

Statement OBB and APLE

Meeting on Ring the Alarm petition
The Hague, 19 November 2013

We, Seila Samleang, Country Director of Action Pour Les Enfants [APLE] Cambodia, and Jackie Branfield, Founder and Director of Operation Bobbi Bear [OBB] South-Africa are here today as the initiators and representatives of 198 organizations from 51 different countries and almost 2000 individuals who signed the Ring The Alarm petition. All signatories are extremely worried, distressed and plainly outraged by the Appeal Court of Leeuwarden's decision, which reversed the earlier imposed ban on child sex advocacy association *Martijn*. We have come here today not to criticize but to plead with you. We thank you for taking your time to listen to us and allow us to place our petition before you.

First of all, let us explain to you why we feel so strongly about this issue and why we have both travelled 1000's of miles from home to come here and do this. In our organizations, we deal with the devastating effects of child sexual abuse and the leniency towards perpetrators on a daily bases. Our efforts to protect these children and to fight for justice in such cases, is very often frustrated by the many ways in which perpetrators are enabled to carry out the abuse and are directly or indirectly protected from getting punishment for their criminal behaviors. Many perpetrators use sophisticated manipulation techniques to lower the child's inhibitions towards sex, consequently gaining the child's compliance, and preventing the child from disclosing the abuse. Perpetrators always hold power over their victims, in one way or the other. Therefore we feel very strongly about laws and legislation that can protect children from any form of sexual abuse. The only thing that can bring perpetrators to justice and protect children against these manipulations and misuse of power, is robust laws and legislation. We believe the fight to protect children from sexual abuse and to enforce those rights, needs to be fought with our voices, not with our fists. It seems like we have come to the right place to do so.

We focus our fight now on legislation to ban child sex advocacy and *Martijn* specifically. Let us explain how we as children's rights organizations regard the activities of *Martijn* and how we feel such activities pose a risk to children. Based on the expressions made by *Martijn*, we have concluded that with the child-sex advocacy they engage in through their website, video-blogs, media and public meetings and appearances etc., *Martijn* strives towards changes in current society. These changes include the lowering of age of consent for sex between adults and children, the legalization of child-pornography and abolishing laws that allows the juridical system to prosecute child-sex offenders. The fact that *Martijn* strives towards these changes is not necessarily the main problem. We do have confidence the Dutch society and judicial system will show resilience and prevent that from happening. What worries us however is the real risk that, through these repeated messages from *Martijn* that are allowed on broad platforms like tv

and the internet, an atmosphere is created in which the line that determines what is allowed and should be accepted by society is becoming more and more blurred. This especially applies to the group of people that display and support these ideas. Some people portray *Martijn* as nothing more than a self-help group for pedophiles. Based on what we have seen and heard from *Martijn*, we can only conclude that the idea of *Martijn* being a self-help group is nothing more than smoke and mirrors.

The reality and danger lies in the fact that *Martijn* strives to create a climate of acceptance and normalization of sexual relations between adults and children. *Martijn*'s members openly and persistently send out the message into society that there is nothing wrong with sexual contact between adults and children of any age. Within their own group this goes even further. There, sex with children is even glorified and portrayed as something that is actually good for children. For those who experience sexual feelings towards children every day, these arguments are a powerful rationalization which could convince them that their desires are perfectly normal and acceptable and that they don't need help in learning how to deal with these feelings in a way that they won't hurt children.

In the public debate on this topic, the legalisation of *Martijn* is sometimes regarded as an exercise of the mind, as a way to test the limits of our legal system and as an excellent topic to theorize about the freedom of speech. We strongly disagree with this approach as the whole debate is not a debate of theories or definitions. *Martijn* is not about innocent or harmless discussions on pedophilia. It is about the lives, safety and rights of children and the protection thereof. This becomes perfectly clear when we consider the fact that several board-members have been convicted for very serious sexual crimes against children. A shocking example of this is the child-pornography that was discovered of *Martijn*'s former chairman, that featured himself with minors. Apparently all the supposed monitoring of *Martijn* and its members could still not prevent that child-pornography from being produced and children being abused in the process.

We remember that at one point in time, pictures of children from the Dutch royal family were portrayed on the website of *Martijn*. After judicial intervention, these pictures were ordered to be taken off the website, because this was considered to be harmful for them. What we cannot understand is why it would not be harmful for any other child to be portrayed on this type of website, magazine or any other medium by child-sex advocacy groups like *Martijn*. What about their right to be protected from being presented as a sexual object and their pictures being used to sexually arouse adults? Have they been asked for their consent? Have their parents consented to this? We believe not. However, current laws and legislation on these topics are clearly not sufficient to prevent this from happening.

We believe that the activities that *Martijn* conducts are harmful for children and that they should be banned by laws and legislation. Both of the courts that have ruled in the case against *Martijn* so far, have in our opinion clearly confirmed the fact that *Martijn*'s activities are harmful for children.

The first court that ruled in the case against *Martijn*, has **agreed** with the public prosecutor that association *Martijn* promotes:

- 1) that children are an object of lust. The material spread by *Martijn* can have no other intention than to sexually arouse;
- 2) that there is nothing wrong with sexual contact between adults and children and it should be endorsed by parents. Not allowing children to engage in sexual contact with adults is actually damaging for children;
- 3) that sexual contact between adults and children should be glorified and be portrayed as something wonderful and beautiful;
- 4) that convictions and laws for sexual crimes against children are ridiculous;
- 5) that sexual contact between adults and children is 'natural' and the production of child-pornography is not necessarily damaging for children.

Martijn has not contradicted these conclusions made by the court.

