

# The Re-banning of Pedophile Association 'Martijn'



## Petition

We, the representatives of national and international NGOs, registered with the relevant ministries in the countries we work in and collaborating with the respective governments to combat human trafficking and sexual exploitation especially of women and children; and other concerned organizations and individuals, call on the government of The Netherlands for legislation to prevent the possibility of (organized) advocacy activities violating Article 34 of the United Nation Convention on the Rights of the Child [UNCRC], Article 9 of the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and Article 8 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse [Lanzarote Convention].

## Respect to

Mr. Ivo Opstelten, Minister of Safety and Justice

&

Mr. Fred Teeven, State Secretary of Safety and Justice

**Objective:** Re-banning of pedophile advocacy association Martijn; and a call for legislation to prevent the possibility of advocacy activities violating Article 34 of the United Nation Convention on the Rights of the Child [UNCRC], Article 9 of the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, or Article 8 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse [Lanzarote Convention].

**Reference:** Case number HV 200.113.338/01 at the appeal court of Leeuwarden, The Netherlands.

## **Statement**

We, the initiators and co-signers of the 'Ring the Alarm' petition, hereby demonstrate our concerns by means of organized international petition and protest against the unbanning of the Dutch pedophile advocacy association Martijn, as ruled by the appeal court of Leeuwarden on April 2<sup>nd</sup>, 2013. Martijn was started to offer a network of support for pedophiles and is known for their glorification of sexual relationships between children and adults. Martijn advocates that *“erotic contacts between adults and children of any age, that are pleasurable and consensual, should be accepted by society”*.

The unbanning of Martijn forms a great risk of danger for children in The Netherlands and elsewhere. Although we believe that adults who are sexually attracted to children deserve therapy and help, when they organize themselves and advocate that sexual contact with children is acceptable, this is contrary to art 2:20 of the Dutch Civil Code (art 2.20 BW: A legal person the activity of which is contrary to public policy shall be declared a prohibited legal person and shall be wound up by order of the district court upon the application of the Public Prosecution Service). In addition, the Dutch government ratified the UNCRC, the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Lanzarote Convention, to protect children from sexual abuse and exploitation. These conventions and the optional protocol state clearly that child sexual abuse and exploitation, and advocating for sexual contact between adults and children and child pornography should be prevented by all means. Therefore, even if the banning of Martijn is not possible based on art 2.20 of the Dutch Civil Code, we believe the Dutch government should enact legislation to ban this pedophilia advocacy association and other similar associations.

We who work for organizations that experience first-hand the disruption brought about by active pedophiles and other child molesters on victims, families, communities and society, are deeply concerned by the unbanning of Martijn. Child sexual abuse and exploitation is not only a crime against an individual victim, it also has a severe negative impact on the families and communities confronted with this heinous crime. It is therefore disruptive to the society as a whole. We feel obliged to speak out for those who cannot speak for themselves. This includes children in The Netherlands, and anywhere else in the world, who are at risk of becoming victims of active pedophiles and other child molesters.

## **Appeal**

The unbanning of Martijn has been a travesty of justice and a dark day in the global battle against child sexual abuse and exploitation. With this petition we appeal for the re-banning of Martijn specifically and call to the Dutch Government to enact appropriate legislation to prevent advocacy activities

violating Article 34 of the United Nation Convention on the Rights of the Child, Article 9 of the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, or Article 8 of the Lanzarote Convention. Resulting from the ratification of these treaties, the Royal Government of The Netherlands and the Ministry of Safety and Justice in particular should do everything in its power to protect those most vulnerable and dependent in any society: children. It is not too late to reverse this shameful injustice against children and society.

