including his adoptive daughter.	No
16.	2012	Bangladesh	Gert V.	Sentenced in the Netherlands to 240 hours' community service and a 15 month suspended sentence for abusing six children between 2001 and 2005 in his children's home in Bangladesh. The sentence was reduced because the reasonable term was exceeded.	No
17.	2012	Cambodia	Bas R.	Acquitted in Cambodia. R. was arrested in Cambodia on suspicion of the sexual abuse of five children aged between 7 and 13 in his children's home. R. was acquitted in August 2012 because of the lack of sufficient evidence.	Yes
18.	2012	Suriname	Henk de G. and Hermine de G.	Sentenced in Suriname to 6 years' and 4 years' imprisonment respectively, of which 2 weeks suspended, for sexual abuse and maltreatment in young children in their children's home.	No
19.	2012	Philippines	Richard B.	Suspected of sexual abuse of a 17-year-old boy in the Philippines. B. had already been sentenced in the Netherlands in 2008 for the sexual child abuse of three children. While awaiting his appeal, B. fled to the Philippines.	Yes
20.	2012	Brazil	Vitório N.	Suspected of child abuse and child pornography in Brazil.	No
21.	2012	Cambodia	Stefan B.	Sentenced in the Netherlands to imprisonment of 1 year and 8 months, of which 8 months suspended, for the possession, import and production of child pornography in Cambodia.	No

22.	2013	Cambodia	Maurits D.	Arrested in Cambodia on suspicion of sexual abuse of three children aged between 12 and 14. Police caught D. in the act.	Yes
23.	2013	Indonesia	Jan V.	Sentenced in Indonesia to 4 years' imprisonment for the sexual abuse of four young girls aged between 9 and 12 on the island of Bali. V. was a board member on a child aid project.	No

(There is a detailed description of each case in Appendix III.)

Terre des Hommes has based the details above on public sources. Figures from the Directorate for Consular Affairs and Migration Policy within the Ministry for Foreign Affairs show that there are 34 Dutch citizens being held abroad on suspicion of child abuse. This number is in all probability even higher given that suspects must consent for information about their arrest to be shared with the Netherlands (National Rapporteur on Human Trafficking, 2013).

#### *Unchecked spreading*

Unfortunately, child sex tourism is not restricted to the countries in the table above. In addition to Thailand, India, Sri Lanka, Nepal, the Philippines, Cambodia, Bangladesh, Indonesia, Surinam, Brazil, Kenya, Gambia and Ghana, the National Rapporteur on Human Trafficking also mentions Tunisia, Peru, Turkey, Albania, Russia, Romania and Bulgaria in a recently published report on popular destinations for Dutch child sex tourists (2013).

A report by *The Protection Project* which discusses the *Trafficking in Persons Report* from the U.S. Department of State identifies, in addition to the countries already mentioned, Belize, Burundi, Colombia, the Comoros Islands, Costa Rica, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Guatemala, Guinea-Bissau, Honduras, Jamaica, Yemen, Cape Verde, Cameroon, Laos, Madagascar, Malawi, Morocco, Mexico, Moldavia, Mongolia, Myanmar, Namibia, Nicaragua, Panama, Paraguay, the Solomon Islands, Senegal, the Seychelles, Singapore, Venezuela and Vietnam as popular destinations for child sex tourists (The Johns Hopkins University, 2012).

#### *One quarter acquitted*

In South-east Asia, Terre des Hommes works with partner organisations that have increased the identification rates for child sex tourists considerably in recent years. In Cambodia, Terre des Hommes works with partner organisation APLE (*Action Pour Les Enfants*), that identifies child sex tourists and gathers evidence to submit cases of indecency to the police and judiciary. In the period between 2003 and 2012, the Cambodian police, with the help of APLE, apprehended 143 foreign suspects on counts of child abuse. While the approach of APLE is praised by experts, staff is severely constrained by corruption and bureaucracy within local governments and they have to be satisfied with an average capture of less than fifteen people per year. It also seems that more than a quarter of the 143 people caught have since been acquitted.

#### *More Dutch suspects acquitted than sentenced*

For the past ten years, Terre des Hommes has been conducting research in Cambodia with partner organisation APLE. The figures that have emerged reveal a shocking picture. The majority (52.4%) of perpetrators arrested

for child abuse in Cambodia are European. The top three European countries with the most child sex tourists are France (32%), Great Britain (18.7%) and Germany (13.3%). Following closely behind are the Netherlands and Switzerland in dubious fourth place. Of the abusers apprehended in fourteen European countries, no less than 8% are Dutch (see table 2).

Table 2. Country of origin of child sex tourists in Cambodia (Source: APLE, 2003-2012)

Country of origin of perpetrator(s)	sentence	acquittal	Ratio of conviction/ acquittal	Total # arrests	% case of total	% cases from Europe
<b>OUTSIDE EUROPE</b>						
America	22	7	75.9/24.1	29	20.3 %	-
Australia	3	4	42.9/57.1	7	4.9 %	-
Canada	2	1	66.7/33.3	3	2.1 %	-
Vietnam	16	3	84.2/15.8	19	13.3 %	-
Philippines	1	0	100/0	1	0.7 %	-
Israel	1	0	100/0	1	0.7 %	-
Japan	4	0	100/0	4	2.8 %	-
Korea	1	1	50/50	2	1.4 %	-
New Zealand	1	0	100/0	1	0.7 %	-
Thailand	1	0	100/0	1	0.7 %	-
<b>Total</b>	<b>52</b>	<b>16</b>	<b>75.8/24.2</b>	<b>68</b>	<b>47.6 %</b>	<b>-</b>
<b>EUROPE</b>						
Belgium	1	1	50/50	2	1.4 %	2.7 %
Great Britain	9	5	64.3/35.7	14	9.8 %	18.7 %
Denmark	1	0	100/0	1	0.7 %	1.3 %
France	17	7	70.8/29.2	24	16.8 %	32.0 %
Germany	8	2	80/20	10	7.0 %	13.3 %
Greece	1	0	100/0	1	0.7 %	1.3 %
Italy	1	0	100/0	1	0.7 %	1.3 %
Netherlands	2	4	33.3/66.7	6	4.2 %	8.0 %
Norway	1	0	100/0	1	0.7 %	1.3 %
Austria	2	1	66.7/33.3	3	2.1 %	4.0 %
Russia	2	0	100/0	2	1.4 %	2.7 %
Spain	1	0	100/0	1	0.7 %	1.3 %
Sweden	2	1	66.7/33.3	3	2.1 %	4.0 %
Switzerland	5	1	83.3/16.7	6	4.2 %	8.0 %
<b>Total Europe</b>	<b>56</b>	<b>22</b>	<b>70.3/29.7</b>	<b>75</b>	<b>52.4 %</b>	<b>100 %</b>
<b>Total</b>	<b>105</b>	<b>38</b>	<b>72.9/27.1</b>	<b>143</b>	<b>100%</b>	<b>-</b>

It is also notable that, of all the European countries, the Netherlands is the only one with a higher number of acquittals than convictions meaning that it scores the highest negative *conviction/release* ratio of 33.3/66.7 in Cambodia. This result stands in sharp contrast to the overall average of 72.9/27.1. Of the twenty-two cases of acquittal of Europeans, one quarter were Dutch. This outcome is also in stark contrast to the high number of French, German and English cases successfully closed in Cambodia.

### **Bas R. – child aid project in Cambodia**

On 22 October 2011, the 38-year-old Dutchman Bas R. was arrested in the tourist spot Siem Reap, Cambodia. He was charged with the sexual abuse of five children between the ages of 7 and 13 who had been placed under his care at the NGO *Generation Next Cambodia* in the Kokchak community in Siem Reap. On 23 October 2011, he was brought before the provincial court. However, on 7 December 2011, he was released on bail.

Already in 2004 R. had been convicted by the court in the Hague and given a suspended prison sentence of one year (with a three year probation period) for the sexual abuse of an underage boy at the sailing school where he taught. The judge sentenced him to 240 hours of community service and set the condition that R. must undergo treatment during his probation period and would not give sailing lessons to children between the ages of 6 and 14. According to the 2004 rehabilitation report, R. recognised that he “had paedophile feelings” and his likelihood of recidivism was considered high. In June 2005 R. was found to be giving sailing lessons again and landed in jail for six months. He was released in January of 2006 and in 2007 it turned out that he had simply continued to work as a sailing instructor. Peter R. de Vries made a TV programme about it. R. tried to continue his sailing lessons but he was unable to do so after the Peter R. de Vries episode. In November of 2009, R. boarded a flight for Thailand and went on to Cambodia where he established a child aid project. There he had unrestricted access to children and no checks were carried out. Partly based on the evidence obtained by APLE, a Terre des Hommes project partner in Cambodia, R. was re-apprehended in October of 2011.

It is noteworthy that R. was issued a new passport by the Dutch embassy in Bangkok on 3 November, 2009. It is not known whether at the time the embassy was aware of R.’s earlier conviction in the Netherlands or whether it had looked into R.’s background and his purpose for being in the region before issuing the passport.

Following R.’s arrest, APLE asked the *liaison officer* in Bangkok to forward R.’s file to the Cambodian National Police to support the criminal proceedings. The *liaison officer* said that he was aware of R.’s previous conviction in the Netherlands, but could not agree to APLE’s request to pass the file on to the Cambodian authorities. He said that he could only do this at the request of the Cambodian police who, for reasons that remain unclear, were reticent about formally contacting the Dutch embassy. APLE suspects that the Cambodian court and prosecutor were bribed by R. and therefore they did not ask for R.’s previous conviction in the Netherlands as requested by APLE.

After the judge released R. on bail on 7 December, 2011, he was free to bribe four of the five victims and their families. As a result they withdrew their statements. When the case went to trial on 27 August, 2012 only one victim remained, a 7 year old girl who witnessed against R. The judge did not consider her statement to be credible because she changed her story several times. R. was acquitted on 29 August, 2012 due to lack of evidence.

*Of note in this case:*

- R. had already been convicted of child abuse in the Netherlands in 2004;
- Nevertheless, he had no problem travelling to Cambodia and working with vulnerable children there;
- The Netherlands provided no information to Cambodia about R.'s previous conviction because there was no official request for legal assistance. As a result, he was released on bail;
- The Dutch embassy and police were keen but were held back by the lack of a request for legal assistance.

### 3. Child sex tourists have free rein

In order to understand the complexity of combating child sex tourism, it is useful to examine the national and international legal frameworks. The model below illustrates the legal frameworks applied by the Netherlands (1), the destination country (2) and the international treaties (3), where the grey area (E) symbolises the loopholes in the laws. The size of the segments is not significant. The relatively small overlap between the legal frameworks in the Netherlands, destination countries and international treaties is striking. To combat child sex tourism as effectively as possible, segment A needs to be as large as possible.

Figure 1. 3-overlap of legal frameworks

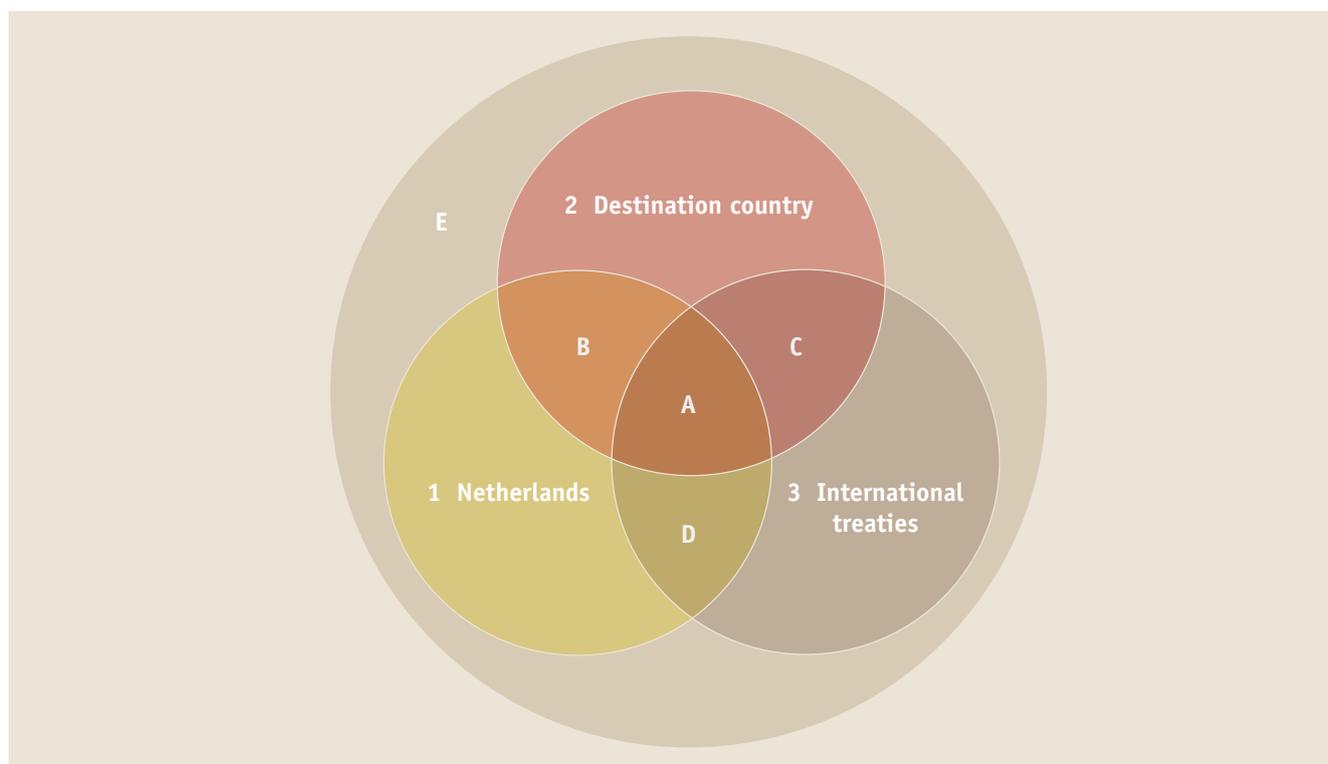


Table 3. Notes to figure 1

Segment	Relates to
<b>A</b>	legal frameworks (and enforcement of them) with respect to child sex tourism
<b>1</b>	legal frameworks (and enforcement of them) in the Netherlands
<b>B</b>	legal frameworks in the Netherlands overlapping those of the destination country
<b>2</b>	legal frameworks (and enforcement of them) in the destination country
<b>C</b>	legal frameworks in the destination country overlapping those of international treaties
<b>3</b>	legal frameworks (and enforcement of them) of international treaties
<b>D</b>	legal frameworks in the Netherlands overlapping those of international treaties
<b>E</b>	everything not yet described in any statute book, the so-called "loopholes in the law"

First, it is the responsibility of the child sex tourism destination to prosecute the people guilty of child abuse in their country, even where the perpetrator is a foreigner. However, the Netherlands also feels obligated to prevent (potential) child sex tourists from travelling abroad to abuse children, and to prosecute people suspected of committing child abuse abroad, be this in the child sex tourism destination or in the Netherlands, on the basis of extraterritorial jurisdiction. This sense of responsibility regarding child abuse on the part of Dutch citizens abroad is partly evidenced in the letter from the Minister for Security and Justice (Parliamentary Paper 31 015 no. 77, 27 January 2012): *“Where possible, the Dutch government provides support and takes responsibility for Dutch citizens who are guilty of sexually exploiting and/or abusing children abroad.”*

#### *International obligations*

This responsibility is established in international treaties. The Optional Protocol under the UN Convention on the Rights of the Child (2000), which compels member states to make sexual violence against children a punishable offence applies to both domestic and transnational conduct. Article 6 states that the parties that have adhered to the Protocol must support each other as much as possible in investigations, criminal and extradition procedures and in obtaining evidence of child prostitution and child pornography. Article 10 of the Protocol requires countries to step up international collaboration in this respect. The Lanzarote Convention (2007), which builds upon the Optional Protocol under the UN Convention with respect to the Rights of the Child requires its member states to make sexual abuse and sexual exploitation punishable offences and to apply measures to prevent such abuse and exploitation. Directive 2011/93/EU issued by the European Parliament and Council, aimed at combating the sexual abuse and exploitation of children and child pornography, requires states to focus their legal power on offences related to sexual violence against children carried out by their nationals, even outside their own region. Since the Netherlands is party to these international treaties, it should be expected that the country would do everything in its power to combat child sex tourism.

