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Doc. 12897
10 April 2012

No prosecution of the Dutch association Martijn

Reply to Written question[1]: Written question No. 602 (Doc. 12694)
Committee of Ministers

1. In reply to the Honourable Parliamentarian's Written Question No. 602, the Committee of Ministers observes that according to information received from the Dutch authorities, the Netherlands considers that it has implemented the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Convention", CETS No. 201). The Dutch Government underlines that combating sexual exploitation of children is a priority. At the same time, freedom of association is a fundamental right that should not be set aside lightly. However, if an association violates the law, the courts can be asked to dissolve it and declare it illegal.

2. On 5 September 2011, the Minister of Security and Justice of the Netherlands sent a letter to the Dutch Parliament answering questions by some of its members (including Mr Omtzigt), that were very similar to the question posed to the Committee of Ministers. In the letter, the Dutch authorities stated that the association was being closely monitored to ensure that if it broke the law, the necessary measures would be taken in accordance with Dutch law and the Lanzarote Convention. The Committee of Ministers was later informed (29 November 2011) that the Dutch public prosecution service decided to file a petition with the civil court to declare the association illegal and dissolve it.

3. The Committee of Ministers wishes to inform the Honourable Parliamentarian that although it can of course discuss the work of the Committee of the Parties of the Lanzarote Convention at a general level, the Committee of Ministers as such is not part of the monitoring system provided for by the Convention. This is based on one body, the Committee of the Parties, composed of representatives of the Parties to the Convention, including representatives of the Parties that may accede to the Convention under Articles 45 and 46 (Chapter X of the Convention).

4. Finally, the Committee of Ministers reiterates its strong support for the Lanzarote Convention as a major instrument to combat sexual abuse and sexual exploitation of children. As foreseen in the Convention, all parties should, in addition to the necessary legislative measures, promote and conduct awareness-raising campaigns. The Committee of Ministers encourages all member States that have not yet done so to ratify the Convention as soon as possible.

1. 2012 - Second part-session