**Initiated and signed by:**

Action Pour Les Enfants in Cambodia (Nr. 297 OI/MFA/IC)

Operation Bobbi Bear in South Africa (NPO Registration No. 015-208)

## **Background information**

### **About Martijn:**

Martijn was started in 1982. It started with a magazine called Martijn (later renamed as 'OK Magazine') about adult-child (sexual) relationships and from there on an (advocacy) association was founded. From 2006 to 2010, the same people affiliated with Martijn conducted activities to have a political party registered (called the Partij voor Naasteliefde, Vrijheid en Diversiteit – PNVD) for promoting the social acceptance of sexual relationships between children and adults. One of the aims of PNVD is to abolish the age of consent in The Netherlands. In addition, they wanted to allow young people to appear in pornographic productions from the age at which they can legally have sexual relations. Martijn exists to offer a network of support for pedophiles and glorifies sexual relationships between children and adults. Martijn has stated that “*erotic contacts between adults and children, that are pleasurable and consensual, should be accepted by society*”. Not only is Martijn known for their glorification of sexual contact between adults and children, it is also well known, and acknowledged by the courts that ruled in this case, that a number of the (former) members of Martijn are convicted child-molesters.

After widespread protest against this pedophile advocacy association, the public prosecutor decided to request for the banning of Martijn. On the 27<sup>th</sup> of June 2012, the court of Assen banned Martijn. However, on the 2<sup>nd</sup> of April 2013 the appeal court of Leeuwarden reversed this ruling. The public prosecutor has taken this case to the Supreme Court in The Netherlands for a definitive ruling.

### **Legal grounds for re-banning Martijn (and similar organizations):**

We feel that the unbanning of Martijn forms a great risk for children in The Netherlands and elsewhere. We also feel that, through this latest ruling, the Dutch justice system has shown that the freedom of speech of an organization with immoral and dangerous beliefs like Martijn, apparently overrules the physical integrity of children. The appeal court of Leeuwarden recognized the 'glorification of sexual relations with children' but found no legal grounds to uphold the ban on Martijn. The court said that a group which advocates for pedophilia goes against “certain principles in the Dutch criminal system” but argued that the Dutch society is strong enough to withstand such “undesirable statements and abhorrent behavior” without banning it. Furthermore, the convictions of its members in the past could not be directly related to the activities of Martijn.

In the court case against Martijn the judge had to decide whether Martijn violated Article 2:20 of the Dutch Civil Code (art. 2.20 BW: A legal person the

activity of which is contrary to public policy shall be declared a prohibited legal person and shall be wound up by order of the district court upon the application of the Public Prosecution Service). For the judgment whether Martijn can be banned based on art 2.20 of the Dutch Civil Code, two questions rise:

- 1: Does the legal person's presence constitute a serious degradation of essential principles of the legal system?
- 2: If yes, can those behaviors disrupt society?

The appeal court in Leeuwarden decided in accordance with the court of Assen that the first question should be answered affirmative. However, in contradiction to the court of Assen, they did not conclude that Martijn's activities would disrupt society. Although the courts acknowledge Martijn's glorification of sexual relationships between adults and children, the appeal court stated that the Dutch society will have enough resilience to protest against unwanted expressions (that are not punishable by law) and behaviors of organization Martijn. Crucial in this matter was the court's opinion that art 2.20 of the Dutch Civil Code is in place only to protect the interests of society, and not those of children.

The appeal court did not take into account that children form a significant part of society and that they will eventually become the society completely. Children are also the target of the attention of Martijn. Our opinion is that Martijn, by means of glorifying sexual contact with children, disrupts the lives of children. This will consequently lead to a disruption of society.

Even if the Supreme Court decides that there is no ground for the re-banning of Martijn, the Dutch government is obliged to take action. The Dutch government ratified multiple conventions that apply in this matter. First, Article 34 of the United Nations Convention on Rights of the Child states:

*“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

*(a) The inducement or coercion of a child to engage in any unlawful sexual activity;*

*(b) The exploitative use of children in prostitution or other unlawful sexual practices;*

*(c) The exploitative use of children in pornographic performances and materials.”*

We believe that the banning of organizations like Martijn would be considered an appropriate measure as stated in this article of the Children's Rights

Charter to protect children from any unlawful sexual activity and practices. In addition to Martijn's advocacy work for the allowance of sexual contact between adults and children, they also advocate for the acceptance of child pornography. This is a clear violation of the in 2005 ratified UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography which states in Article 9, Clause 5 that:

*“States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.”*

The Lanzarote Convention, which was ratified by the Dutch government in 2010, provides even more convincing evidence that legislation should be installed to re-ban Martijn. Three articles are of importance:

*Article 4 – Principles*

*Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children.*

*Article 8 – Measures for the general public*

*1 Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.*

*2 Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention.*

*Article 18 – Sexual abuse*

*1 Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalized:*

*a) Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;*

*b) Engaging in sexual activities with a child where:*

*– Use is made of coercion, force or threats; or*

*– Abuse is made of a recognized position of trust, authority or influence over the child, including within the family; or*

*– Abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.*

We believe the articles in the Lanzarote Convention provide enough legal grounds to uphold a ban on Martijn and similar organizations.