Current Dutch legislation allows for compliance with this obligation. This legislation in principle applies to anyone who commits a criminal act in the Netherlands - the so-called territorial principle. However, under the extraterritorial principle (article 5 of the Penal Code) Dutch citizens who commit offences abroad such as sexual abuse and sexual exploitation of children can also be prosecuted. However, the Dutch Penal Code does not have any provision specifically referring to child sex tourism. Child sex tourists can nevertheless be prosecuted for criminal offences related to child sex tourism, such as being in the possession of child pornography, or the sexual abuse of a minor. Identification and prosecution based on these acts is very difficult, however. When identifying and prosecuting child sex tourists, governments also need to take into account the sovereignty of the countries concerned.

#### *Changes to sexual offences legislation*

On 1 October 2002, changes designed to simplify the criminal approach to child sex tourism were introduced in Dutch sexual offences legislation. For example article 5 paragraph 1(3) of the Penal Code stipulates that the Dutch penal code applies to Dutch citizens who commit child abuse abroad (described in articles 240b, 242 to 250 and 273f of the Penal Code), known as extraterritorial jurisdiction. See appendix I for a full overview of the Dutch legislation regarding sexual child abuse.

The condition of double criminality in article 5 of the Penal Code has also been removed, allowing for the prosecution of perpetrators of child abuse, even when the act is not punishable in the child sex tourism destination. The Netherlands can itself prosecute independently of the law in child sex tourism destinations. Moreover, the Dutch legislation now applies to foreigners who have permanent residence in the Netherlands as well.

In addition, the complaint requirement has given way to hearing rights (article 167a of the Code of Criminal Procedure). Previously, prosecution could only take place if the victim submitted a complaint and wanted to prosecute. Since the change in legislation victims can 'when possible' be heard by the Public Prosecutor for possible criminal prosecution, but their choice is no longer decisive. Scraping the compulsory victim statement allows the judiciary to prosecute faster, reducing the risk of the victim being put under pressure to withdraw the statement by the perpetrator.

#### *Ne bis in idem*

The legal *ne bis in idem* principle (article 68 of the Penal Code) ensures that no person can be punished twice for the same offence. In the Netherlands, this principle applies only if a sentence imposed by a foreign court has been fully served, quashed or barred by statute. However this also means that perpetrators who flee before they have served their sentence (for example if they are released on bail) can still be prosecuted for the same crimes in the Netherlands.

#### *Obligation for countries, no right for children*

Countries must of course respect each other's borders and avoid becoming involved in domestic affairs. Breaches of this sovereignty can result in evidence being excluded. However, to safeguard the rights and protection of children, countries have signed up to various international treaties. The signing of an international treaty does not lead to automatic prosecution, certainly not if the treaty is subject to multiple interpretations, as is the case of the UN Convention of the Rights of the Child.

This convention imposes an obligation on states, but no right to which children can appeal. The Dutch government has not explicitly indicated in this context that there may be a direct effect. The Convention establishes that every child will be protected against abduction, human trafficking, child prostitution, child pornography and child sex tourism. Despite this, the UN Convention on the Rights of the Child leaves much room for uncertainty. The open wording leaves countries free to interpret the content in their own way. The same is true of the Lanzarote Convention and the EU directive on combating the sexual abuse and sexual exploitation of children and child pornography.

#### *Complex international legislation*

With respect to international criminal prosecution, countries can request legal assistance from one another. Legal assistance concerns one state carrying out activities for another, the results of which are to be used in a criminal procedure in the state that requested assistance. Broadly speaking, a distinction can be made between police and judicial assistance. Police assistance refers to information as defined in article 552i, paragraph 2 of the Penal Code, and judicial assistance refers to gathering evidence as defined in article 552h of the Penal Code.

If there are no legal assistance agreements in place between countries, a new request for legal assistance must be submitted for each case. This is a complicated and time-consuming procedure. There is no Dutch legislation governing situations in which the Netherlands requests legal assistance from abroad; treaty regulations with the countries from which assistance is requested become paramount. The lack of legal assistance agreements between the Netherlands and child sex tourism destinations makes it difficult to offer help and exchange information to support the identification and prosecution of Dutch child sex tourists.

Evidence from abroad can be used provided it is passed to the Netherlands by the right authorities and does

not hinder the principle of confidentiality. The principle of confidentiality establishes that the Netherlands does not need to carry out further investigations into the origin of information from abroad. The information must be obtained in the appropriate manner. If this is not the case, its legal validity is voided. The Netherlands cannot exchange information with a country that has different human rights conceptions in place or if there have been negative experiences in the past. Examples include countries which torture witnesses or apply the death sentence in cases for which the Netherlands is providing information.

The principle of reciprocity plays a key role in international collaboration. This principle requires countries to respond to a service with a reciprocal service. If a certain country helps another country in a criminal case, the other country is expected to reciprocate if necessary.

For Dutch authorities their own legislation is always applied to a case. This is contrary to countries such as Sweden or Switzerland, where the most lenient legislation is applied. The punishments are generally higher in the countries where the crime is committed (Seabrook, 2002).

The current complex (inter)national legislation in the field of criminal law means that child sex tourists have free rein. Terre des Hommes finds this unacceptable and has documented all the obstacles with a view to overcoming them more successfully.

### **Jerry K. and Johan T. - 24 girls abused in Brazil**

Two Dutch brothers-in-law were arrested in Brazil on 27 September 2002 on suspicion of abusing 24 underage Brazilian girls. The Brazilian police tracked them down through a Canadian photographer who had been apprehended for making child pornography in Novo Friburgo, a small town close to Rio de Janeiro. The Canadian was taking the photos for the Dutch pornography company Dutch Adult Entertainment, owned by brothers-in-law K. and T. The police found 8,850 child pornography photos of 24 under-age Brazilian girls urinating on one another and using pornographic sex toys. The youngest of the children was twelve.

A few months before, on 8 April 2002, the police in Alkmaar received a report from the regional police service about a local company displaying child pornography on a commercial sex site. This case was 'shelved' and not given priority because the children concerned were between 14 and 18 years old. On 1 October 2002 the police in Alkmaar were finally informed of the arrest of the two Dutch child pornography manufacturers in Brazil. The police then launched an investigation and found 10,000 images of child pornography when they raided Dutch Adult Entertainment.

After eleven months in custody, the Brazilian judge released K. and T. on 29 August 2003 under the condition that they remain in the country. Their passports were confiscated and they were required to report to the police each week. On 5 December 2003 the men were sentenced for three crimes: establishing a criminal organisation; falsifying identity documents and taking multiple photographs of children and youngsters in pornographic positions. They were given prison sentences of eleven and eight years. The Public Prosecutor felt that their sentences were too lenient and appealed.

The Dutch criminals were allowed to await the outcome of the appeal in freedom. It did not take long for the pair to flee to the Netherlands through Paraguay using two emergency passports which they

had obtained from the Dutch embassy in Rio de Janeiro. They were released once they reached the Netherlands. A diplomatic row broke out between the Netherlands and Brazil. Brazil asked for the pair to be extradited, but the Netherlands refused because there was no extradition treaty in place.

The case came to light again in a Zembla broadcast, resulting in a parliamentary debate. On 24 October 2006, K. was finally sentenced to a nine month suspended sentence and 240 hours of community service. Joint defendant T. was not sentenced because of lack of evidence. Charges were based on three of the twenty-four abused Brazilian girls. The police said that they could not produce any evidence that the other victims were minors. The Public Prosecutor in the Netherlands appealed against the low sentences. The brothers-in-law also appealed.

In April of 2008, K. and T. were sentenced in absence by the Brazilian federal court to prison sentences of 21 and 18 years. The Dutch House of Representatives then demanded that a treaty be drawn up between the Netherlands and Brazil and that K. and T. should still complete the Brazilian sentence in the Netherlands. This has however never happened.

Once released, the Court in Alkmaar once more sentenced K., together with his wife, on 17 March 2011, to a six month suspended sentence for the possession and distribution of pornographic material involving girls from Russia and the Ukraine. K. was not imprisoned for the crime because the case against him and his wife had been running for more than eight years. The pair was also sentenced in 2006 but the case was declared invalid by the court in Amsterdam because the writ of summons had not been in order. The Brazilian part of the child pornography case was not formally considered in the final judgement.

*Of note in this case:*

- The Netherlands breached international law by directly and indirectly ensuring that two Dutch men employed by the government and with the knowledge of government bodies escaped their conviction;
- Breach by the Netherlands comprises failure to comply with articles 32 and 34-36 of the International UN Convention on the Rights of the Child. These articles make it binding for the government to prevent and punish child exploitation of any kind. The Netherlands failed by helping the convicted men escape, not handing them over and, in one case completely neglecting prosecution and in the other handling the prosecution so deficiently that it would amount to neglect;
- The Netherlands breached the principle of reciprocity in this case. Brazil had earlier returned the man suspected of kidnapping Claudia Melchers to the Netherlands. The Netherlands promised that it would do the same in similar circumstances upon request by Brazil. However the Netherlands refused to do so in this case;
- The Netherlands did not apply the UN Convention against Transnational Organized Crime which allows member states to reach bilateral or multilateral agreements or regulation with respect to the extradition of individuals who have been sentenced to prison when the offences are transnational in nature and an organised criminal group was involved.

#### **4. A long-term and complex path**

Combating child sex tourism involves multiple parties and countries, each with different legislation and regulations, but this international collaboration makes detecting, prosecuting and punishing abusers abroad extremely complex. The countless barriers facing police and the legal system in prosecuting a child sex tourist are disproportionate when compared to the ease with which the crime is committed.

The process used by the Dutch police and prosecutors to combat child sex tourism is shown in figure 2. The pitfalls of the model symbolically show the barriers which the Netherlands may face in addressing child sex tourism.

##### **Five stages for addressing child sex tourism**

Upon examination of the chronology of combating child sex tourism and associated barriers, five stages in the current combat process can be distinguished. In each stage, the police and prosecutors fall into a web of barriers which need to be overcome to fight child sex tourism. These barriers are discussed in greater detail later in this chapter in the barriers model (figure 3). First, the stages and the associated barriers are described in broad terms.

##### *Stage 1: Preventing the crime*

In combating child sex tourism, the Netherlands makes little use of proactive and preventative measures designed to thwart child sex tourism. Proactive and preventative measures are those which restrict or eliminate the structural causes of the problem. The measures which the Netherlands takes against child sex tourism are primarily repressive. The police and judiciary are specifically focussed on upholding the law, and often take action only once the offence has been committed. Yet most opportunities are presented to the police and judiciary in the prevention stage. Examples include imposing restrictions of freedom on previously convicted child abusers and sharing information with other countries regarding potential child sex tourists. The measure of passport annotation is one of the most important examples of how child abuse can be combated preventatively. Moreover, a prohibition on convicted child offenders ever working with children again and more stringent supervision of child aid projects are among the recommendations which Terre des Hommes presents in chapter 6 of this report.

It must be noted that in the phases prior to the offence being committed, there are some barriers over which the Netherlands exerts little influence. Cultural views, social acceptance of child abuse and limited legislation and its application in the child sex tourism destination are just examples. However, the perpetrator's freedom of movement is also an obstacle in this phase. What can the legal system do if the perpetrator flees to a neighbouring country with which the Netherlands has (virtually) no collaborative agreements?

##### *Stage 2: Highlighting and reporting the offence*

When an offence is actually committed most barriers become visible, i.e. in stages 2, 3 and 4 of the current combat process. The Netherlands is highly dependent on the consideration paid to the issue by child sex tourism destination countries. Is the country in question prepared to actively tackle the problem and how willing are victims and/or (accidental) witnesses to report crimes? An unstable political and administrative situation, as well as cultural aspects and social circumstances may mean that the offence is not signalled or reported. If the case is reported, the police and legal system still face all sorts of complicating factors such as capacity issues within their own organisation or low prioritisation and corruption among police officers in the child sex tourism destination country.

*Stage 3: Push for criminal prosecution*

The Netherlands has a primarily moral interest in the decision to prosecute since no criminal act has been committed directly against the Netherlands. Detecting and prosecuting child sex tourists also requires money, time and effort, with no guarantee of success. This unfavourable costs/benefit analysis can result in the Public Prosecutor not launching a criminal investigation into child sex tourists.

If the Public Prosecutor does decide to prosecute, the most - and most difficult – barriers arise. For example the body of evidence may have been obtained illegally, or the quality of reporting may be insufficient. During this stage, the relationship between the Netherlands and the child sex tourism destination country also plays a role. The lack of a stable relation has a direct impact on successful prosecution.

*Stage 4: Prosecution and trial*

Virtually all barriers from the initial stages can occur again during the prosecution stage. Additional risks in this stage are that victims withdraw their statement or that the 'reasonable term for a trial' is exceeded. Perpetrators may flee and sometimes even – if taken into custody - obtain a new (emergency) passport from embassies. If the police and judiciary overcome these barriers, prosecution is successful and the final stage begins.

*Stage 5: After-care*

In addition to combating, detecting and prosecuting the offender, the Dutch government also needs to provide shelter for victims, look at the economic aspect (damage reduction) and the learning element (evaluation). Geographical distance is the biggest hurdle here. Child sex tourism destinations often have no programmes of their own to provide effective after-care to victims.

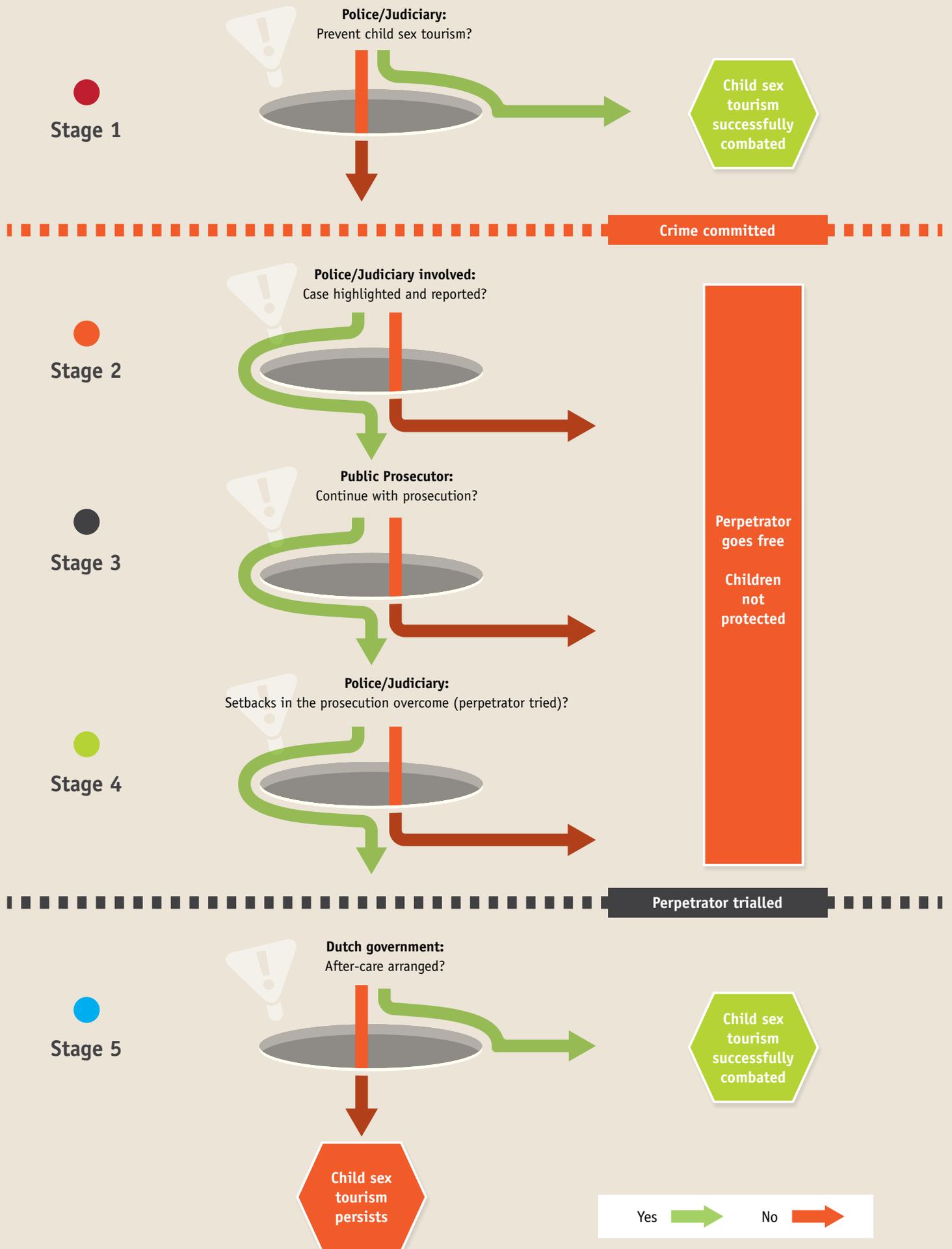
The approach to child sex tourism can only be deemed a success once the offender has been tried and sufficient after-care has been arranged for the victim. If the victim is not offered after-care, he or she will remain vulnerable to renewed abuse.

