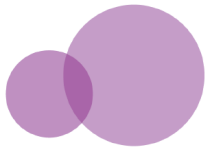




Protecting Children  
Everywhere



# OFF THE RADAR

## Protecting Children from British Sex Offenders who Travel



protecting children everywhere



**OFF THE RADAR**  
**Protecting Children**  
**from British Sex Offenders**  
**who Travel**

ECPAT UK  
February 2011

ECPAT UK was established in 1993 (as The Coalition Against Child Prostitution in Tourism) to campaign against commercial sexual exploitation of children in tourism and to lobby for laws and policies to protect children and prosecute offenders. In 1997, as a result of these campaigns the UK Government introduced new legislation, specifically extra-territorial law, to prosecute UK nationals for abusing children abroad.

Nearly 10 years later, despite such improvements in legislation, ECPAT UK was still concerned that the sexual exploitation of children by Britons abroad was still happening and the UK was failing to protect children and prosecute the offenders. In 2006 we published our report 'The End of the Line for Child Exploitation: Safeguarding the Most Vulnerable Children', which exposed gaps in UK legislation and policy and made recommendations for improvements.

Two years after the publication of 'The End of the Line' we revisited these issues in our 2008 report 'Return to Sender: British child sex offenders abroad – why more must be done' showing that the UK response to child sex tourism still fell well short of our expectations. This report 'Off the Radar' again highlights ongoing weaknesses in policy and legislation and most importantly calls for the government to develop a cross-government strategy to deal effectively with the investigation and prosecution of child sexual offences committed abroad.

## Information on ECPAT UK

ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) is a leading UK children's rights organisation campaigning since 1993 to protect children from commercial sexual exploitation.

ECPAT UK works at the highest levels of government but also reaches out to practitioners and those working directly with children through research, training and capacity building.

ECPAT UK works with child protection agencies, communities and government, UK and international police, NGOs, to identify strategies to combat the exploitation of children in tourism, increase prosecutions of offenders and improve protection for child victims.

ECPAT UK is the national representative of ECPAT International, a global movement in over 70 countries.

ECPAT UK is a registered charity (Charity number 1104948) and a Company Limited by Guarantee (Company number 5061385).

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## Foreword

The week after ECPAT UK launched this report the Prime Minister David Cameron announced that the government will take action to close the 3-day loophole in the Sex Offenders Register, a key recommendation in our report. This loophole puts children at risk as it allows British sex offenders to travel abroad for up to three days without having to inform the authorities of their intention to do so.

*"We will ... use the opportunity to close some loopholes in the sex offenders register. For instance, we will make it compulsory for sex offenders to report to the authorities before any travel."*

*The Rt. Hon. David Cameron MP,  
Prime Minister's Questions, House of Commons  
16th February 2011*

While we welcome the announcement to close this loophole, ECPAT UK recalls that back in 2008 then Home Secretary Jacqui Smith gave a similar statement regarding the Government's intention to close the loophole. No action was taken.

ECPAT UK will therefore be closely monitoring the current government proposals to ensure that they fulfill their commitment to close the 3-day loophole in order to better protect children. Even when the loophole is closed, much more remains to be done in order to protect children from sexual exploitation.

*Christine Beddoe, Director ECPAT UK*



## Executive Summary

**ECPAT UK** has been working to end the sexual exploitation of children overseas by British nationals for almost 20 years and we have documented over 120 cases of Britons accused of such crimes during this period. In 2010, ECPAT UK was made aware of over a dozen cases committed in countries including India, Cambodia and Romania. This report provides details of five of these cases which are used to illustrate success stories and the existing gaps and challenges. We are deeply concerned that despite improvements to legislation and some notable efforts on the part of individual police forces, British nationals continue to travel abroad to abuse children. Despite their ongoing risk to children and the fact that many of these individuals are known to authorities both in the UK and in the country in which the abuse took place, these individuals often fall off the radar.

In particular, we are concerned about the vulnerability of children in international schools and orphanages because of the lack of information sharing between jurisdictions, and the fact that international organisations are unable to access the criminal records checking procedures that would be expected as standard procedure by UK institutions. There is evidence to suggest that serious sex offenders who are known to authorities in the UK seek out teaching or volunteer jobs abroad where they feel they can abuse freely without detection. Conversely, perpetrators who have been convicted abroad for child sex offences can easily slip back into the UK undetected. This creates an unacceptable risk to British children because there is no legal mandate that compels perpetrators to disclose these offences immediately upon their return to the UK and seemingly little management of international data when it comes to light.

From our analysis of reported cases, information currently held on known perpetrators is not managed and shared effectively in the UK or with international authorities. Furthermore, whilst some police forces have made strong efforts to investigate alleged crimes, there are few resources available to most forces to undertake robust international investigations and cases often fall back on prosecuting for possession of abusive images taken while the perpetrators have been abroad, but not on the possibility of rape or sexual assault. Thus, there is a complete absence of victim identification processes which denies the children concerned access to justice.

There is also no single operational police unit within the UK responsible for disrupting these crimes and returning alleged offenders to the UK. The government is not able to say how many police forces have investigated allegations of child sexual abuse overseas, despite the fact that there are currently 135 British nationals detained in foreign countries in relation to offences of child sexual abuse.