To conclude, Martijn's advocacy work is disruptive for children and society. It has a harmful impact on society due to their obvious violation of children's physical and sexual integrity simply by their existence. Not only does the Dutch Civil Code provide legislation against groups of this kind, but international conventions, when taken seriously, provide enough ground to introduce new legislation against Martijn and similar associations.

### **Consequences of child sexual abuse:**

Action Pour Les Enfants (APLE) in Cambodia and Operation Bobbi Bear (OBB) in South Africa, the initiators of the “Ring the Alarm” petition are both non-governmental-organizations which experience first-hand the disruptive consequences of child sexual abuse and exploitation. The consequences of this are immense. It is widely acknowledged that sex and sexual contact between children and adults affects the psychological development of a child in a negative way and leads to personality disorders and maladjusted behaviors. There is sufficient evidence that consequences of child abuse are behavioral, emotional, physical, psychological, social, medical, and socio-economical.<sup>1</sup> The negative impact of abuse also applies to and affects the victims’ families, the communities that they live in and, on a bigger scale, the society that they are a part of. We therefore believe that child sexual abuse is not only a crime against the victim, but because of the subsequent suffering of the victims’ families and their communities, it is a crime against society.

According to their own statements, members of Martijn are aware that sexual activities with minors are illegal. A number of its (former) members are convicted child-molesters and have spent (multiple) prison terms for sexual offences with and against minors. However, through Martijn, they advocate that what they did actually should not be considered illegal and that it is even in the best interest of children when free, sexual contact between children and adults is accepted by society and the law. By tolerating an association like this, we fear that the appeal court in Leeuwarden has paved the way for members of Martijn and other pedophiles to organize themselves and pursue further advocacy for normalizing sexual relationships between children and adults. We realize that there is a difference between allowing people and/or an organization to advocate for something what they believe in and actually *practicing* those beliefs. However, we also believe that allowing an organization like Martijn to exist will dangerously decrease the gap between *believing* and *doing*.

There are different reasons why the existence of organizations like Martijn in The Netherlands negatively affects us, the children that we serve and our societies, even though most of us are based in other parts of the world. First of

all, (digital) globalization offers many opportunities for pedophiles to get in contact with and take advantage of vulnerable children all around the world. APLE for instance, deals with sex offenders who travel from all around the world to Cambodia to target children there. OBB deals mostly with sexual abuse within South African communities, but also deals with victims of child pornography, which is in high demand and spread throughout the world. Poverty is a huge contributing factor, which offers sexual predators from richer parts of the world many opportunities to target children in poorer communities. Marthijn Uittenbogaard, one of Martijn's well-known members, stated himself that a member of Martijn made a sex-holiday to the Philipines.<sup>2</sup> Teko van M., (former) Secretary of Martijn, was reportedly convicted twice for child sexual abuse, together with other members of a support group for pedophiles who organized sex-holidays to Tunisia and committed sexual crimes against children there.<sup>3</sup> Poverty and a lack of means within our communities and countries, in combination with weak legal systems, also lower the chances of child sex travelers getting tried and convicted. The existence of an organization like Martijn in The Netherlands is therefore extremely concerning when fighting for the safety and integrity of children. A ban on Martijn (and similar organizations) will send a clear signal to its members, other pedophiles and child molesters that it is not accepted to advocate for sexual contact with children or, even worse, actually abusing or exploiting children (anywhere in the world) for sexual pleasure.

