

## TEMPLATE POLICY PAGE

<b>Category:</b>	<b>Sexual Crime</b>
<b>Country:</b>	<b>The Netherlands</b>
<b>Year:</b>	<b>/</b>

<b>Main policy page:</b>	<p>The term 'sexual crime' is used to refer to a wide range of situations: from very severe sexual violence to uncomfortable incidents. Sexual violence occurs</p> <ol style="list-style-type: none"> <li>1. in domestic circles: the primary environment</li> <li>2. in the (semi-) public sphere, such as schools, associations or neighborhoods: the secondary environment</li> </ol> <p>On the basis of victim surveys, it can be stated that around 1% of the population over the age of fifteen falls victim to some form of sexual offence every year; for women over the age of fifteen that percentage lies at around 2% of this individual group.<sup>1</sup></p> <p>During the last few years, there has been a particular focus on sexual violence against children and minors. The prevention and sanctioning of this is the responsibility of many social institutions, including those in the field of justice.<sup>2</sup> A general preventative instrument for the prevention of sexual crime is the Certificate of Good Behaviour [<i>Verklaring Omtrent het Gedrag, VOG</i>]. At the beginning of 2007, the requirements for obtaining a VOG became stricter in relation to sexual offences.</p> <hr style="width: 20%; margin-left: 0;"/> <p><sup>1</sup> M. Brouwers and P.R. Smit, Seksuele delinquentie. De prevalentie door de jaren heen [Sexual delinquency. The prevalence over the years], Research and Documentation Centre [WODC], Judicial Surveys, 31st volume, The Hague, 2005.</p> <p><sup>2</sup> E. Leuw, R.V. Bijl, A. Daalder, Pedoseksuele delinquentie. Een onderzoek naar prevalentie, toedracht en strafrechtelijke interventies [Paedosexual delinquency. A study into prevention, the facts and criminal interventions], Research and Documentation Centre, 2004.</p>
<b>Policy page:</b>	<p>A preventative instrument for the purpose of preventing sexual offences is the Certificate of Good Behaviour [<i>Verklaring Omtrent het Gedrag, VOG</i>]. The VOG NP (Certificate of Good Behaviour – Natural Persons [<i>Verklaring Omtrent het Gedrag van Natuurlijke Personen</i>]) may be requested if, for instance, an individual wishes to take up a position of employment.<sup>1</sup> The term 'position of employment' is used in a very broad sense in this context, also covering areas such as voluntary work. In a letter to the Lower House at the beginning of this year (Parliamentary Papers II, 30 800 VI, no. 40), the Minister of Justice announced that the policy rules on sexual crime will be tightened.</p> <p>In so far as sexual offences are concerned, the Central Body for the Certificate of Good Behaviour (COVOG) will no longer issue a VOG to the following individuals under any circumstances<sup>2</sup>:</p> <ol style="list-style-type: none"> <li>1. individuals who, on any occasion during the 10 years prior to the application, were granted a conditional dismissal or were handed down a punishment other than imprisonment or a community service order in respect of a sexual offence, regardless of</li> </ol>

	<p>whether a positive probation report was issued,</p> <ol style="list-style-type: none"> <li>2. individuals who, on any occasion during the 20 years prior to the application, were sentenced to a (non)suspended sentence or a community service order in respect of a sexual offence, regardless of whether a positive probation report was issued,</li> <li>3. individuals who have been sentenced on two or more occasions to a (non)suspended sentence or a community service order in respect of a sexual offence, regardless of whether a positive probation report was issued.</li> </ol> <p>The preventive effect of the VOG starts at the time at which the individual in question becomes aware that a VOG is required for the position or occupation. The individual in question is in a position to judge him or herself whether or not he or she will be granted a VOG and, on the basis of this judgment, may, for instance, decide not to submit a job application or to take part in a tender. Refusal to grant a VOG also has a preventive effect. This means that the individual in question will, for example, not have the opportunity to reoffend in the position for which the VOG has been requested.</p> <hr/> <p>1 The granting of a VOG by the COVOG [Central Body for the Certificate of Good Behaviour] means that an investigation with regard to the behaviour of the natural person or legal entity in question, in view of the risk to society in connection with the purpose for which the certificate has been requested and with due consideration of the interests of those involved, did not reveal any evidence against this natural person or legal entity.</p> <p>2 This concerns roles that involve a relationship of authority or dependence as referred to in Article 249 of the Dutch Penal Code. For the sake of completeness it must be noted that Article 249, paragraph two, does not distinguish between individuals of full age and minors in respect of whom the aforementioned relationship exists.</p>
<b>Relevant legislation:</b>	The Dutch Penal Code, Book 2, Title XIV: Crimes Against Morality.
<b>Trends:</b>	/

<b>Contacts:</b>	<p><b>National organisations:</b></p> <p>The prevention of sexual crime is the shared responsibility of the individual citizens involved (for example teachers and parents) and the social institutions charged with protecting children. Organisations providing (mental) healthcare, social assistance, education and leisure activities must take joint and coordinated action wherever possible in those areas in which sexual violence is identified. As agencies authorised to employ coercive measures in this respect, the police and the Ministry of Justice have a unique and vital role to play, as a means of enforcement or otherwise.<sup>1</sup></p> <hr/> <p><sup>1</sup> E. Leuw, R.V. Bijl, A. Daalder, Pedoseksuele delinquentie. Een onderzoek naar prevalentie, toedracht en strafrechtelijke interventies [Paedosexual delinquency. A study into prevention, the facts and criminal interventions], Research and Documentation Centre, 2004.</p>
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