**Barriers**

Overall, there are 20 barriers across the entire course of combat which stand in the way of a successful approach to combating child sex tourism. These barriers can be reduced to four main problems: 1) geographical distance, 2) legal restrictions, 3) deficient input information and burden of proof, 4) position of dependency.

Geographical distance turns legal proceedings into lengthy and complex affairs. Since the child sex tourism destination is not on the doorstep, the police and the judiciary cannot simply pop by to gauge the situation. They are steered towards laborious means of communication and encounter delays because of time differences and bureaucracy. As a result, there is a risk of mistakes being made in the legal proceedings. The local *liaison officers* are responsible for several countries in the region and thus not always available. Furthermore, they are not authorised to detect offenders. Sovereignty and the lack of bilateral collaborative treaties result in lengthy and complex trials.

Figure 2. Current combat process with pitfalls



Legal restrictions also pose a problem. The Dutch government is bound by international legislation and regulations which further complicate the combating of child sex tourism. Sovereignty in the child sex tourism destination plays a key role in this, as does the risk of exceeding the reasonable duration of the trial. The better the information at the outset, the greater the chance for the legal system in the Netherlands to be able to act. Unfortunately, this seldom happens. If a complaint is made, there is often a lack of physical evidence, and even more common, victims and their family and friends are not confident enough to report a crime, for example because of their hopeless situation, shame, bribery and threats by the perpetrator or because they are not sufficiently aware of their rights.

Finally, the Netherlands is in a position of dependence, and this forms the biggest obstacle to successfully bringing child sex tourists to trial. The Netherlands is highly dependent on the child sex tourism destination country, not just with respect to the country's attitude to child sex tourism, but also with regard to political (in) stability, administrative circumstances and social aspects.

Figure 3 shows all the barriers at a glance and the main problems under which they are clustered. It also shows at which stage of the current combat process (figure 2) the barriers come into play and to what extent the Dutch government can exercise its influence to overcome the barriers to combating child sex tourism. Based on the analysis of the barriers, chapter 6 sets out recommendations for tackling child sex tourism more effectively.

### **Barriers over which the Netherlands has no or very little influence**

1

#### *Sovereignty*

By law, countries must respect one another's borders and must not interfere in others' domestic affairs. A breach of this sovereignty can result in evidence being excluded. If every country were to be fully committed to combating sexual child abuse, sovereignty would not be a barrier. This is unfortunately not the case and all the Netherlands can do is use the extraterritorial legislation in force for this crime. Furthermore, the Netherlands is highly dependent on the child sex tourism destination.

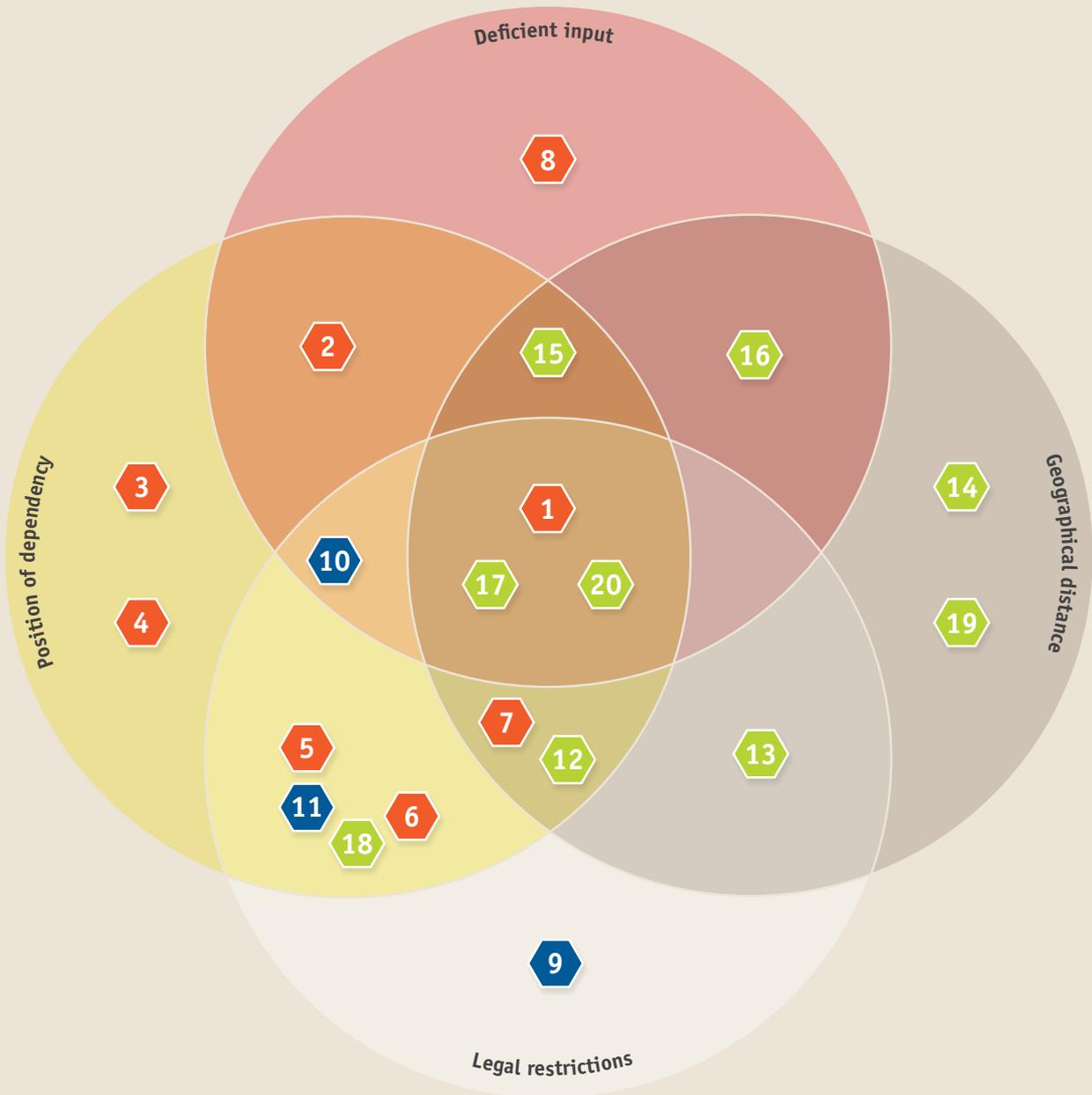
2

#### *Cultural influences and social circumstances*

Poverty and lack of prospects, taboos concerning child prostitution and a lack of willingness among victims to file complaints all mean that child sex tourism persists. Poor economic circumstances mean a lack of prospects. Income from child prostitution is sometimes the only income an entire family receives. For some children, prostitution has become a means of survival. Some are homeless, addicted to drugs, neglected and abandoned. Even an out-of-work Dutch individual living on benefits appears filthy rich in a developing country. This also makes child prostitutes very cheap. This unequal power relationship allows child sex tourists to acquire young victims very quickly. The financial dependence of the victims and their families on the child sex tourist ensures that victims rarely file a complaint. They are afraid of losing their source of income. Furthermore, the poverty in which many victims find themselves makes them highly vulnerable to bribery or grooming by the suspect during the criminal proceedings and they withdraw their complaint or statement.

In addition, women in certain cultures have a lower social status than men. They are seen as second-class citizens and often have no or hardly any access to education, which weakens their economic position even further. Masculinity is the standard and in many cultures, it is reaffirmed by having sex with young girls. For example in some African and Asian countries there is a belief that sex with a virgin makes you more masculine and successful. In countries where there is a taboo on sex before marriage, it is sometimes common practice for men to visit prostitutes from a young age. There is also the misconception that having sex with young girls protects men against sexually transmitted diseases and AIDS.

Figure 3. Barriers in the current combating process



Does the Dutch government have: ● influence over ● little influence over ● no to very little influence over

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>1 Sovereignty</li> <li>2 Cultural influences and social circumstances</li> <li>3 Political situation and administrative circumstances</li> <li>4 Lack of readiness to take action</li> <li>5 Loss of jurisdiction</li> <li>6 Ne bis in idem</li> <li>7 Reasonable term of process</li> <li>8 Lack of physical evidence</li> <li>9 Moral duty</li> <li>10 Illegality of evidence</li> </ul> | <ul style="list-style-type: none"> <li>11 Legislation and regulations not applied</li> <li>12 Perpetrators can move freely to and within other countries</li> <li>13 High recidivism</li> <li>14 The unknown is unpopular</li> <li>15 Capacity problems and lack of priority</li> <li>16 Low quality of reporting</li> <li>17 Collaboration with foreign countries stagnating</li> <li>18 Lack of bilateral (collaborative and extradition) treaties</li> <li>19 Escapes/(emergency) passport can be obtained with no problem</li> <li>20 Negative costs/benefit analysis</li> </ul> |
|---|--|

Belongs to stage: ● 1 ● 2 ● 3 ● 4 ● 5 of the combat model

Furthermore, a white westerner in developing countries is seen purely and simply as a benefactor. His integrity is seldom doubted. In the Netherlands, children are taught to be aware of strange men offering them candy - in Ghana they learn to run up to men who do the same. A white man has money so if a mother sees her ten-year-old daughter making friends with a white man, she encourages it (Terlingen, 2012).

**3** *Political situation and administrative circumstances*

Many countries are not politically prepared to address sexual exploitation. There are no proper laws and rules in place and even where such laws are in place they are not followed. Corruption is rife and human rights are not, or scarcely, respected. Governments make money from the flourishing sex industry. The police are primarily concerned with maintaining order and continuing and encouraging tourism. Customs officials and police officers are poorly paid and therefore susceptible to bribery.

Compounding this, in many countries children are not registered at birth so it is easier to keep them hidden and exploit them. It is difficult to detect and identify these children. In addition, in some countries identities can be falsified. Abusers falsify the age of young children just enough that their prostitution is legal.

**4** *Lack of readiness to take action*

In many child sex tourism destinations, there is a lack of political will to tackle sexual exploitation; as a result, collaboration stagnates and the Dutch police and judiciary are unable to bring the criminal proceedings to their (full) conclusion and take the perpetrator to court. An example is the failure to accept or grant a request for legal assistance, for example to allow victims a hearing.

**5** *Loss of jurisdiction*

Literature and case studies indicate that the phenomenon of child sex tourism also covers child sex emigration. Child sex emigrants can be sub-divided into two categories: those who keep the Dutch nationality and those who do not. The latter does not fall within Dutch jurisdiction, but rather under that of the specific country of emigration. Where possible and allowed, the Netherlands may support the country of emigration throughout the proceedings.

**6** *Ne bis in idem*

According to the principle of *ne bis in idem*, perpetrators cannot be convicted twice for the same offence. This also means that if a Dutch citizen is acquitted of a crime abroad, he or she cannot be retried in the Netherlands. This can prove a stumbling block if the suspect is acquitted by the court in the child sex tourism destination due to lack of evidence or bribery. This individual cannot then be prosecuted again in the Netherlands, even if there is plenty of evidence that the individual really was guilty of the crime.

However, Dutch suspects who flee a foreign country before they have served their sentence may be prosecuted in the Netherlands for the same charges, and this may be done on the basis of evidence from abroad.

**7** *Reasonable term of trial*

Geographical distance and collaboration with multi-agencies mean that trials take longer than they do in the Netherlands. This raises the risk that the 'reasonable term' is exceeded resulting in a less severe punishment.

The reasonable term will of course vary depending on the case. Formal channels are often laborious. Currently, a request for legal assistance takes at least eight months to process. Bureaucratic barriers and the lack of experience among police and judiciary staff - for example in the area of international legislation and regulations - cause delays, as do arranging translations, distributing papers and processing and submitting requests for legal assistance.

**8** *Lack of physical evidence*

Child abuse is often not a tangible offence. The offence may leave little behind in the way of evidence. Furthermore, if the offence is reported too late, the physical traces are often no longer evident. The geographical distance also represents a problem in this instance. By the time the police in the Netherlands becomes aware of a crime, it is too late to search for evidence. Furthermore, forensic science in some child sex tourism destinations is not sufficiently developed to handle this type of investigation.

**Barriers over which the Netherlands has little influence**

**9** *Moral obligation*

In combating child sex tourism, the Dutch government has more of a moral than a legal duty, perhaps with the exception of the UN Convention on the Rights of the Child, which is subject to multiple interpretations. This treaty is not very concrete and thus imposes less of an obligation on the countries that have acceded to it. Furthermore, the juricentric principle prescribes that criminal law should be separated from morality and decency.

**10** *Illegality of evidence*

Information from abroad cannot be accepted indiscriminately because not every country applies the international guidelines for evidence gathering, which then endangers the principle of trust. The principle of trust means that the Netherlands does not need to carry out further investigation into specific information obtained from abroad provided this information was given to the Netherlands by the right authority. Without the principle of trust, incorrectly obtained information may be declared illegal.

**11** *Legislation and regulations not applied*

International treaties, agreements and legislation can be interpreted in many ways and remain empty shells if there are no opportunities to apply them. They provide little basis for approach in countries which give little priority to the problem, or which don't even see it as a problem.

**Barriers over which the Netherlands does have influence**

**12** *Perpetrators can move freely to and within other countries*

The Dutch police and judiciary have very limited supervisory power over the actions and movements of former sex offenders or suspects abroad. Abusers can, for example, establish a foundation for children, adopt a child or work abroad at an institution for children unnoticed. The statement of good conduct (VOG) which is needed to work with children in the Netherlands is often not compulsory abroad, nor are references.

**13** *High level of repeat offence*

Case studies point to a significant number of child sex tourists having committed a previous offence in the area of child abuse. The *Characteristics and repeat offence figures for former convicts who have committed a sexual offence* report, published by the WODC (Schönberger, 2012), reveals the same: recidivism following release stands at 10.1%. After nine years this percentage increases to 20.5% and after 18 years it climbs as high as 30.5%. Figures from APLE are also shocking. No less than 90% of all – including non-Dutch citizens – foreign abusers in Cambodia whose previous record is known are repeat offenders. These figures show that many former convicts remain a risk to society. Committing repeat offences abroad is very easy. Conversely, addressing and combating repeat offenders is very difficult; as a result, prosecution and trials often do not happen and the penalties are low.

Table 4. Summary of repeat offences by child sex tourists in Cambodia (Source: APLE, 2003-2012)

Previous conviction for sexual abuse of children	# Foreign perpetrators	Percentage	# Foreign perpetrators Known	Percentage
<b>Yes</b>	36	27.5	36	90.0
<b>No</b>	4	3.0	4	10.0
<b>Not known</b>	91	69.5	-	-
<b>Total</b>	131	100.0	40	100.0

**14** *The unknown is unpopular*

Knowledge about child sex tourism among the Dutch police and judiciary remains limited so that the disposition for bringing a case to court is often low. Furthermore, it is quite conceivable that child sex tourism is not always recognised as such through a lack of experience and knowledge.<sup>4</sup>

**15** *Capacity problems and lack of priority*

Until October of 2012, capacity and prioritisation were major problems among the Dutch police and judiciary. In the meantime, child sex tourism was explicitly added to the cluster of child pornography. There has been increased focus on the phenomenon, although government capacity remains a point of concern. Due to geographical distance and dependence on foreign countries, the Netherlands cannot always enforce and operate in the same way abroad.

**16** *Low quality of reporting*

Reports of child sex tourism received by the police generally contain little ground for suspicion. Analysis of the case studies shows that hard evidence in a case is needed in order to progress towards prosecution and trial.

<sup>4</sup> Since the TBKK (Team Bestrijding Kinderporno en Kindersekstoerisme (in English: Team for the Combat of Child Pornography and Child Sex Tourism)) was expanded on 1 October 2012, this barrier is (already) coming down.

The most effective cases are supported by one or more of the following pieces of evidence as a starting point for further investigation:

- video or images of the perpetrator with the victims
- statements from victims (often supported by NGOs)
- tips from witnesses
- prior investigation by NGOs
- catching a perpetrator in the act following tips from an NGO or another partner in the chain

Police and the judiciary say there is often a lack of concrete information about, for example, the location, situation, date, perpetrators, victims and criminal actions. The reason and motivation for the report is not always clear either.

**17** *Collaboration with foreign countries stagnating*

A further bottleneck is the collaboration between the Dutch government and child sex tourism destinations. Beyond the geographical distance, there is often also a gap in the cultural, political and economic arenas. Corruption, low prioritisation and insufficient financial resources in child sex tourism destinations are some of the characteristics which can make collaboration difficult before and during criminal investigations. There is lack of information, no stable relationships between the child sex tourism destination and the Netherlands and no bilateral (collaboration and extradition) treaties to fall back on. *Liaison officers* who are charged with local monitoring are often responsible for several countries and are not always aware of everything that happens.

