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Violation of the Lanzarote Convention by the Netherlands

Written question No. 631 to the Committee of Ministers
by Mr Luca VOLONTÈ, Italy, Group of the European People's Party

On 18 March, the Committee of Ministers sent disappointing answers in reply to the written question no. 621 by Mr Volontè on a "Serious violation of the Lanzarote Convention by the Netherlands". The accused civil servant was, until his retirement, the highest civil servant in the Department of Justice and as such wielded substantial influence both on the nomination of prosecutors and on the nomination of judges. He has been accused by two Turkish men, who say that he raped them.

Despite this accusation and despite numerous other allegations of paedophilia, the Dutch Government never published his secret service screening, never sent him home with paid leave to do an investigation and the public prosecutor never officially started a prosecution. The Committee of Ministers last time evaded the question of their own opinion and just referred to the fact that the Dutch authorities themselves thought that they had properly investigated the case in question, even though there has never been an official investigation in the sense of the Dutch Code of Criminal Procedure.

In the light of the serious accusation of the victims, that they were raped and sexually abused by J.D. when they were only 12 and 14 years old, as well as regarding the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS no. 201, "Lanzarote Convention"), which guarantees the protection of the rights and safety of victims of such child abuse and which tries to ensure this by obliging member States to avoid contact between victims and perpetrators within court and law enforcement agency premises (article 31 sub. 1.g),

Mr Volontè,

To ask the Committee of Ministers:

– does the Committee of Ministers agree that with regard to these serious allegations, an investigation should have taken place without the accused staying in his position as the highest civil servant of the Department of Justice of the Netherlands, as happened in this case?

– does the Committee of Ministers agree with the Government of the Netherlands, which considers that it has properly investigated the case in question?

– is the Committee of Ministers prepared to ask the Dutch authorities to consider opening a full and really independent investigation, possibly with international experts?

– is the Committee of Ministers willing to ask the High Contracting Parties of the Lanzarote Convention to evaluate whether the Netherlands has implemented the convention in law and in practice?