A ban on any legal person should be seen as a necessary means to prevent behaviour and activities that infringe the essential fundamentals of our legal system and (can) lead to disrupting society. The appeal courts in this case have looked at this question as well.

The appeal court has stated that the protection of the sexual integrity of children includes any organization that feeds the sentiments of pedophiles, that tones down their feelings of uneasiness about their sexual preferences and thereby creates a climate that can justify and glorify such criminal behaviours. The appeal court stated that this is what is happening with *Martijn*. *Martijn* presents an erotic ideal of children and the adult pedophile is placed beside this image as the person that can provide the child with all it needs sexually. According to the appeal court this image is strengthened and fed with explicit erotic stories and pictures of almost completely undressed children. Thereby *Martijn* not only offers the opportunity for pedophiles to fearlessly speak about their feelings and needs; with the choice of the material they published, *Martijn* is also feeding these sentiments constantly and actively supports its members in their believe that sexual contact between adults and children can be good and pure. The court therefore feels that association *Martijn* is belittling the dangers of sexual contact with young children, approves of such contact and even glorifies such sexual contact. The opinion of the court is that the activities of *Martijn* therefore *do* form a true and severe infringement of the essential fundament of our legal system that says that the physical and sexual integrity of children must be protected.

Even though both of the courts that ruled in the case against *Martijn* have come to these conclusions, apparently the laws and legislation applied in the case against *Martijn* still do not offer enough clarity to be able to ban their association and activities as a result. Nor will it allow to do so with other child-sex advocacy groups in the future. We have come here to plead with you to enact specific legislation that will allow legal consequences to *Martijn's* activities, made by your courts and ban *Martijn* and any other organization that conducts similar activities.

The fact that we, as South African and Cambodian citizens are here today, may make one wonder why we feel that legalized child sex advocacy in the Netherlands affects us. First of all, signatories to the Ring the Alarm petition, deal with foreign child-sex offenders and the effects of their crimes. Even for people who have been convicted of sexual crimes against children in their own countries, it is surprisingly easy to come to our countries and target our children. Even if these people are known child-sex offenders in their own countries, we need to work very hard to identify them as such, protect our children from them and bring them to swift justice when they commit crimes against children. Working together with foreign authorities to prevent and fight such crimes, often proves to be a challenge. And if there is one thing the recent research with a virtual Phillipino girl through webcams has proven, is that child-sex offenders now don't even need to buy an airplane ticket to be able to abuse our children on the other side of the world. This makes us worried about the safety and wellbeing of our children and makes it extremely difficult for us to combat child-abuse in our countries. Collaboration with governments like yours is essential in this. We come from low-resource and low-income settings, in which children are very vulnerable to abuse. The high rates of child-abuse in our and other countries testify to that. We do acknowledge that the child-protection systems in our own countries are often lacking. The current situation in our and many other countries, creates a situation in which children are very easily targeted by child-abusers.

As we have stated before, in our part of the world we often look to the Western world for inspiration and assistance to be able to handle these issues. Policies, laws, values and ideas produced in Europe, are setting examples for the rest of the world. With this, and many other efforts made by your government and public, you are very often instrumental in improving the lives of children worldwide. So if the normalization of sexual relations between adults and children in your country is allowed to continue, to which legalized, shameless, public and persistent child-sex advocacy by organizations like *Martijn* is a great contributor, we have great concerns for what it will mean for our children.

We are also concerned for the children of The Netherlands. With this petition, we want to raise our voices for the protection of all children and their families. It is the right thing to do.

A question that logically comes from the discussion about *Martijn* is how pedophiles should be managed and treated. We acknowledge that this is a

very delicate topic, which we do not have the answers for. We entrust the Dutch authorities and specialists to bring management and treatment programmes for pedophilia. We however are convinced that legalized child-sex advocacy cannot be the answer to this problem. This disregards the child's right have their physical and sexual integrity protected.

Society needs to weigh the importance of the fundamental human rights such as freedom of speech and freedom of assembly and association and balance this out against the rights of children to be protected from abuse and the protection of their physical and sexual integrity. We believe in free speech, which is not taken for granted in many of the countries where the signatories of Ring-The-Alarm live and work; and freedom of speech is important in our societies to warrant necessary social change.

However, what should never be forgotten is that these human rights also carry limitations and responsibility. The freedom of speech, assembly and association should not be unlimited at the expense of children's rights and safety and they cannot prevail at the cost of limiting the child's right to be protected from abuse. Our standing is clear. In the discussion on whether or not *Martijn* or any other child-sex advocacy group should be legalized, or legislation should be made to ban such activities, children and victims of abuse are not able to enforce their rights or speak for themselves. As children's rights organization we have the duty to do this for them. This is why we have come. Not to demonize, but to speak out for the protection of children.

On behalf of the children we serve and the signatories we represent, thank you for listening.



Petition

The Re-banning of chid-sex Advocacy Association 'Martijn'

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 2nd, 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.

- See more at: <http://ring-the-alarm.com>



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

Facebook: <https://www.facebook.com/pages/Operation-Bobbi-Bear/107470379371388>
and <https://www.facebook.com/groups/2334114034/>

Twitter: [@FollowTheBearSA](https://twitter.com/FollowTheBearSA)

Documentary: 'Rough Aunties'

Contact-info: geartsjep@yahoo.com / jackie.branfield@gmail.com



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

Facebook: <https://www.facebook.com/aple.cambodia>

Twitter: [@PROTECTCambodia](https://twitter.com/PROTECTCambodia)

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

Contact-info: info@aplecambodia.org