As a result, the Netherlands is dependent on poor law enforcement in the child sex tourism destination and on (fortuitous) tips from witnesses and NGOs. Countries with less tourism and fewer active NGOs can therefore easily fall under the radar. Collaboration with some countries appears to be barely achievable because of the gross human rights breaches that occur there. For example there is information about countries where suspects of certain criminal offences, for which the Netherlands could supply information, may be tortured or given the death sentence.

**18** *Lack of bilateral (collaborative and extradition) treaties*

Requests for legal assistance are time-consuming and do not always yield the desired result. Offence related generic agreements, bilateral treaties and/or Joint Investigation Teams (JITs) are often more effective to achieve a better overview, collaboration and flow of information. Unfortunately in practice there is a lack of collaborative agreements with the very countries where child sex tourism is rife, which makes international collaboration difficult and bureaucratic.

**19** *Escaping/an (emergency) passport can be obtained with no problem*

The case studies reveal that, in some cases, suspects flee while on bail and then obtain an emergency passport from the Dutch embassy in another country without problem. At that point the legal proceedings are disrupted and if there is no extradition treaty with the country concerned, the suspect ultimately walks free.

**20** *Negative costs/benefit analysis*

Detecting, prosecuting and bringing a perpetrator to trial takes a lot of time, energy and money. Furthermore, there is a good chance that prosecution will not deliver the outcome wanted because of the barriers discussed above. If the costs/benefits analysis is negative and the prospect is not favourable, there is a good chance that there will be no prosecution and the abuser will simply be able to carry on with what he is doing.

## 5. Tipping the scales

The ease with which child sex tourists can commit offences against vulnerable children stands in stark contrast to the legal acrobatics which the Dutch government has to perform to bring the perpetrators to trial. Terre des Hommes believes it is unacceptable for the situation to remain unchanged.

Child abusers plan their activities very thoroughly and are often well organised. They find the path of least resistance and exploit every loophole in the law to the fullest. A cunning perpetrator does not select the 'girl next door', instead he operates more cautiously to escape policing by travelling to countries with poor law enforcement in the area of sexual child abuse. Currently, the Dutch Minister of Justice faces insufficient legal guidance and too many barriers to be able to address the problem both proactively and repressively. Furthermore, the Dutch jurisdiction extends only to Dutch territory.

Under current legislation, judges are not authorised to impose a generally applicable extraterritorial measure. The prohibition of a journey or region as set out in the proposed bill 'long-term supervision and restriction on freedom'<sup>5</sup> only prevents the perpetrator from heading to the relevant child sex tourism destination from the Netherlands, but does not stop this same perpetrator from reaching the child sex tourism destination through another route.

### *Ongoing risk to children*

Under the existing order, perpetrators often get a sentence that involves compulsory psychiatric treatment so that they can return to society with a clean slate. The repeat offence figures for sexual child abuse are, however, exceptionally high. Curing paedophiles does not seem to be an option, and impulse control is the best psychiatrists can achieve (Maassen, 2012). Research shows that the effects of risk assessment and cognitive behavioural therapy are highly uncertain (Levenson et al., 2006; Lipswey et al., 2007; Chambers et al., 2005; Hussain, 2009). Thus the perpetrators of sexual child abuse remain a large risk to society.

Sexual abuse affects children tremendously. They often experience long-term and serious physical and mental damage from the suffering inflicted upon them, according to the WODC (Nagtegaal, 2012). The victim group is extremely vulnerable due to cultural, economic and social factors, and therefore particularly sensitive to this type of attack. Given the seriousness of infringement and its disastrous effects on young victims, it is more than justified that more proportional measures are implemented to detect, prosecute and bring the perpetrators to trial.

<sup>5</sup> Consultation version of draft bill on long-term supervision, 27 march 2012, [www.rijksoverheid.nl/documenten-enpublicaties/kamerstukken/2012/03/27/consultatieversie-wetsvoorstel-en-memorie-van-toelichting-langdurig-toezicht.html](http://www.rijksoverheid.nl/documenten-enpublicaties/kamerstukken/2012/03/27/consultatieversie-wetsvoorstel-en-memorie-van-toelichting-langdurig-toezicht.html)

## **Gert V. – child abuse in Bangladesh**

On October 4, 2012, 60-year-old Gert V. was sentenced on appeal by the Court Arnhem to 240 hours of community service and a fifteen month suspended sentence for the abuse of six children in Bangladesh between 2001 and 2005. Two years before, V. had been sentenced to one year in prison and a six month suspended sentence. The Court demanded a longer unconditional sentence because of the length of duration of the abuse. However, the final punishment was lowered because the case had dragged on for years which meant that the reasonable term had been exceeded.

V. had left for Bangladesh in 2000 and set up a shelter on the outskirts of Dhaka. In the Netherlands, the Dacca Home Foundation was set up to financially support the work of V. The number of shelters quickly grew to five. V. was general manager of the project and the homes. He appointed the staff and decided on the acceptance policy for children.

Around 2003, serious rumours came to light in Bangladesh that V. was involved in the sexual abuse of children in the shelters. In December of 2003, a Dutch church minister spoke to a manager and a boy from one of V.'s homes. One of the questions the minister was asked was: "Do Dutch Christians have sex with children?" During this same conversation it became clear that V. had had sex with many of the children. The minister did nothing with this information. A manager at the shelter paid a local official a considerable sum of money to keep the information under wraps. V. himself asked the minister and his wife to pray for him and his complex sexual feelings.

Two years later, further rumours emerged that V. was abusing children. Both children and managers at the shelters told a serving volunteer about V.'s abuse. The woman informed the organisation's management board and launched an investigation at their request. The investigation involved conversations with the children concerned. She sent the information derived from the conversations to the management board through e-mail.

In light of these findings, the organisation recalled V. back to the Netherlands in August of 2005. Once in the Netherlands, V. admitted to various people, including board members, that he had committed sexual offences against several children. On 19 August 2005 V. turned himself in to the police and made a statement that he had committed sexual offences against some six under-age boys from the shelter. After consultation with the Public Prosecutor, it was decided on 23 August 2005 that the police would conduct further investigation.

An official complaint was submitted on 19 September, 2005. Several witnesses were heard in the following months. In the meantime, V. saw an opportunity to flee to Nepal where he had set up an orphanage once more.

On 21 March 2006 the Public Prosecutor submitted a request for legal assistance to Bangladeshi authorities asking for permission to continue the investigation locally. In February and March of 2007, more witnesses were heard. On 6 March 2007, V. was finally arrested and taken into custody. Until November 2007, the Public Prosecutor repeatedly reminded the Bangladeshi authorities about the request for legal assistance previously submitted. By 13 February 2008 there had been no response. Finally, the police and the public prosecutor decided to ask the Court in Arnhem, under the guidance of the magistrate, to continue the investigation in Bangladesh.

V. was summoned to appear at the Court session on 7 April 2009. The Court then referred the case to the magistrate for the hearing of large number of witnesses, most of them residing in Bangladesh. However the Bangladeshi authorities did not comply with the Dutch request and the witnesses in Bangladesh did not testify. However, four witnesses appeared before the Court in the Netherlands.

During the Court ruling on 4 October 2012, it was established that too much time had elapsed between the hearing of witnesses on appeal and the substantive handling of the case on appeal. The lack of a legal assistance treaty between the Netherlands and Bangladesh and the lack of willingness on the part of the Bangladeshi authorities to collaborate in providing witness testimony were crucial in the delay. Had the case not taken so long, V. would have been given a longer prison sentence, according to the Court. The Court also does not exclude the possibility that V. may come in contact with children again.

*Of note in this case:*

- Because of the absence of a legal assistance treaty, the Bangladeshi victims were never officially heard other than by the organisation volunteers;
- The long period of time the case took resulted in a reduced sentence. V. was sentenced to 240 hours of community service for abusing six children in Bangladesh. The punishment and the suffering these children were subjected to are in no way in proportion to the low sentence;
- The Court does not exclude the possibility that V. may come in contact with children again ;
- This case highlights the importance of Dutch help and support in police investigations in countries with a weak legal system and police equipment (if there is no response from the authorities there, collaboration with an NGO may also be considered).

## 6. Daring and doing

Combating child abuse currently happens primarily after the offence has been committed. These are precisely the stages where the police and judiciary encounter the most obstacles, as can be seen in stages 2, 3 and 4 of the current combat process. The police and judiciary have more opportunities at the start of the process because the Netherlands is less dependent on the destination country at this stage. The interventions proposed by Terre des Hommes therefore come mostly in the stage before the offence is committed. All interventions are tested by experts in terms of their feasibility, use and priority. Prior to the interventions, the preconditions necessary for successful combating of child sexual abuse are recorded.

### The preconditions

The Dutch government should not attempt to change the cultural and social aspects prevalent in other countries. However, the Dutch government does whatever it can within its own sphere of influence. Only with audacity and energy can police and judiciary staff deal with setbacks and overcome obstacles, and also accept that they do not (yet) know all sides of the issue.

Currently there is insufficient understanding of the nature and scope of child sex tourism so it is impossible for the police to put together a criminality image analysis (Moerenhout, 2013). This means that little is known about the countries that Dutch child sex tourists travel to and the number of Dutch citizens that have been arrested abroad on counts of child abuse. Until now it was assumed that sex offenders acted solely on their desires, but how great is the financial motive? In addition to sex offenders, (conscious and unconscious) facilitators can also be involved. Little is known about this group or about the nature of Dutch child sex tourists. Are they mainly situational perpetrators<sup>6</sup> or preferential ones<sup>7</sup>?

A further blind spot is prioritising the countries addressed. Does the legal system need to focus on those countries where the most reports originate, or on countries which are more vulnerable (unstable politics, poor economy), but where information is harder to obtain?

### *Greater knowledge and awareness*

Social awareness is crucial in combating child sex tourism, because it appears that child sex tourism is not always recognised as such. One of the things that the case studies show is that embassies need to be aware and increase their understanding, among others. This is confirmed by Yi Moden, an employee of APLE in Cambodia. He says that embassies need to be more careful and, for example, not issue a passport to suspects without prior investigation or try to get them freed indiscriminately once they have been sentenced.

Knowledge and awareness among relevant Dutch officials is also being raised through attendance at international thematic meetings, where topics on the agenda include policy, vision and latest developments, as well as opportunities for international collaboration, case evaluations, a multi-stakeholder approach and reporting mechanisms.

Beside Dutch civil servants, it is also important to teach foreign authorities about child sex tourism and the effects it has on the victims. They will then hopefully place greater emphasis on controls for child aid organisations and foreigners who base themselves in a country for a short or longer period, for example by using Certificates of Good Conduct (the equivalent of Dutch VOGs). In some countries, several training

<sup>6</sup> Individuals who do not have an exclusive predilection for children but who use the opportunity abroad or a specific situation to sexually abuse a child.

<sup>7</sup> Individuals with an exclusive predilection for children.

initiatives are already being actively led by western countries and it is better to join up to these than to start new training courses.

Providing training to local police workers is in fact the responsibility of Interpol, but in practice it is often carried out by NGOs such as Terre des Hommes in South East Asia and East Africa. NGOs are often the only constant factor in child sex tourism destinations: they pre-eminently have the knowledge and experience which the local police need to detect perpetrators. Furthermore NGOs can monitor the results and application of the knowledge and training, for example by means of checks and lobbying. Finally, the NGOs can ensure that the local police teams provide further training to their staff in this area.

Citizens who travel on holiday to countries where these crimes are committed also need to be better informed about potential risk situations. Vacationers and employees of Dutch companies are unknowingly the eyes and ears of the judiciary and can provide good inputs to help bring a case to court. However it seems that this information is not always usable. Therefore Dutch citizens who travel to child sex tourism destinations on holiday need to be told what information the police and prosecutors need. Only then can the quality of the information increase. Reward reports with concrete feedback to make the individual in question more inclined to report things again in the future. Greater awareness among Dutch citizens abroad increases social control, which can also have a preventative effect.

This also applies to reports received from NGOs. The Dutch police needs to invest more in training NGOs, both local and international, to submit good reports. For example, which reports are picked up and which are not? What conditions must a report fulfil? Issuing clear guidelines for reports will lead to better collaboration and increase the quality of the reports.

Case studies show that it is regular practice for paedophiles to use child aid projects as a cover for child abuse. It is therefore important to make Dutch citizens aware of their own responsibility when they pay money into the bank accounts of private (child) aid organisations. Is there a policy to protect children? Who controls the project? Citizens need to ask themselves these questions before donating money to an organisation which facilitates child abuse in a veiled way.

#### *More (international) collaboration*

Under the principle of sovereignty the Netherlands is not allowed to carry out detective activities abroad without a request. Therefore the Netherlands cannot combat child sex tourism alone: collaboration with countries abroad is absolutely essential. The Dutch government needs to be persistent on this point, seek continuous contact with child sex tourism destinations, striking the right tone, not coming across as too patronising and making it clear that there is a common goal: to protect local children from western child sex tourists.

Clear agreements with child sex tourism destinations regarding what to do when a case involving a Dutch citizen appears will support this approach to combating child sex tourism. For example, child sex tourism destinations need to understand who they should approach and how in order to obtain more information about the suspect, for example through a request for legal assistance. For this purpose, personal contact between relevant Dutch police officials and key figures in the prosecution in child sex tourism destinations is important. Providing training to the police in child sex tourism destinations, for example on new detection methods or IT, can also improve collaboration; it means the Dutch police learn more about the local context and the legal system in the child sex tourism destination and the police in that country feel more confident about contacting

the Dutch police when a case arises. Personal contact often works better than remote phone and e-mail contact.

Not only the Netherlands has combating child sex tourism on the agenda. Countries such as England, France, Germany and Denmark are also keen to tackle the problem effectively. Working collaboratively, a collective of countries such as these can place greater pressure on child sex tourism destinations to take the problem seriously and to combat it. However, it is important to not just exercise pressure but also to generate goodwill within the local governments. Western governments could, for example, pay the local telephone and internet costs for the police services in child sex tourism destinations. In western terms these amounts are low, but for local governments they can be a barrier to contacting foreign police workers.

Recent cases that were successfully fought have in fact been characterised by a combination of formal and informal contacts. Personal presence, for example in the form of a local *liaison officer* ensures greater mutual respect, understanding and sympathy. *Liaison officers* can promote contact with foreign investigation services and (informally) exchange operational information with the relevant police and prosecution in the child sex tourism destinations. Under such a construction, there does not need to be a Dutch *liaison officer* on hand in every child sex tourism destination, this could also be a German or Danish worker if the Netherlands collaborates effectively with these countries. This increases the level of coverage and local monitoring.

By participating in the Virtual Global Taskforce (VGT), the Netherlands has already committed itself to an international collaborative association, which among its aims seeks to combat child sex tourism. The VGT regularly organises conferences on this subject with a view to sharing knowledge and experience.

### **Interventions within current legislation**

Terre des Hommes identifies opportunities within the current legal framework to improve the international scope for action and the information position of the Netherlands. However, these interventions apply primarily in the repression stage, after the offence has been committed.

#### *CIE Runners*

One of the main barriers to combating child sex tourism is the restricted information position of the Netherlands in child sex tourism destinations. Child sex tourists exploit what for them is a favourable situation in which the police and judiciary are dependent on deficient enforcement by the local police corps and eventual tips from tourists.

The Criminal Intelligence Unit ('Criminele Inlichtingen Eenheid' or CIE) operates at the forefront of the course of combat and detects child sex tourists using witness statements. Witnesses do not always dare provide a statement at their local police station. They prefer to remain anonymous out of fear of revenge campaigns or out of shame. To avoid this, the CIE may deploy *runners*. These CIE employees are not recognisable as such, and visit informants at locations where they feel safe. The statements they take are anonymous so that informants are absolutely untraceable and remain protected. CIE information is never used as evidence, but can be used as input or for background reports. The information is highly usable but can only be obtained through a request for legal assistance.

NGOs and the CIE can help each other in this regard, for example by exchanging tips and helping establish contact with potential informants.

### *Network of liaison officers*

The Dutch police officials abroad, the *liaison officers*, act as a link between the government and local authorities. Unfortunately, some *liaison officers* are responsible for several countries. As a result, the Dutch government does not have a clear overview of what is happening at the child sex tourism destinations. The deployment of more *liaison officers* is therefore also recommended. This will reduce the geographical distance and make lengthy, complex legal proceedings more transparent and workable. More staff would also prevent mistakes from being made during the investigation.

At odds with this recommendation are the recent cut-backs by the Ministry for Foreign Affairs which have replaced embassies with consulates or even closed them completely. It therefore seems more feasible to seek collaboration with other EU member states so that there is at least one European *liaison officer* in every country who also acts on Dutch cases.

