



Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire).

Stichting Misbruikt!¹ (Foundation Abused) represents the interests of children and persons who have been sexually abused in childhood.

The Foundation is grateful for the invitation to speak at the 41st meeting of the Committee of the Parties ("Lanzarote Committee") to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on Thursday 15 February 2024 on the subject of organized sadistic sexual abuse of children in The Netherlands.

We are aware that this monitoring round is primarily on legal frameworks in the Circle of Trust, but after our conversation on January 18th 2024 we have decided to make our written remarks on both the legal framework and the policy regarding the protection of the sexual integrity of children in The Netherlands.

I will start with an introduction.

On December 22nd 2022 the Committee Hendriks² issued a report on organized sadistic sexual child abuse in The Netherlands. The conclusion of the Committee was that it is undisputed that this kind of sexual abuse exists in The Netherlands. The committee describes this kind of abuse as starting at a young age, mostly continuing over several years, sometimes into adulthood. Often members of the family are directly or indirectly involved in the abuse. The sexual abuse is always paired by physical abuse or neglect. In many cases the sexual abuse was intergenerational: parents had been victims themselves. Many victims, according to the Committee mention religious or satanic rituals. Several victims speak of pregnancies, and many speak of severe cruelty and violence. Examples of cruelty are being tied up, having to hurt other children, being drugged, being kept under water, or getting electroshocks. Again, this was described as occurring within the family, sometimes the extended family, sometimes in the context of a village. All victims speak of networks, mostly national, occasionally international. They speak of mind control, being controlled, and threatened by the network. And to be clear, this is not about two or three perpetrators collaborating, this is about truly organized crime.³

As such, this form of sexual abuse can be qualified as taking place within the Circle of Trust. Victims explicitly say that the very people who should protect them were the ones who abused them. Child abuse images are made and sold, sometimes the child is sold for sexual purposes. Money is involved, a lot of money, and organized sadistic sexual abuse has

¹ <https://misbruikt.nl/>

² https://misbruikt.nl/wp-content/uploads/2022/12/Eindrapport_Commissie-Hendriks.pdf

³ We see proof of this existence on the dark net.

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elements of human trafficking. It should be noted that this kind of sexual abuse should be seen and tackled as organized crime.

Strangely enough the conclusion of the Committee did not lead to any commotion. The media did not pick it up as relevant. The Committee's report is planned to be discussed in March this year in Parliament. Although the Committee had similar testimonies from nearly 40 victims, the police was not questioned why there had not been any prosecutions or successful investigations but volunteered that probably this was due to inadequate testimonies of the victims. We see this as a form of victim blaming, maybe not for the occurrence of the abuse itself, but definitively for the fact that successful police investigations had not taken place.

When cases of an extraordinary nature are reported to the police, the Prosecution has issued a special instruction on how to proceed. Such extraordinary nature can be sexual abuse with ritual aspects, or recovered memories, abuse before the age of three or abuse after divorce of the parents.⁴ In those cases a specialized team, the so-called LEBZ, a federal group of experts on special vice cases, consisting of police coordinators and behavioral experts, study all aspects of the case, preferably before a possible perpetrator is investigated. The implicit purpose of this instruction was to prevent people accused of sexual abuse from being arrested too lightly. The LEBZ was created for this purpose by the Board of Attorneys General. The LEBZ is a multidisciplinary group of experts who can be called in by the public prosecutor to assess the veracity of certain operational sexual offense cases at a relatively early stage.⁵

Where we evidently agree that people should not be accused lightly, we nevertheless question the emphasis on the protection of this interest as opposed to the protection of child victims of extreme and serious sexual abuse, specifically given the data on false accusations versus the data on children being sexually abused within the circle of trust.

There have been serious complaints about the prejudiced perspective of the professionals working for the LEBZ resulting in a research project in the working methods of the LEBZ. There are several examples of prejudice concerning the veracity of reported sexual abuse crimes, the most recent being a quote from Peter van Koppen, full professor emeritus of Legal Psychology in a Spanish documentary on this subject. He called the LEBZ an institution unique in the world as it advises the prosecutor's office in the matter of investigation needed. Its advice is not binding but the advice has to be added to the casefile.

⁴ <https://wetten.overheid.nl/BWBR0029026/2011-01-01#Bijlage3>

⁵ idem

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“People refrain from going to the police to accuse a father because they know they will be scrutinized by a critical committee and their case would not pass the filters of such an institution”.⁶

As to recovered memories, Van Koppen believes that these are always false and says so with great authority.

We have heavily criticized the outcomes of this research project.⁷ We advised the minister of Justice and Security to task the Dutch National Rapporteur on Human Trafficking and Sexual Violence against Children explicitly with the subject of organized sadistic sexual child abuse. The Rapporteur regards this form of abuse as serious requiring a stronger response in which the protection of children against these types of practices is given priority, also on the political agenda.⁸ She sees this as part of her mandate. She has as yet not spoken publicly on the validity of the reports on this issue.

Concerning the protection of child victims of organized sadistic sexual abuse there are several complicating issues. The first one is that the police generally do not consider children under four years of age as reliable witnesses in any way. Whereas the police interviews children in interview rooms specially catered to children under 12, two and three year old's are generally not among those. This severely handicaps the protection of the sexual integrity of these young children. The second problem is that victims who file a report are not given a copy of their own statement. Should the case go to court, the prosecutor and the defendant and his/her lawyer have a copy of the report, but the victim and his/her lawyer do not. This hinders the equality of arms. And thirdly, in cases of organized sadistic sexual abuse, statements of victims are not regarded as evidence, even when several or many victims name the same persons as perpetrator this is not viewed as evidence. The stories are evidently so gruesome and bizarre that the general response by the police, the LEBZ or the prosecution is that these statements are figments of the imagination. It is to be expected or hoped that the findings of the Committee Hendriks will change the attitudes of police and LEBZ.

So far however, nothing has changed since the findings of the Committee Hendriks, and nobody has been held accountable. We are hopeful that the debate in Parliament next March will bring about a change for the better.

⁶ <https://www.ccma.cat/3cat/crits-silenciats/video/6248057/>

⁷ <https://misbruikt.nl/wp-content/uploads/2023/10/Reactie-van-stichting-Misbruikt-op-het-onderzoeksrapport-Onderzoek-taken-en-taakuitvoering-LEBZ.pdf>

⁸ <https://www.nationaalrapporteur.nl/actueel/nieuws/2023/09/07/meer-lef-en-ambitie-nodig-in-aanpak-mensenhandel-en-seksueel-geweld-tegen-kinderen>

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