Furthermore, we feel a strong sense of global social responsibility. This leads us to fight for the safety of children all around the world as much as we can. This includes children in The Netherlands, who are at risk of becoming victims of pedophiles. In many ways, the Dutch government, Dutch organizations and the Dutch public have shown a sense of responsibility for the well-being and safety of children in our countries as well. This has been shown to us through Dutch development aid, funding and Dutch volunteers who have assisted organizations like ours all over the world. With the 'Ring the Alarm' initiative we want to show the Dutch government and public that we feel the same responsibility towards the well-being and safety of their children.

With this petition we call on any organization and individual worldwide that deals with and/or is affected by child sexual abuse, to support this petition so that we can send a strong and clear signal to the Dutch government on our stance against the permitted existence of Martijn and similar organizations. Together we can speak out for those who cannot speak for themselves!

### **About Operation Bobbi Bear:**

Operation Bobbi Bear (OBB) is a South Africa based NGO and was started in 1994. OBB exists to fight for the rights and protection of abused children. The organization specializes in issues regarding child (sexual) abuse and (subsequent) HIV (-infections). In dealing with abuse cases, OBB collaborates



with police, hospitals/clinics, social welfare and the courts to ensure the best interests of the child are upheld. The trained Child Safety Officers of OBB assist victims of abuse (and their caretakers/families) through socio-psychological and procedural guidance and counseling, fight for their rights through activism and contribute to prevention of child (sexual) abuse and subsequent HIV-infections through ensuring victims' access to Post Exposure Prophylaxis for HIV and education and training of children and communities. OBB also trains other organizations (including some governmental organizations) on how to effectively deal with child (sexual) abuse and (prevention of) subsequent HIV-infections. In doing so, the organization makes use of unique methods (the Bobbi Bear and the EduToy), which were developed within OBB.

Operation Bobbi Bear deals with 800-1000 abuse and HIV-related cases a year. Through their educational and prevention programmes, OBB reaches about 1000 children per month.

More info on Operation Bobbi Bear:

Website: [www.bobbibear.org.za](http://www.bobbibear.org.za)

Facebook: <https://www.facebook.com/pages/Operation-Bobbi-Bear/107470379371388> and

<https://www.facebook.com/groups/2334114034/>

Twitter: FollowTheBearSA

Documentary: 'Rough Aunties'

### **About Action Pour Les Enfants:**

Action Pour Les Enfants (APLE) Cambodia was started in 2003 and is a child protection NGO dedicated to combating child sexual abuse and exploitation. APLE runs a unique, and one of the largest and most comprehensive, child protection programs to detect, prevent and suppress child sexual abuse and exploitation in Cambodia by local and traveling sex offenders through prevention, protection and promotion of prosecution in Cambodia and abroad. Partnering closely with the Cambodian National Police, APLE assists in the rescue of victims and seeks to rehabilitate and attain justice for victims and their families with a dedicated team of lawyers, social workers and investigators. So far APLE has provided 584 victims with social support and 516 with legal support. Most victims were victimized by traveling sex offenders from Europe and America.

A total of 257 arrests were made in cases that were investigated by APLE. This led to 175 convictions in Cambodia or abroad while 29 cases are still pending. Of all offenders arrested in APLE cases, 27.5% had one or more previous convictions in their countries of origin or a third country. The actual figure will be (much) higher because in 69.5% of the cases, a background check wasn't

conducted or the information could not be retrieved.

More info on Action Pour Les Enfants:

Website: [www.aplecambodia.org](http://www.aplecambodia.org)

Facebook: <https://www.facebook.com/aplecambodia> and  
<https://www.facebook.com/groups/225445060915253/>

Twitter: PROTECTCambodia

Documentaries: 'Hunting down pedophiles' and 'The Pedophile Hunter'

**Footnotes:**

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<sup>2</sup> Uittenbogaard, M. (2011). *Pedofilie - Vereniging Martijn (deel 1)* [Video]. Retrieved May 22, 2013, from:  
[http://www.youtube.com/watch?v=EVyz\\_oSzB4E](http://www.youtube.com/watch?v=EVyz_oSzB4E)

<sup>3</sup> RTL Nieuws (2011). *Veroordeeld bestuurslid: Teko van M.*. Hilversum: RTL Nieuws. Retrieved May 22, 2013, from:  
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