### *Dutch investigators abroad*

In order to bridge the geographical distance, in addition to the *liaison officers* already present, it should be possible to station Dutch researchers in the child sex tourism destination, particularly as soon as a crime is presumed or where there are concrete suspicions. This intervention is intensive, uses money and capacity, and the question remains what the legal possibilities are for this option. The United States uses this intervention in a number of child sex tourism destinations, including Cambodia. The Netherlands could learn from this approach. This intervention is of course possible only with formal consent from the child sex tourism destination.

Given that this form of intervention is costly yet also very promising, a pilot could be the answer. Based on initial findings, the Dutch government could then determine whether, and in what form, this type of intervention should be introduced permanently.

### *Facilitating requests for legal assistance*

Currently, a request for legal assistance takes at least eight months to process. To avoid the risk of the reasonable time period for a criminal indictment expiring, the legal proceedings can be accelerated by submitting requests for legal assistance in the local language. The approach and the wording need to be considered and NGOs and interpreters could play a role.

Requests for legal assistance continue to be time-consuming and other possibilities for international collaboration would therefore also be welcome.

### *More intensive collaboration*

The options for intervention mentioned above raised the importance of closer international collaboration. However, a number of other examples are conceivable. Like-minded countries can reach offence-related generic agreements in the joint fight against child sex tourism. While there are some general UN treaties and protocols in place with respect to child sex tourism, these can be used only to put pressure on the child sex tourism destinations. Bilateral collaboration treaties and multilateral treaties aimed specifically at child sex tourism offer many more practical lines of approach. They speed up lengthy and complex trials. Setting up such treaties takes a lot of time and tenacity, but can yield enormous gains in the long term.

Treaties are a step in the right direction, but can also lead to a lot of bureaucracy. Joint Investigation Teams (JIT) can be an efficient and practical addition. These teams are made up of several countries which fight a case or a series of offences together. With the help of a JIT, the countries obtain the information they need, faster than through a request for legal assistance. Forming a JIT is simple provided an international treaty allows for it. The UN treaty against transnational organised crime is a good example of this and has been signed by almost every country around the world.

A JIT can be more effective than a request for legal assistance, but it does need to take into account the sovereignty of the child sex tourism destination and its proportionality as a means of investigation. It is therefore easy to imagine that child sex tourism destinations will not consent to a JIT being formed because it compromises their legal domain. Furthermore, participating countries must have a good relationship before a JIT is formed and tackling child sex tourism must be prioritised.

#### *Closer links between government and NGOs*

NGOs form an important source of information in child sex tourism destinations. NGOs are closest to the source of child sex tourism. They are better aware of the social and cultural circumstances and local etiquette. They have also built up an extensive network of the authorities, local officials and partner organisations. Furthermore, they have gained the trust of children, families and communities and know which officials and agencies can be trusted. The government and NGOs can bring their interests together through collaboration by, on the one hand fighting criminals and, on the other, protecting vulnerable children.

In the fight against child abuse, NGOs can act on behalf of the victims, for example when submitting a compensation claim. They can also stand as a witness and represent the victim during legal cases by submitting a claim for compensation on the victim's behalf and verifying the accuracy of the victim's details. Given the transnational nature of the offence, it is often not feasible for a victim to attend the trial. Perhaps the most important aspect is to provide local insight into the consequences of abuse for the victim in question.

NGOs can also pass information about child sex tourism directly to the Dutch government without the intervention of other organisations. This information can help the Dutch government respond quickly to requests for assistance from the relevant authorities, which also avoids two countries carrying out the same investigation. NGOs can check suspicious situations in the child sex tourism destination with the Dutch police at a later time. If a suspect is already known, the police can advise the authorities in the child sex tourism destination and possibly, following a request for legal assistance, offer support in the investigation. The police are not permitted to ask NGOs directly to carry out specific (investigation) activities, for example to obtain intelligence somewhere. However, the police can get information from NGOs and record this in an official report of findings.

It is also important that the Dutch authorities are able to share information with trustworthy NGOs in child sex tourism destinations, including partner organisations of Terre des Hommes such as APLE, since they play a role in the detection of child sex tourism. According to the police, this is not possible within current Dutch legislation. According to the report by the National Rapporteur on Human Trafficking and Sexual Violence against Children, there are opportunities for this under article 5:10 of the Police Data Decree. Dutch police authorities should, under certain circumstances, be able to share police data received from other EU member states with individuals or agencies with a private task (2013).

The victim and his or her testimony are crucial in successfully combating child sex tourism. However the Dutch government must not forget the victim's position in its ambition to detect crime. The suffering caused is so great that successful combat also needs to include aftercare for the victim. Examples include medical care, education and mental health services which NGOs can offer with the help of support in terms of resources and knowledge.

### **Interventions requiring a change in legislation**

The seriousness of sexual child abuse and the ease with which child sex tourists can commit offences against vulnerable children in developing countries in no way counter-balances the many obstacles which the Dutch police and judiciary encounter in identifying, prosecuting and bringing the perpetrators to trial. Even after going through the interventions above, the Netherlands still has a limited impact on combating child sex tourism because of the geographical distance, dependence on the child sex tourism destination, deficient inputs and the burden of proof. Given this imbalance, Terre des Hommes believes it is proportional to create more legal opportunities to tackle child sex tourism. By refining the legislation governing child sex tourism, the police and the judiciary can act more proactively and preventatively to preclude Dutch citizens from committing sexual child abuse offences abroad. The proactive and preventative measures presented below ensure that it becomes more difficult for former perpetrators of sexual child abuse to commit new offences abroad.

#### *Life-long supervision*

Literature and case analyses indicate that there is a high percentage of repeat offenders among child sex tourists. Life-long supervision of convicted child sex tourists appears to be a good solution to combat potential repeat offenders. Other countries are also voting in favour of this intervention, but the question remains whether it is feasible in practice. Life-long supervision is possible only if it can be applied highly consistently and stringently. It can also be an infringement on the suspect's privacy and is highly labour-intensive and expensive.

#### *Travel ban*

To prevent convicted child abusers from re-offending, it is important to keep an especially keen eye on this group. This provides insight into whether the individual in question is planning to travel to child sex tourism destinations. Using this data, the judiciary can impose a travel or location ban on the offender. However, this solution is fraught with problems. In addition to the fact that many judges consider this measure to be disproportional, in practice offenders succeed in reaching the child sex tourism destination through a different route, such as a neighbouring country or another country in the region. And what should be done with offenders who genuinely want to improve their life?

At this point in time, a travel ban as a measure to restrict movement is not possible. Nevertheless, this measure very probably will be implemented given the fact that the Dutch State Secretary for Security and Justice included the possibility of imposing a travel ban in 2012 in the proposed bill 'long-term supervision and restriction of freedom'. Given that this intervention is effective, but at the same time complex and labour-intensive, some additions are presented below which could ultimately make the intervention more achievable, more proportional and more effective.

#### *Information systems*

Data regarding the group with an average to high risk of repeat-offences could be linked to Dutch Royal

Military Police (Koninklijke Marechaussee) or customs information systems so that they can tip the police if the offender appears on the flight list. However, the military police can also follow the individual in question to the destination country. One such information system is the Advanced Passenger Information provided by the API centre. This organisation falls under the military police and works, on instruction from the detection services, with watch lists. These lists carry the names of criminals and what is expected of the API if one of these individuals checks in at Schiphol.

These watch lists are also used in Australia. There, the judge rules whether an offender should appear on the list, for how long and with what consequences. This bypasses privacy legislation because being placed on the watch list forms part of the final judgement in a conviction and must be implemented. The Netherlands currently uses watch lists only with respect to incoming passengers. If the Netherlands wishes to apply such a measure for convicted paedophiles who seek to leave the country, the Dutch government will first have to amend the law by including the watch list as an additional sanction in the Penal Code.

#### *Never work with children again, anywhere in the world*

Every country should assess individuals who want to set up a children aid organisation extremely critically. Unfortunately, this does not fall within the Netherlands' scope of influence. Dutch judges should certainly be able to prevent offenders from ever working with children again. Currently, judges may only impose a ban on convicts returning to the profession they practiced at the time of the offence. Judges should also have the option of imposing a ban that prevents the convict from working contact with children, even if the convict did not work with children previously. Such a measure seems complicated, but is not impossible.

Nevertheless, this sanction would only be legally valid within the Netherlands. Children in developing countries who are particularly vulnerable to sexual abuse would not be helped, unless judges are also able to impose extraterritorial measures. Terre des Hommes believes it unfair that extraterritorial legislation applies to sexual abuse abroad because of the perpetrator's extraterritorial acts, but that the judge is not able to impose any extraterritorial sanctions.

#### *More stringent control over children aid projects*

It happens all too often that a children aid project in a developing country is used as a cover for child abuse. Examples include the cases of Gert V. in Bangladesh, Henk. M in Nepal, Bas R. in Cambodia and Jan V. in Indonesia (see appendix III). There is little control in the countries where these aid projects are set up, and the Netherlands often has no overview of Dutch citizens' activities abroad either. In principle, any Dutch person can set up a foundation or child aid organisation abroad without too much problem. The organisation is registered with a lawyer, with only the name, purpose of the organisation, the procedure for appointing and dismissing board members and the location of the head office needed. Only if the organisation applies for a government subsidy does the founder have to submit a Statement of Conduct (VOG). Even then, there is little government control.

If the organisation wishes to register for a CBF (central bureau of fund-raising) quality mark, a VOG must also be shown. However, organisations are not obliged to apply for a quality mark which checks the bona fide character of the organisation. There is also a responsibility on the part of donors who sometimes unthinkingly support all sorts of private initiatives without ensuring that the organisation operates ethically and with integrity. The Dutch government should monitor the review of and controls over these types of aid projects more stringently. Terre des Hommes believes that private Dutch aid initiatives abroad should be subject to

compulsory assessment to be eligible for a quality mark. If the assessment is negative, no quality mark may be given. This would also tell donors immediately that this is an organisation they should not support.

*Annotation in the passport*

Offenders are often able to keep their child abuse past well hidden and get into new risk situations without hindrance. The recurring offence figure is high, particularly after a number of years, reaching 1 in 3 after twenty years. In order to respect the offender's privacy, but at the same time put up a barrier against the real risk that the offender poses, Terre des Hommes calls for a passport annotation for those convicted of sexual offences with minors.

With the passport annotation, the Netherlands takes full responsibility for protecting children against Dutch paedophiles. The record makes it impossible for the offender to travel to child sex tourism destinations, and tells countries in which the offender lands about the individual's past, without any complex, bureaucratic and costly procedures. It also means that convicts subject to a regional ban can no longer take a detour via neighbouring countries.

For reasons of privacy the record in the passport should preferably not be dealt with at local government level, but by the judiciary and should appear only in passports, not on ID cards. Given the high level of repeat offenders, particularly after a number of years, the record should be permanent. This also means that the record cannot be erased when the passport is renewed. People with a previous conviction in essence need to show their passport on journeys outside of Europe, precisely where the child sex tourism destinations are located. An ID card is sufficient within Europe, not just for travelling but also to comply with compulsory ID requirements. This means that convicted paedophiles are only prevented from travelling to countries outside Europe without revealing their past. This intervention is therefore far more proportional and far more effective than current measures to prevent child suffering.

Whether or not the country does anything with the information in the record falls within the sovereignty of the country itself. Terre des Hommes can lobby locally to ensure that this record is understood so that stringent controls are applied, for example if a visa application is submitted. In any case, the countries in question can no longer argue that they were not aware of the traveller's past and it also makes it more difficult to bribe local officials. When they see the record, local immigration officials can send the former offender back to the Netherlands, which appears to be the most common response. At the same time, information about the Dutch citizen's past can be used in any criminal proceeding. This helps to counter the bribery of officials in child sex tourism destinations: once they have seen the record they cannot deny that they were aware of the suspect's abuse in the past. This information can be used against the suspect in criminal proceedings.

However, countries which impose the death sentence for child abuse pose a real danger as soon as a person with a previous conviction travels there. It is therefore recommended that the record be combined with a list of countries outside Europe which are a risk for paedophiles.

The passport annotation becomes preventative as soon as children's institutions at home and abroad need to check the passport when hiring new staff. This passport check thus seems to be far more effective than a VOG, which is currently available only in the Netherlands. There is no legal obligation currently for these agencies to carry out passport checks – an ID card is sufficient – but Terre des Hommes is calling for the law in this area to be tightened.

In addition, a passport annotation can alert local police officers if they apprehend a child sex tourist for a new offence. The record tells them about previous offences and can thus serve as added motivation to open a new case. It can also form a more beneficial and more practical alternative to watch lists which are expensive for airlines on the one hand and mean longer waiting times for passengers on the other. Finally, Terre des Hommes is hopeful that the permanent and radical nature of the record will frighten off not just potential repeat offenders but future perpetrators as well.

### **Wim de W. – hotel owner in Gambia**

On 8 October 2002 the 64-year-old Dutch Wim de W. was arrested in the Netherlands for the rape of several women in Gambia, one of whom was under-age. De W. was the owner of a hotel in Banjul which was also known as 'Holland House'. His arrest followed an investigation by Terre des Hommes into the involvement of Dutch nationals in child abuse. Research revealed mainly male tourists over the age of 45 would travel to Gambia to abuse young boys and girls. The age of the victims ranged from 9 to 16 years old. Thanks to the investigative report by Terre des Hommes, there was political pressure on both the Dutch and the Gambian government to call for a halt to child sex tourism. This pressure also meant that the preliminary enquiries by the Dutch police into the alleged activities of the 64-year-old man in Gambia gained momentum. In August of that year, an investigation commission of Dutch police officers from District Kennemerland South travelled to Gambia where, with the help of the Terre des Hommes network, they were able to obtain sufficient incriminating material to arrest the suspect.

De W. was sentenced at the end of 2004 by the court in Haarlem to 30 months in prison. This sentence was passed under the pre-2002 legislation because the abuse took place between 1995 and 1997. The police investigation had been ongoing for a very long time because the Dutch police received no help from their Gambian colleagues.

*Of note in this case:*

- Effective international collaboration between the Dutch and Gambian police and NGOs ensured a successful prosecution of the case;
- The media attention and political pressure that were created and the drive of the Dutch police were pivotal in solving the case.

## 7. Conclusion and recommendations

With this research report, Terre des Hommes demonstrates the complexity of combating child sex tourism. In the present situation balance is missing: Dutch paedophiles are completely abusing loopholes in (international) law and have free rein. Children in countries such as Cambodia are powerless in the face of Dutch abusers. Note that the Netherlands is the only western country of which more child sex tourists are acquitted than sentenced in Cambodia. It is the role of the child aid organisation Terre des Hommes to protect the safety of these children. It is the responsibility of the Dutch government to close the loopholes in the law as far as possible and protect the rights of children, wherever they are in the world.

There are many barriers to combating child sex tourists, which in broad terms can be summarised as 1) geographical distance, 2) legal restrictions, 3) deficient input and burden of proof, 4) position of dependency. However most of these barriers appear only after the offence has been committed because of dependence on the child sex tourism destination and victim unwillingness to file a complaint. While the Dutch government is still focussing on a repressive approach, the real opportunities for effective combat are precisely in the phase before the offence is committed. The Netherlands need to apply more proactive and preventative measures to stop (potential) perpetrators from travelling to developing countries in order to abuse children.

### *Proactive and preventive measures*

The judiciary can make the biggest impact by refining legislation and enabling restriction of freedom measures to be imposed on sex offenders who have committed sexual child abuse. The mental and physical mutilation that child abuse causes is beyond words and demands far-reaching measures. Of all the conceivable interventions, Terre des Hommes finds passport annotation the most logical, effective, cost-efficient, practical and proportionate measure which the Dutch government can impose. With this measure, the Dutch government takes full responsibility for informing other countries proactively about Dutch travellers' past. Given the high level of repeat-offence, a history of abuse poses a real danger to children in the country of arrival.

The passport measure complies with countries' desire to monitor travellers with a risk profile more strictly and exchange more information about them. However, this measure is less lenient, less time consuming and less costly than other forms of monitoring. Furthermore, the passport annotation has an additional preventative effect when combined with more stringent screening of new staff at children's institutions, abroad, but also in the Netherlands. If compulsory passport checks are introduced for professions which involve working with children, employees would know immediately what risk an individual poses.

Another preventative measure with a good chance of success is more stringent monitoring of child aid projects, making it compulsory for them to have a quality mark. Checks prior to the quality mark would certainly provide insight into the potential risks so that if necessary organisations can be identified as rogue.

### *Improved collaboration and information position*

In addition to the measures mentioned above which would require a change in legislation, there are also measures which the Netherlands can introduce in the short-term within the current legal framework in order to tackle child sex tourism more effectively. Key conditions for effective combat lie first and foremost with the police and judiciary themselves: expanding capacity, shifting the focus, actively gathering and sharing knowledge are just some of the improvements currently being introduced. In addition, NGOs can play an important role in transferring knowledge about the local context and the phenomenon of child sex tourism to

the Dutch police and legal workers and in raising awareness of the issue among local authorities in child sex tourism destinations. NGOs also have a valuable network, a position of trust within the local community and relevant facts that will benefit the input and burden of proof. There are also other possible tools which could further accelerate the legal proceedings, such as submitting requests for legal assistance in the language of the child sex tourism destination. In addition, bilateral collaborative treaties and multilateral treaties targeted specifically at child sex tourism offer practical lines of approach. They accelerate lengthy and complex trials.

One of the measures which the Dutch government can further expand upon is the proven effectiveness of deploying *runners* from the Criminal Intelligence Unit (CIE). Their deployment lowers the barriers for victims and takes away the shame, fear and feeling of guilt which generally stops them from filing a complaint. Furthermore, many victims are afraid of the perpetrators as a result of which declarations may be incomplete, or even insufficient to base a case on.

Another option is to intensify collaboration between *liaison officers* in different European countries. This means that there does not need to be a Dutch *officer* present in every country - German or Danish staff, for example, could also act as a point of contact for the Dutch police and judiciary.

#### *Offence focus*

The perpetrator should ideally go on trial in the child sex tourism destination. This is not simply to avoid hindrances with respect to the geographical distance, but also to raise long-term awareness of children's rights in the child sex tourism destination and if necessary bring about changes at the cultural, political and administrative level. If a trial in the child sex tourism destination is not possible, the incriminatory material may be passed on to the Netherlands. This requires effective collaboration between child sex tourism destinations, the Netherlands and NGOs.

Given that child sex tourism is a moving crime, an offence focus is preferable to a country focus approach. After all, perpetrators always respond to measures and seek safety elsewhere. Thus the question is rather: 'What characterises the offence?' rather than 'What characterises the child sex tourism destination?'. Of course the cultural, political and legal frameworks of the child sex tourism destination need to be understood before a criminal investigation is launched.

With the recommendations above, Terre des Hommes aims to invite the Dutch government to take full responsibility with respect to child sex tourism and the imbalance that has arisen to the benefit of the perpetrators.

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Policy Adviser Ministry for Security and Justice/responsible for criminal approach to child sex tourism.  
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### **Augusteyn, I.**

Senior Assistant Public Prosecutor, National Office of the Public Prosecutor, responsible for (among other things) child sex tourism. Interview: 5 April 2013.

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### **Nijholt, S.**

Employee, APLE Cambodia. Correspondence dated 26 June 2013.

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*Liaison Officer* Thailand, responsible for Thailand, Burma, Laos, Cambodia, Vietnam, Singapore, Sri Lanka and the Maldives. Interview: 28 May 2013.

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Public Prosecutor with the National Office of the Public Prosecutor, responsible for (among other things) child sex tourism. Interview: 5 April 2013.

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### **Zwinkels, M.**

Public Prosecutor with the National Office of the Public Prosecutor. Correspondence dated 30 May 2013

<sup>8</sup> Respondents to the research by C.Z. de Vree commissioned by Terre des Hommes.

## **Appendix I Relevant legal articles with respect to sexual offences against children in the Penal Code (unofficial translation from Dutch to English)**

### **Article 5**

1. The Dutch penal code applies to anyone who commits a crime outside the Netherlands:

3rd. one of the crimes described in articles 240b, 242 through to 250 and 273f, insofar the act is committed against an individual under the age of eighteen or of one of the crimes described in articles 300 to 303, insofar the act causes genital mutilation to an individual of the female gender who is under the age of eighteen;

### **Article 5a**

1. The Dutch penal code applies to the foreign national who has a permanent home or place of residence in the Netherlands and outside of the Netherlands is guilty:

1st. of one of the crimes described in articles 240b, 242 through to 250 and 273f, insofar the act is committed against an individual under the age of eighteen or of one of the crimes described in articles 300 to 303, insofar the act causes genital mutilation to an individual of the female gender who is under the age of eighteen,

### **Article 240b**

1. A term of imprisonment of not more than four years or a fine of the fifth category shall be imposed on any person who disseminates, offers, publicly displays, manufactures, imports, forwards, exports, acquires, or possesses an image – or a data carrier containing an image – of a sexual act in which a person who apparently has not yet attained the age of eighteen is involved or appears to be involved, or who gains access to such an image by means of a computerized device or system or through a communication service.

2. A term of imprisonment of not more than eight years or a fine of the fifth category shall be imposed on any person who commits any of the offences described in Section 1 by profession or custom.

### **Article 242**

A person who by an act of violence or another act or by threat of violence or threat of another act compels a person to submit to acts comprising or including sexual penetration of the body is guilty of rape and liable to a term of imprisonment of not more than twelve years or a fine of the fifth category.

### **Article 243**

A term of imprisonment of not more than eight years or a fine of the fifth category shall be imposed on a person who performs acts comprising or including sexual penetration of the body on a person known to be in a state of unconsciousness, impaired consciousness or physical incapability, or where the victim's impaired mental development or disturbed mental capacity leaves them unable to give (full) consent or indicate resistance.

### **Article 244**

A term of imprisonment of not more than twelve years or a fine of the fifth category shall be imposed on any person who performs acts comprising or including sexual penetration of the body of a person under the age of twelve.

**Article 245**

A term of imprisonment of not more than eight years or a fine of the fifth category shall be imposed on any person who performs indecent acts out of wedlock comprising or including sexual penetration of the body with a person of between twelve and fifteen years of age.

**Article 246**

A term of imprisonment of not more than eight years or a fine of the fifth category shall be imposed on any person who compels another person to perform or to submit to indecent acts by means of an act of violence, threat of violence or threat of another act, if found guilty of actual indecent assault.

**Article 247**

A term of imprisonment of not more than six years or a fine of the fourth category shall be imposed on any person who performs indecent acts with a person known to be in a state of unconsciousness, impaired consciousness or physical incapability, or where the victim's impaired mental development or disturbed mental capacity leaves them unable to give (full) consent or indicate resistance or who performs indecent acts, out of wedlock, with a person under sixteen years of age, or entice such a person into performing or submitting to such acts with a third party.

**Article 248a**

A term of imprisonment of not more than four years or a fine of the fourth category shall be imposed on any person who intentionally induces, by means of gifts or promises of money or goods, by abusing the authority arising from an existing relationship or by misrepresentation, a person whom the offender knows or should reasonably suspect to be under the age of eighteen to engage in indecent acts or to submit to them.

**Article 248b**

A term of imprisonment of not more than four years or a fine of the fourth category shall be imposed on any person who commits sexual offences against a person who makes his or herself available to perform sexual acts with a third party in exchange for payment and who is over sixteen but under eighteen years old.

**Article 248c**

A term of imprisonment of not more than four years or a fine of the fourth category shall be imposed on any person who is intentionally present where indecent acts are performed by a person whom the offender knows or should reasonably suspect to be under the age of eighteen or during the displaying of images of such acts in an establishment designed for this purpose.

**Article 248d**

A term of imprisonment of not more than two years or a fine of the fourth category shall be imposed on any person who incites, with indecent intent, a person whom the offender knows or should reasonably expect to be under the age of sixteen to witness sexual acts.

**Article 248e**

A term of imprisonment of not more than two years or a fine of the fourth category shall be imposed on any person who uses a computerised device or system or a communication service to propose a meeting to a person whom he knows or should reasonably suspect to be under the age of sixteen, with the objective of committing an indecent act with this person or manufacturing an image of a sexual act in which this person is involved, if he takes any action to make this meeting actually take place.

#### **Article 249**

1. A term of imprisonment of not more than six years or a fine of the fourth category shall be imposed on any person who commits indecent acts with his or her under-age child, step child, foster child, pupil, a minor entrusted to his or her care, instruction or vigilance or a minor employee or subordinate.

2. The same sentence applies to:

- 1st. an official who commits an indecent act with a person under his or her authority or entrusted or recommended to his or her attention;
- 2nd. a governor, doctor, tutor, officer, supervisor or employee in a prison, state child protection facility, orphanage, hospital or benevolent institution who commits indecent acts with a person admitted therein;
- 3rd. a person working in healthcare or social care who commits indecent acts with an individual who has entrusted themselves to his or her help and care as a patient or client.

#### **Article 250**

1. The following sentences apply:

- 1st. a term of imprisonment of not more than four years or a fine of the fourth category shall be imposed on any person who intentionally arranges or encourages committing indecent acts with a third party by his or her under-age child, step child, foster child, pupil, a minor entrusted to his or her care, instruction or vigilance or a minor employed by or reporting to him or her;
- 2nd. a term of imprisonment of no more than three years or a fine of the fourth category shall be imposed on any person who, for cases outside 1st, intentionally arranges or encourages the committing of indecent acts with a third party by a minor whom he or she knows to be or should reasonably assume to be a minor.

2. If the culprit commits the crime by custom, the duration of imprisonment may be increased by one third.

The sentence may be increased in connection with other articles:

- If one of the crimes described in articles 240b, 243, 245 to 247, 248a, 248b and 249 result in serious physical injury or if it is feared that another victim could lose his or her life as a result, imprisonment of no more than fifteen years or a fine of the fifth category shall be imposed.
- If one of the crimes described in articles 240b, 242, 243 to 247, 248a, 248b and 249 result in death, imprisonment of not more than eighteen years or a fine of the fifth category shall be imposed.
- The prison sentences stipulated in articles 240b, 242 to 247, 248a to 248e, 249 and 250 may be increased by one third if the offence was committed jointly by two or more people.
- The prison sentences stipulated in articles 240b, 242 to 247 and 248a to 248e may be increased by one third if the offender commits the offence against his or her own child, a child over which he or she has authority, a child he or she is taking care of or raising as if he or she were a member of his or her family, pupil, a minor entrusted to his or her care, instruction or vigilance or under-age employees or subordinates.

#### **Article 273f**

1. If guilty of human trafficking, a term of imprisonment of not more than eight years or a fine of the fifth category shall be imposed in the following cases:

- 1st. any person who by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;

2nd. any person who recruits, transports, moves, hosts or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person is under the age of eighteen;

3rd. any person who recruits, takes with him or her or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;

4th. any person who forces or induces another person by the means referred to under 1st to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under 1st which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;

5th. any person who induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/herself available for performing these acts or making his/her organs available for remuneration, when that other person is under the age of eighteen;

6th. any person who wilfully profits from the exploitation of another person;

8th. any person who wilfully profits from sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for remuneration, when this other person is under the age of eighteen;

9th. any person who forces or induces another person by the means referred to under 1st to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs.

2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude.

3. The guilty party shall receive a prison sentence of not more than twelve years or a fine of the fifth category if:

1st. the offences described in the first paragraph are committed by two or more people jointly;

2nd. the person against whom the offences described in the first paragraph are committed is under the age of sixteen.

4. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, imprisonment of not more than fifteen years or a fine of the fifth category shall be imposed.

5. If one of the offences described in the first paragraph results in death, a sentence of not more than fifteen years or a fine of the fifth category shall be imposed.

6. Article 251 is applicable mutatis mutandis.

**Appendix II International treaties with respect to child sex tourism  
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child  
prostitution and child pornography (only the most relevant articles to this report are shown)**

**Article 1**

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

**Article 2**

For the purposes of the present Protocol:

- (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes

**Article 3**

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:
  - (a) In the context of sale of children as defined in article 2:
    - (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:
      - a. Sexual exploitation of the child;
      - c. Engagement of the child in forced labour;
    - (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
    - (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.
3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

**Article 4**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:
  - (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
  - (b) When the victim is a national of that State.
3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the aforementioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.
4. The present Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### **Article 5**

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.
2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the present Protocol to be a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.
3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.
5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

#### **Article 6**

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

## **Article 7**

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
  - (i) Goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;
  - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

## **Article 8**

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:
  - (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
  - (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
  - (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
  - (d) Providing appropriate support services to child victims throughout the legal process;
  - (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
  - (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
  - (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.
2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.
3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.
4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.
5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.
6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

#### **Article 9**

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.
2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.
3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.
4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.
5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

#### **Article 10**

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.
2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.
3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.
4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

### Appendix III Case studies

The case studies below are the result of in-house investigation, desk research and information received from project partners and journalists. The sources used are shown after each case study.

#### **Jan van der S. – abuse and child pornography in the Philippines**

On 8 October 1996, Jan van der S. was sentenced by the court in Delft to five years in prison for rape and other forms of sexual contact with six Filipino girls under sixteen years of age. Computer programmer van der S. regularly travelled from the Netherlands to the Philippines. He would take underage girls to his hotel room there, where he abused them. He also took pornographic photos and videos of Filipino children.

The case came to light in February of 1996 when a photography shop employee went to the police after developing pornographic photos. A large volume of child pornography material was subsequently found in the man's flat.

An investigative team from the Dutch police left for the Philippines in order to identify the victims. One of the victims filed an incriminating statement against van der S. on the basis of which he could be sentenced.

This case marked the first sentencing for child abuse committed abroad in the Netherlands. In 2004, the judge ruled in a civil proceeding that van der S. must pay the victim 3,000 euro in compensation.

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<http://www.trouw.nl/tr/nl/5009/Archief/archief/article/detail/2688241/1996/10/09/Sekstoeristkrijgt-vijf-jaar-cel-voor-misbruik-kinderen.dhtml>
- ECPAT 2009; *Offenders Beware: Child sex tourism case studies*;  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>

#### **Lennart van E. – fled the Philippines with emergency passport**

On 12 January 1996, 23-year-old Dutch student Lennart van E. was arrested on the Filipino tourist island of Boracay for the sexual abuse of a nine and a fourteen-year-old girl. Video recordings of the abuse had also been taken. Van E. was released after posting bail for 4,500 fl, and was thus able to flee the Philippines. This was in part made possible by the Dutch embassy in Kuala Lumpur, Malaysia, which issued him a temporary passport. While awaiting trial, he had been required to surrender his old passport to the Filipino police.

At the insistence of various organisations in the Netherlands and the Philippines, including Terre des Hommes, Dutch authorities finally took over the prosecution of van E. On 28 January 1997, he was sentenced by the court in The Hague to 24 months in prison, of which eight suspended, for the abuse of two Filipino girls. The judge set as a condition that van E. must undergo intensive individual psychiatric treatment. In examination reports, van E. was broadly described as a damaged human being who had himself been sexually abused in the past.

- Trouw 16-01-1997; *Lennart van E. not a stereotypical pervert*;  
<http://www.trouw.nl/tr/nl/5009/Archief/archief/article/detail/2748480/1997/01/16/Lennartvan-E-geen-stereotiepe-viezerd.dhtml>
- ECPAT Netherlands;  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>

### **De L. – child pornography in Thailand**

In July of 1997 46-year-old De L. from Amsterdam was sentenced in Amsterdam to three years imprisonment, of which six months suspended, for the sexual abuse of an underage boy in Thailand and for possession of child pornography involving Thai children between 8 and 10 years of age. De L. furtively sold these video tapes in a sex shop on the waterside in Amsterdam. A public prosecutor and two investigators from the youth and vice squad in Amsterdam travelled to Pattaya to investigate the case locally. It was the first time that a Dutch police team travelled to Thailand for an investigation.

- Trouw 07-06-1997; Man prosecuted for abuse in Thailand;  
<http://www.trouw.nl/tr/nl/5009/Archief/archief/article/detail/2545574/1997/06/07/Man-vervolgd-voor-misbruik-in-Thailand.dhtml>
- ECPAT Netherlands:  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>
- Vereniging voor Vrouw en Recht (*Association for Women and Justice*):  
<http://www.vrouwenrecht.nl/1997/07/15/instantie-rechtbank-amsterdam-15-juli-1997/>

### **Utrecht swimming teacher – child pornography in Sri Lanka**

On 13 November 1997, a 50-year-old swimming teacher from Utrecht was sentenced by the court in Utrecht to five years in prison for, among other things, committing sexual offences against children under the age of 16 in Sri Lanka. The man also produced child pornography involving his young victims. A team of the Utrecht youth and vice squad travelled to Sri Lanka where they gathered evidence and interviewed witnesses. The evidence was used to try the man from Utrecht. He was also sentenced for the abuse of his foster child and another minor in the period between 1982 and 1987.

- Trouw 01-02-1997; *Dutch man accused of abusing eight boys in Sri Lanka*;  
<http://www.trouw.nl/tr/nl/5009/Archief/archief/article/detail/2482267/1997/02/01/Nederlander-zou-in-Sri-Lanka-acht-jongens-hebben-misbruikt.dhtml>
- ECPAT Netherlands:  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>
- Vereniging voor Vrouw en Recht (*Association for Women and Justice*):  
<http://www.vrouwenrecht.nl/1997/11/13/instantie-rechtbank-utrecht-13-november-1997/>

### **Wim de W. – hotel owner in Gambia**

On 8 October 2002 the 64-year-old Dutch man Wim de W. was arrested in the Netherlands for the rape of several women in Gambia, one of whom was underage. De W. was the owner of a hotel in Banjul which was also known as the 'Holland House'. His arrest followed an investigation by Terre des Hommes into the involvement of Dutch nationals in child abuse. Research revealed it was mainly male tourists over 45 years of age who went to Gambia to abuse young boys and girls. The age of the victims ranged from 9 to 16 years old.

Thanks to the investigative report, there was political pressure on both the Dutch and the Gambian government to call for a halt to child sex tourism. This pressure also meant that the preliminary enquiries by the Dutch police into the alleged activities of the 64-year-old man in Gambia gained momentum. In August of that year, an investigation commission of Dutch police officers from District Kennemerland South travelled to Gambia where, with the help of Terre des Hommes' network, they were able to gather sufficient incriminating material to arrest the 64-year-old suspect. Terre des Hommes carried out the investigation in collaboration with Gambian organisations united under the Child Protection Alliance. De W. was sentenced at the end of 2004 by the court in Haarlem to 30 months in jail. This sentence was passed under the pre-2002 legislation because the abuse took

place between 1995 and 1997. The police investigation had been ongoing for a very long time because the Dutch police received no help from their Gambian colleagues.

- Terre des Hommes Netherlands; *Gambia: The Smiling Coast*;  
[http://www.terredeshommes.nl/upload/dossier/download/200301\\_Gambia\\_TheSmilingCoast\\_NederlandseSamenvatting.pdf](http://www.terredeshommes.nl/upload/dossier/download/200301_Gambia_TheSmilingCoast_NederlandseSamenvatting.pdf)
- Trouw 22-10-03; *Dutch child rapist detained*;  
<http://www.trouw.nl/tr/nl/4324/Nieuws/archief/article/detail/1785193/2003/10/22/Nederlandse-kinderverkrachter-opgepakt.dhtml>
- Trouw 04-10-07; *Combating abuse starts with collaboration*;  
<http://www.trouw.nl/tr/nl/4324/Nieuws/archief/article/detail/1650718/2007/10/04/Bestrijdingvan-misbruik-begint-met-samenwerken.dhtml>
- ECPAT Netherlands:  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>

### **René A. – child abuse in Cambodia**

In 2004, the 48-year-old Dutchman René A. was caught in the act with two naked thirteen-year-old boys in a hotel in Phnom Penh. He was arrested immediately. A. had sexually abused seven boys under the age of fifteen and taken pornographic photos of them. The case against A. started with an indication of child abuse during an investigation carried out by the Protect team of the Cambodian NGO APLE.

In August of 2004, a Cambodian judge found A. not guilty. The prosecutor appealed and in 2005 A. was finally sentenced on appeal by the court in Cambodia to ten years in prison and to pay a 256 euro compensation to each of his victims. On 23 December 2011 A. was granted a royal pardon by Cambodia and was released.

- PROTECT:  
[http://www.protectgh.org/en/noticias\\_detalle.asp?i1=35&c=2&page=6](http://www.protectgh.org/en/noticias_detalle.asp?i1=35&c=2&page=6)
- De Standaard 04-05-2004; *Dutch man in Cambodia accused of sexual offences*:  
[http://www.standaard.be/cnt/NFLC04052004\\_002](http://www.standaard.be/cnt/NFLC04052004_002)
- ECPAT 2009; *Offenders Beware: Child sex tourism case studies*:  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>

### **Henk M. - children abused in their own children's home in Nepal**

On 8 February, 2007 Henk M., aged 59, was arrested in Nepal on suspicion of abusing all the 48 (street)children in his children's home Hamro Jivan, which he founded in 2003. He was caught in the act with a young boy thanks to a trap set for him by Dutch volunteers at the children's home. In previous weeks, the staff had gathered evidence which they passed on to the Nepalese police. Images showing how he abused children himself were also found on M.'s computer.

Following M.'s arrest, it was unclear for a long time whether he would actually be sentenced in Nepal; statements were withdrawn and Nepal had virtually no legislation against child abuse. The court in Kathmandu finally sentenced M. on 8 April 2009 to nine years in prison in Nepal for the systematic abuse of several children.

This was seemingly not M.'s first offence. M. had long been known to the Dutch police. In 1994 he had been arrested in Spain for raping a child. In February 1995, he was sentenced to eight years for this. After two years in prison in Spain, M. requested extradition to the Netherlands. In May 1997 he was handed over to the Dutch judiciary. The court in Amsterdam decided that M. had served enough of his sentence in Spain and he was released immediately.

The home was financially supported by Dutch donors via the Foundation Hamro Jivan Nederland. This organisation had not been aware of this previous conviction.

- Netwerk 27-02-07; *Dutch man detained for child abuse in Nepal*;  
<http://www.uitzendinggemist.nl/afleveringen/1138666>
- Volkskrant 27-02-07; *Dutch man in Nepal previously convicted for child abuse*;  
<http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/937195/2007/02/27/Nederlander-Nepal-eerder-veroordeeld-voor-misbruik.dhtml>
- Een Vandaag 27-02-07; *Director of children's home in Nepal suspected of abuse*;  
[http://www.eenvandaag.nl/buitenland/31768/directeur\\_kindertehuis\\_nepal\\_verdacht\\_van\\_misbruik](http://www.eenvandaag.nl/buitenland/31768/directeur_kindertehuis_nepal_verdacht_van_misbruik)

### **Dutch man abuses 12-year-old boy in Thailand**

In 2009, a 62-year-old Dutch man was sentenced to 37 years in jail by a court in Thailand for abusing a 12-year-old boy in his house at the seaside resort of Hua Hin.

- ECPAT Netherlands:  
<http://www.ecpat.nl/p/1/142/mo45-mc56/veroordelingen>

### **Cees C. – benefactor in Cambodia**

The Dutchman Cees C. was arrested on 23 April 2010 in Cambodia after three boys filed a sexual abuse complaint against him. Project partner APLE had tracked C. four years before but could not prove the suspicions without testimonies from the victims. The investigation by APLE gained momentum when the three under-age victims submitted a statement against the Dutchman. During the arrest, police found dozens of photos of naked children on his computer.

C. ran a local NGO in Sinahoukville and offered schooling to children. He gained a lot of support in the community because he was seen as a benefactor. He also received money for his school from private individuals from the Netherlands. Soon after the case was reported in the media, the boys withdrew their statements. APLE believes bribery was involved.

On 21 February 2011, C. was finally sentenced in Cambodia to 18 months in prison for the abuse of two underage boys. However he was released soon after the judgement. He had already served ten months in custody and the remaining eight months were commuted to a suspended sentence.

On 7 July 2011, the Cambodian authorities expelled C. from the country. Cambodia has placed him on its black list which means that he can never enter the country again. The expulsion came about following a request by APLE. Because C. served his sentence in Cambodia, there was no further prosecution in the Netherlands.

- Een Vandaag 16-06-2010; *Dutch man suspected of paedophilia in Cambodian jail*;  
[http://www.eenvandaag.nl/criminaliteit/36059/nederlander\\_verdacht\\_van\\_pedofilie\\_in\\_cambodjaanse\\_cel](http://www.eenvandaag.nl/criminaliteit/36059/nederlander_verdacht_van_pedofilie_in_cambodjaanse_cel)
- Information from own sources, including correspondence with APLE

### **Andreas van R. – Gambia**

63-year-old Andreas van R. was arrested on 28 February, 2011 in Gambia on suspicion of the rape of two underage girls in 2010 and 2011. On 14 November 2011 he was sentenced by the court in Gambia. Given van R.'s

medical problems and the fact that it was the first time that he had been suspected of anything like this, he only got a fine of 2,600 euro (100,000 Gambian dalasi) and was ordered to pay compensation to the victims.

- Daily Observer Gambia 21-03-2011; *Alleged paedophile nabbed*;  
<http://observer.gm/africa/gambia/article/alleged-paedophile-nabbed>
- Radio Netherlands Worldwide; *Dutch paedophile fined Gambia*;  
<http://www.rnw.nl/english/bulletin/dutch-paedophile-fined-gambia>

### **Jerry K. and Johan T.: 24 girls abused in Brazil**

Two Dutch brothers-in-law were arrested in Brazil on 27 September 2002 on suspicion of abusing 24 underage Brazilian girls. The Brazilian police tracked them down through a Canadian photographer who had been apprehended for making child pornography in Novo Friburgo, a small town close to Rio de Janeiro. The Canadian was taking the photos for the Dutch pornography company Dutch Adult Entertainment, owned by brothers-in-law K. and T. The police found 8,850 child pornography photos of 24 under-age Brazilian girls urinating on one another and using pornographic sex toys. The youngest of the children was twelve.

A few months before, on 8 April 2002, the police in Alkmaar received a report from the regional police service about a local company displaying child pornography on a commercial sex site. This case was 'shelved' and not given priority because the children concerned were between 14 and 18 years old. On 1 October 2002 the police in Alkmaar were finally informed of the arrest of the two Dutch child pornography manufacturers in Brazil. The police then launched an investigation and found 10,000 images of child pornography when they raided Dutch Adult Entertainment.

After eleven months in custody, the Brazilian judge released K. and T. on 29 August 2003 under the condition that they remain in the country. Their passports were confiscated and they were required to report to the police each week. On 5 December 2003 the men were sentenced for three crimes: establishing a criminal organisation; falsifying identity documents and taking multiple photographs of children and youngsters in pornographic positions. They were given prison sentences of eleven and eight years. The Public Prosecutor felt that their sentences were too lenient and appealed. The Dutch criminals were allowed to await the outcome of the appeal in freedom. It did not take long for the pair to flee to the Netherlands through Paraguay using two emergency passports which they had obtained from the Dutch embassy in Rio de Janeiro. They were released once they reached the Netherlands. A diplomatic row broke out between the Netherlands and Brazil. Brazil asked for the pair to be extradited, but the Netherlands refused because there was no extradition treaty in place.

The case came to light again in a Zembla broadcast, resulting in a parliamentary debate. On 24 October 2006, K. was finally sentenced to a nine month suspended sentence and 240 hours of community service. Joint defendant T. was not sentenced because of lack of evidence. Charges were based on three of the twenty-four abused Brazilian girls. The police said that they could not produce any evidence that the other victims were minors. The Public Prosecutor in the Netherlands appealed against the low sentences. The brothers-in-law also appealed. In April of 2008, K. and T. were sentenced in absence by the Brazilian federal court to prison sentences of 21 and 18 years. The Dutch House of Representatives then demanded that a treaty be drawn up between the Netherlands and Brazil and that K. and T. should still complete the Brazilian sentence in the Netherlands.

Once released, the Court in Alkmaar once more sentenced K., together with his wife, on 17 March 2011, to a six month suspended sentence for the possession and distribution of pornographic material involving girls from Russia and the Ukraine. K. was not imprisoned for the crime because the case against him and his wife had been running for more than eight years. The pair were also sentenced in 2006 but the case was declared invalid

by the court in Amsterdam because the writ of summons had not been in order. The Brazilian part of the child pornography case was not formally considered in the final judgement.

- Zembla 02-09-2004; *Sex tourism in Brazil*;  
<http://www.onlinedocumentaires.nl/documentaire/sekstoerisme-brazili%C3%AB>
- NRC 10-04-2008; *Dutch man denounced for child porn case in Brazil*;  
<http://vorige.nrc.nl/article1874623.ece>
- Trouw 10-04-2009; *Complex child porn case in new phase*;  
<http://www.trouw.nl/tr/nl/4324/Nieuws/archief/article/detail/1604530/2009/04/10/Complexe-kinderpornozaak-in-nieuwe-fase.dhtml>
- Reformatorisch Dagblad 17-03-2011, *Suspended sentence for Jerry K. for child porn*;  
[http://www.refdag.nl/nieuws/binnenland/voorwaardelijke\\_straf\\_jerry\\_k\\_om\\_kinderporno\\_1\\_540405](http://www.refdag.nl/nieuws/binnenland/voorwaardelijke_straf_jerry_k_om_kinderporno_1_540405)

### **Benno L. – swimming teacher in Kenya**

On 26 May 2011, swimming teacher Benno L. was sentenced on appeal in the Netherlands to six years imprisonment for the abuse over many years of dozens of handicapped children aged between six and sixteen at the private swimming pool where he gave lessons in Den Bosch. L. was sentenced on two counts of assault, 33 cases of sexual abuse, making and possessing child pornography and secretly photographing children.

A broadcast by Netwerk in November 2009 raised suspicions that he had also committed sexual abuse of children during his stay in Kenya in 2007. He gave lessons to children there at a private swimming pool in Kenya's Diani Beach. This happened in the same period as the abuse of children in the Netherlands. In Kenya, L. approached the organisation Children's Horizon, which runs projects for mentally handicapped children, and a number of schools, offering to give the children swimming lessons. Neither the Netwerk report nor a police investigation found any indications that L. Had also abused children in Kenya.

What is notable about this case is that during the investigation into L., the Dutch Public Prosecutor did not inform the Kenyan authorities about the suspicions of child abuse by L. in the Netherlands because they had no firm indications that L. had also committed sexual offences in Kenya. However this led to some commotion in the Dutch House of Representatives. Fred Teeven and Kadija Arib said in the Netwerk broadcast that they found it questionable that the Public Prosecutor had not sought contact with Kenya. The house asked minister Hirsch-Ballin for an explanation. Teeven and Arib believed that the Dutch should have involved the Kenyan police in the investigation and that there should have been closer collaboration in order to get the facts on the table and include any possible cases of abuse in Kenya with the Dutch conviction. There is a very real chance that L. went to Kenya to abuse even more victims there, but this has never been proven.

- Netwerk 04-11-2009; *What did paedophile swimming teacher Benno L. get up to in Kenya? The African tracks of swimming teacher Benno L. of Den Bosch*;  
<http://dokument.ncrv.nl/ncrvgemist/netwerk-237>

### **Amir I. – without problem to Brazil**

On 29 March 2011 the 37-year-old Israeli/Dutch Amir I. was sentenced by the court in Haarlem to three years in prison of which 18 months suspended. He was found guilty of running the paedophile forum boylover.net on which large volumes of child pornography were exchanged, possessing child pornography and abusing a fourteen-year-old Brazilian boy. I. himself admitted in the courtroom that he had abused seven boys. I. had previously been treated for his paedophile inclination. Despite this, he was able to travel without problem to Brazil where he abused children. I. was seen as the biggest linchpin in a worldwide child pornography network.

- Spits Nieuws 15-03-2011; *Amir I abused Brazilian street kids*;  
[http://www.spitsnieuws.nl/archives/crime/2011/03/amir\\_i\\_misbruikte\\_braziliaanse.html](http://www.spitsnieuws.nl/archives/crime/2011/03/amir_i_misbruikte_braziliaanse.html)

#### **Wilhelmus W. – orphanage in India**

On 26 May 2011, the 58-year-old Dutchman Wilhelmus W. was sentenced by a court in Chennai, in the south east of India, to ten years in prison for kidnapping, child pornography and child abuse. W. was arrested in 2009 following pointers from Interpol and a British action group against child pornography.

W. had lived in India since 1980 and ran the 'Little Home' orphanage in a suburb of Chennai. W. had already been arrested in India in 2002 but was released on bail. In February 2013, W. died in prison of an asthma attack.

- De Aziatische Tijger 15-02-2013; *Dutch man dies in Indian prison*;  
<http://www.aziatischetijger.nl/2013/02/15/nederlander-overleden-in-indiase-gevangenis/>
- Nu.nl 27-05-2011; *Dutch man found guilty in India of child pornography*;  
<http://www.nu.nl/buitenland/2525973/nederlander-veroordeeld-in-india-wegens-kinderporno.html>

#### **Arthur P. – Property magnate in Limburg and king in Ghana**

The Ghanaian vice squad has been carrying out a criminal investigation into the Dutchman Arthur P. since the end of 2010. P. is a property magnate from Limburg with a castle in Belgium, and was crowned king of the small state of Somey in Ghana. He acts as a magnanimous development worker and has close ties to Ghanaian politics, the elite and the drugs world.

P. is suspected of child abuse. Getting involved in the case, the vice squad handed the case over to the Attorney Generals Department, part of the Ministry of Justice, in June of 2011. The director of public prosecutions then went over all the files associated with the case and judged that the evidence to-date is sufficient to press charges and arrest P. When P. is apprehended he will initially be accused of sexually abusing an underage girl. It is possible that this suspicion is later be extended to several girls. It all centres around the underage girl Georgina whom P. met in 2001 during his coronation in one of the poorest areas in Ghana. Georgina's father was dead and her mother was unable to care for her following a major stroke. P. adopted Georgina and paid the woman who owned the house where Georgina lived money for her subsistence and school fees. When Georgina and her cousins visited P. at his African Royal Beach Hotel, he abused them.

In April 2011, an arrest warrant was issued against P. He appeared to have ties with the drugs world. In the civil case that Georgina brought against P., the drugs baron Abbas - who had been acquitted on appeal - acted as the defence for P. Abbas also ensured that P. was released again following the arrest warrant. Officially speaking, it is not possible for someone suspected of child abuse to be released on bail, but that happened in this case. Abbas also ensured that P., despite the ongoing police investigation, was able to travel in and out of Ghana whenever he wanted.

In the meantime, P. tried various ways to get Georgina to withdraw her statement. He sent people after her so that she was forced to change school and get a new telephone number. In January, he even managed to bribe Georgina's own lawyer. The lawyer enticed the girl into his office under false pretence in order to tone down her accusations of abuse. He also paid 2000 Cedi (almost 1000 euro) into her bank account in an attempt to settle the matter. On the day of the judgement in absentia in the civil case, P. and his lawyer did not show up. The judge therefore decided to adjourn the case.

The case can only be brought before the judge if P. is detained in Ghana because the Netherlands has no extradition treaty with Ghana. However Ghana can ask the Netherlands to take over a legal case. At the beginning of 2011 two Dutch police officers visited Ghana in connection with the case but cut off any further investigative activities because not enough hard evidence could be gathered during the police mission to Ghana. Ghana has not yet submitted a request for legal assistance to the Netherlands. Unless P. is detained in Ghana or other travel restriction are imposed on him, he is free to travel and the Netherlands cannot deny him access.

- Nieuwe Revu 25-07-2012; *Dutch property magnate Arthur Paes suspected of child abuse in Ghana*;  
<http://www.revu.nl/nieuws/de-val-van-koning-arthur/>
- Nu.nl 14-07-2012; *Ghana looking for Dutch man because of sexual offence*;  
<http://www.nu.nl/binnenland/2858738/ghana-zoekt-nederlander-ontucht.html>
- Information from own sources

### **Gert V. – child abuse in Bangladesh**

On October 4, 2012, 60-year-old Gert V. was sentenced on appeal by the court Arnhem to 240 hours of community service and a fifteen month suspended sentence for the abuse of six children in Bangladesh between 2001 and 2005. Two years before, V. had been sentenced to one year in prison imprisonment and a six month suspended sentence. The court demanded a longer unconditional sentence because of the length of duration of the abuse. However the final punishment was lowered because the case had dragged on for years which meant that the reasonable term had been exceeded. V. had left for Bangladesh in 2000 and set up a shelter on the outskirts of Dhaka. In the Netherlands, the Dacca Home Foundation was set up to financially support the work of V. The number of shelters quickly grew to five. V. was general manager of the project and the homes. He appointed the staff and decided on the acceptance policy for children.

Around 2003, serious rumours came to light in Bangladesh that V. was involved in the sexual abuse of children in the shelters. In December of 2003, a Dutch church minister spoke to a manager and a boy from one of V.'s homes. One of the questions the minister was asked was: "Do Dutch Christians have sex with children?" During this same conversation it became clear that V. had had sex with many of the children. The minister did nothing with this information. A manager at the shelter paid a local official a considerable sum of money to keep the information under wraps. V. himself asked the minister and his wife to pray for him and his complex sexual feelings.

Two years later, further rumours emerged that V. was abusing children. Both children and managers at the shelters told a serving volunteer about V.'s abuse. The woman informed the organisation's management board and launched an investigation at their request. The investigation involved conversations with the children concerned. She sent the information derived from the conversations to the management board through e-mail.

In light of these findings, the organisation recalled V. back to the Netherlands in August of 2005. Once in the Netherlands, V. admitted to various people, including board members, that he had committed sexual offences against several children. On 19 August 2005 V. turned himself in to the police and made a statement that he had committed sexual offences against some six under-age boys from the shelter. After consultation with the Public Prosecutor, it was decided on 23 August 2005 that the police would conduct further investigation.

An official complaint was submitted on 19 September, 2005. Several witnesses were heard in the following months. In the meantime, V. saw an opportunity to flee to Nepal where he had set up an orphanage once more.

On 21 March 2006 the public prosecutor submitted a request for legal assistance to Bangladeshi authorities asking for permission to continue the investigation locally. In February and March of 2007, more witnesses were heard. On 6 March 2007, V. was finally arrested and taken into custody. Until November 2007, the public prosecutor repeatedly reminded the Bangladeshi authorities about the request for legal assistance previously submitted. By 13 February 2008 there had been no response. Finally, the police and the public prosecutor decided to ask the court in Arnhem, under the guidance of the magistrate, to continue the investigation in Bangladesh.

V. was summoned to appear at the court session on 7 April 2009. The court then referred the case to the magistrate for the hearing of large number of witnesses, most of them residing in Bangladesh. However the Bangladeshi authorities did not comply with the Dutch request and the witnesses in Bangladesh did not testify. However four witnesses appeared before the court in the Netherlands.

During the court ruling on 4 October 2012, it was established that too much time had elapsed between the hearing of witnesses on appeal and the substantive handling of the case on appeal. The lack of a legal assistance treaty between the Netherlands and Bangladesh and the lack of willingness on the part of the Bangladeshi authorities to collaborate in providing witness testimony were crucial in the delay. Had the case not taken so long, V. would have been given a longer prison sentence, according to the court. The Court also does not exclude the possibility that V. may come in contact with children again.

- Volkskrant 13-12-2012; *Child sex tourism. Boys in Cambodia.*
- Court report, judgement 12 October 2012
- Volkskrant 23-03-2007; *Bangladesh child abuse suspect walks free;*  
<http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/934941/2007/03/23/Verdachte-kindermisbruik-Bangladesh-komt-vrij.dhtml>
- Elsevier 06-03-2007; *Bangladesh child abuse suspect arrested;*  
<http://www.elsevier.nl/Nederland/nieuws/2007/3/Verdachte-kindermisbruik-Bangladeshopgepakt-ELSEVIER114845W/>

### **Bas R. – child aid project in Cambodia**

On 22 October 2011, the 38-year-old Dutch man Bas R. was arrested in the tourist spot Siem Reap, Cambodia. He was charged with the sexual abuse of five children between the ages of 7 and 13 who had been placed under his care at the NGO *Generation Next Cambodia* in the Kokchak community in Siem Reap. On 23 October 2011, he was brought before the provincial court. On 7 December 2011, he was released on bail.

Already in 2004 R. had been convicted by the court in the Hague and given a suspended jail sentence of one year (with a three year probation period) for the sexual abuse of an underage boy at the sailing school where he taught. The judge sentenced him to 240 hours of community service and set the condition that R. must undergo treatment during his probation period and would not give sailing lessons to children between the ages of 6 and 14. According to the 2004, rehabilitation report, R. recognised that he “had paedophile feelings” and his likelihood of recidivism was considered high. In June 2005 R. was found to be giving sailing lessons again and landed in jail for six months. He was released in January of 2006 and in 2007 it came to the fore that he had simply continued to work as a sailing instructor. Peter R. de Vries made a TV programme about it. R. tried to continue his sailing lessons but he was unable to after the Peter R. de Vries episode. In November of 2009, R. boarded a flight for Thailand and went on to Cambodia where he established a child aid project. There he had unrestricted access to children and no checks were carried out. Partly based on the evidence obtained by APLE, a Terre des Hommes project partner in Cambodia, R. was re-apprehended in October of 2011.

It is noteworthy that R. was issued a new passport by the Dutch embassy in Bangkok on 3 November, 2009. It is not known whether at the time the embassy was aware of R.'s earlier conviction in the Netherlands or whether it looked into R.'s background and his purpose for being in the region before issuing the passport.

Following R.'s arrest, APLE asked the liaison officer in Bangkok to forward R.'s file to the Cambodian National Police to support the criminal proceedings. The liaison officer said that he was aware of R.'s previous conviction in the Netherlands, but could not agree to APLE's request to pass the file on to the Cambodian authorities. He said that he could only do this at the request of the Cambodian police who, for reasons that remain unclear, were reticent about formally contacting the Dutch embassy. APLE suspects that the Cambodian court and prosecutor were bribed by R. and therefore they did not ask for R.'s previous conviction in the Netherlands as requested by APLE.

After the judge released R. on bail on 7 December, 2011, he was free to bribe four of the five victims and their families. As a result they withdrew their statements. When the case went to trial on 27 August, 2012 only one victim remained, a 7 year old girl who witnessed against R. The judge did not consider her statement to be credible because she changed her story several times. R. was acquitted on 29 August, 2012 due to lack of evidence.

- Trouw 06-09-2012; *Cambodia's appeal to paedophiles*;  
<http://www.trouw.nl/tr/nl/4496/Buitenland/article/detail/3311988/2012/09/06/Cambodjaaaantrekkelijk-voor-pedo-s.dhtml>
- Trouw 31-08-2012; *Outrage in Cambodia over acquittal of Dutch paedophile*.
- Volkskrant 30-08-2012; *Bas R. acquitted of child abuse Cambodia*.
- Volkskrant 10-08-2012; *Paedophile Bas R. before judge in Cambodia*.
- Information from own sources, including APLE reports and correspondence

### **Henk de G. and Hermine de G. – abuse and ill-treatment in Suriname**

On 17 October 2012, the 50-year-old Dutch missionary Henk de G. was sentenced in Suriname to six years in prison for the abuse and ill-treatment of young children in the Christian children's home Lobi-Blesi. His wife Hermine was sentenced to four weeks' detention, of which two suspended. Because they had already been held in custody, they were released immediately. De G. and his wife were arrested in April 2011.

The Surinamese Public Prosecutor had requested acquittal. De G. was also convinced that he would be acquitted. While in custody, he travelled to the Netherlands because his father was ill. He then returned voluntarily to Suriname.

De G. is a former marine who lived in Suriname since 2008. Together with his wife he ran a children's home in Tamanredjo, in the Commewijne district, for the Christian organisation 'Opdracht tot Wereldzending'. The couple had been sent to Suriname as evangelists by the evangelical community in Lisse (near Leiden) in the Netherlands. The case caused a lot of commotion in Suriname. The couple denied the charges and legal psychologist Peter van Koppen also prepared a negative report on the reliability of the witnesses. He called the children's statements improbable and said that the police's way of questioning the witnesses was suggestive. Some people claim that there was a smear campaign and that De G. was falsely accused by an old friend of his, the journalist and presenter Jan Smulders, in revenge for Smulders not being permitted to join the management board of the children's home.

The case is part of the discussion about the lack of control over children's homes and private aid initiatives. There was no check on how children were treated at De G.'s children's home.

- Volkskrant 17-10-2012; *Dutch man sentenced to 6 years' imprisonment in Suriname*;  
<http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/3333245/2012/10/17/Nederlander-krijgt-6-jaar-cel-in-Suriname.dhtml>
- EO De Vijfde Dag 18-10-2012; *Henk de Graaf conviction totally unexpected*  
<http://www.eo.nl/tv/devijfdedag/artikel-detail/veroordeling-henk-de-graaf-totaal-onverwacht/>

### **Richard B. – fled to the Philippines thanks to self-reporting procedure and new passport**

Richard B. was sentenced on 11 March 2008 to a two years detention, of which one year suspended, for sexual offences with a niece and two nephews. He was also required to undergo therapy because there was a good chance of a repeat offence. Richard B. appealed and was allowed to await the outcome in freedom. His victims warned the authorities that B. intended to flee to the Philippines in order to marry there and set up a business. The judiciary said that nothing could be done about B.'s threats for departure because the appeal still had to take place.

On 24 December 2008, B. withdrew the appeal. The public prosecutor decided to impose a self-reporting procedure on him because there were too few concrete indications that there was a danger of him escaping. On 17 February 2009 B. obtained a new passport without difficulty from the local authority civil affairs counter. On 25 February 2009 B. fled the Netherlands and travelled to the Philippines where he started working for a Dutch organisation on the island of Cebu and had a lot of involvement with children. The police placed B. on the telex.

On 31 August 2012, a 17-year-old boy who B. knew via the organisation filed a complaint of sexual abuse. RTL caused great commotion about the case in the media.

- NRC 15-11-2012; *Escaped paedophile again abuses underage boy*;  
<http://www.nrc.nl/nieuws/2012/11/15/gevluchte-pedofiel-richard-b-misbruikt-pnieuwminderjarige-jongen/>
- RTL Nieuws 01-10-2012; *Parliament wants explanation regarding escaped paedophile Richard B.*; <http://www.rtlnieuws.nl/nieuws/binnenland/kamer-wil-opheldering-over-gevluchte-pedorichard-b>

### **Vitório N. – Dutch consul in Brazil**

On 24 November 2012 the Dutch media, including *RTL news*, reported that the Dutch honorary consul in Manaus. Vitório N. was suspected of child abuse. He was probably part of a large (child) pornography network in Manaus. A total of eight people were arrested as part of *Operacao Estocolmo* in Manaus, but the consul was not arrested. The Ministry for Foreign Affairs is aware of this case. The honorary consul has held the role since 1 March 2012. Prior to his appointment, a background check was carried out according to the Ministry. An honorary consul is not employed by the ministry, this is an unpaid honorary role for which only expenses are paid. Honorary consuls have limited tasks and authority compared with professional consuls and professional diplomats. The investigation began in May 2012 after a girl said that she had been raped.

- Nieuws.nl 11-01-2013; *Dutch consul out over child pornography investigation*;  
<http://www.nieuws.nl/binnenland/20130111/Nederlandse-consul-weg-om-kinderporno-onderzoek>

### **Stefan B. – Cambodia**

On 13 December 2012, Dutchman Stefan B. was sentenced by the court at Schiphol for child sex tourism. This was the second time that a Dutchman who had committed sexual offences against children outside of the Netherlands (according to article 5 paragraph 1(3) Sr) was tried in the Netherlands. B. regularly travelled to

Asia where he donated money to poor families so that the children could attend school. He apparently also took photos of adolescent boys when they were swimming, zooming in on their genitals. He personally did not see it as child pornography; the police did.

In early 2012 B. was arrested at Schiphol with thousands of child pornography photos and films in his suitcase. He was also suspected of having abused children himself. One film shows a man, presumably B. because of a recognisable pair of green trousers, being pleased by a boy. Because the boy's identity and age were difficult to determine, it was hard to prove B.'s abuse in the Netherlands. B. was finally sentenced to twenty months imprisonment, of which eight months suspended, for the possession, importing and making of child pornography. He was also required to undergo treatment at a mental health care institutions and have his computer regularly checked by social rehabilitation. B. had spent nine months in custody in the small prison at Schiphol. The Public Prosecutor demanded two years in detention.

- Volkskrant 13-12-2012; *Child sex tourism. Boys in Cambodia.*

#### **Maurits D. – Caught in the act in Cambodia**

Thanks to firm indications from APLE in Cambodia, the 41-year-old Dutch man Mauritz D. was arrested by local police in Sihanoukville on 4 January 2013 for the abuse of three children between twelve and fourteen years of age. D. came to the attention of APLE agents because he was spending time in places where a lot of street children gathered. He was caught in the act when he was just about to abuse a child at the beach in Sihanoukville. The case is currently being dealt with by the Cambodian police. It will take roughly six months before his case comes to trial. Until then, D. will probably remain in custody.

- Volkskrant 08-01-2012; *Dutch man arrested for use of children.*
- Information from own sources including APLE reports and correspondence

#### **Jan V. – Balinese children abused for a dollar**

On Bali on 30 August 2013, the 58-year-old Dutch man Jan V. was sentenced on appeal to four years behind bars for the abuse of four girls between nine and twelve years of age on the Indonesian island. He was alleged to have given the children around one dollar in exchange for sexual services. He was detained in the Buleleng district at the end of September 2012. V. was a board member of the 'Steun Kinderen Indonesië' organisation. The management board's response was one of shock and complete disbelief in his arrest. According to the organisation, there had never been any signs of undesirable behaviour. The organisation's activities have been put on the backburner.

- Nederlands Dagblad 30-08-2013; *Higher sentence for paedophile from Zeeland on Bali;*  
<http://www.nd.nl/artikelen/2013/augustus/30/hogere-straf-voor-zeeuwse-pedofiel-op-bali>
- NOS 23-04-2013; *Detained for child abuse on Bali;*  
<http://nos.nl/artikel/498793-celstraf-voor-kindermisbruik-op-bali.html>
- Information from own sources

**terre des hommes**   
**stopt kinderruitbuiting**