There is an urgent need for a review of the effectiveness of UK legislation aimed at preventing and prosecuting sexual offences against children overseas. Available data on the use of tools to prevent offenders from travelling, such as Foreign Travel Orders, illustrate very low implementation and the government is not even able to confirm how many individuals have been prosecuted under the Sexual Offences Act 2003 for sexual crimes against children outside the UK. The government must close the 'three-day loophole' which currently allows registered sex offenders to travel abroad for up to three days without having to notify the authorities. Given the ease and speed of travel nowadays, British sex offenders can easily travel abroad (to European countries and beyond), commit child sex abuse offences and return home within this three-day period.

As recently as October 2010, guidance was published stating the regulations apply to any sex offender who intends to leave the UK for three days or longer. Closing the three-day loophole would be a start, but so much more has to be done to improve the UK's monitoring of individuals who pose a serious threat to children to prevent the abuse from happening in the future.

The Crown Prosecution Service (CPS) must improve its knowledge and practice in prosecuting cases of child sexual abuse and exploitation committed overseas. In June 2010 ECPAT UK wrote to the Director of Public Prosecutions (DPP) to raise our concerns about the failure of the CPS to successfully prosecute a British national on charges of sexually abusing children abroad despite a thorough investigation of allegations of child abuse in India by Gloucestershire Constabulary. The case was dismissed in June 2010 and the alleged perpetrator was allowed to go free.

After an internal review by the Complex Casework Unit prompted by ECPAT UK, the DPP acknowledged three areas where failings had affected the outcome of the case; failing to properly record case information which meant that there was a lack of an audit trail, lack of appreciation of the wider implications of mounting a complex prosecution involving victims and witnesses from abroad, and a lack of guidance to prosecutors in respect of the potential delays and possible problems associated in prosecuting cases where a number of witnesses are due to give evidence from abroad.

ECPAT UK is launching this report to remind the government that it is lagging well behind other countries in its response to travelling sex offenders and that much more needs to be done through policy and practice to protect children from sex offenders who travel. Simply training foreign police is not enough and if this has been the core of the UK government's prevention agenda then it is failing, woefully. ECPAT UK continues to be alarmed by the lack of published data on this area of violent crime and calls for a clear cross-government strategy to inform law enforcement responses and send out a strong message that the abuse of children by British nationals will not be tolerated anywhere. Central to this strategy is the role of the Foreign and Commonwealth Office as their consular officials are often called upon to represent British nationals arrested abroad. Equally important are foreign government and non-government organisations dealing with children who are victims of British sex offenders.



## ECPAT UK's recommendations:

In addition to our priority call for the government to develop a cross-government strategy to deal effectively with the investigation and prosecution of child sexual offences committed abroad, ECPAT UK has developed the following recommendations for action.

### Recommendation 1

The UK should immediately ratify and implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

### Recommendation 2

The Home Secretary should act immediately to close the 'three day loophole' – referring to Section 86 of the Sexual Offences Act requiring registered sex offenders to notify of travel abroad. ECPAT UK recommends that all international travel must be notified, irrespective of the duration of the trip.

### Recommendation 3

The Home Office, the Foreign and Commonwealth Office and the Child Exploitation and Online Protection Centre (CEOP) jointly convene a review of information sources so that a precise report of the numbers of British nationals who have been prosecuted abroad and in the UK for crimes committed abroad is published before the end of 2011.

### Recommendation 4

The CPS must improve its knowledge and practice in prosecuting cases of child sexual abuse and exploitation committed overseas. The CPS should establish a review of the use and efficacy of Section 72 of the Sexual Offences Act (2003); the UK extra-territorial law for the prosecution of sexual offences. The Director of Public Prosecutions should report on action taken since his review following the recent case in Gloucestershire.

### Recommendation 5

Training on relevant legislation and investigation of international offences is needed across the UK, not only for police. A wide range of agencies should be made aware of key issues, including those responsible for customs, immigration, consular services, passport and visa offices and probation. In addition, a review of training for staff at bail hostels and prisons should be conducted so that early warning signs of offenders aiming to travel abroad can be identified.





## Introduction

**Since the mid 1990s ECPAT UK has documented over 120 cases of British nationals accused of sexually exploiting children overseas and has published significant reports assessing the impact of these individuals and the response from UK authorities.<sup>1</sup>**

Despite their ongoing risk to children and many of them being known to authorities in the UK and in the country in which the abuse took place, these individuals often fall off the radar. This poses a risk to children both overseas and in the UK. In recent years a number of laws and policies have been introduced to target this type of perpetrator yet these tools often remain unused because police and prosecutors are unaware they exist, are uncertain of how to use them, or the laws have proved difficult to implement.

There is no single profile of travelling sex offenders; they may be tourists, business travellers, non-governmental organisation (NGO) employees, volunteers working directly with children and other vulnerable groups, professionals working abroad with children such as teachers, social workers, military, diplomats, or governmental employees deployed overseas and expatriates. Despite their differences, perpetrators commit the same unacceptable crimes against vulnerable children in countries with weak child protection frameworks and legal and law enforcement structures unable to prevent and prosecute offences.

Countries particularly vulnerable as destinations for travelling sex offenders may be characterised by widespread poverty, a lack of education and recovering or developing infrastructures where weak social and legal frameworks can be exploited. Countries in South East Asia such as Thailand, Cambodia and Vietnam are notorious destinations for sex offenders and have consequently received the majority of public and media interest. The Home Office agency with responsibility for investigating offences against children overseas, the Child Exploitation and Online Protection Centre (CEOP) records that in 2008/9 approximately 56% of travelling sex offenders caught were apprehended in South East Asia.<sup>2</sup> However, this region should not be regarded as the only one that poses a risk. In recent years there have been a number of reports of British individuals targeting children for abuse in countries within Europe. CEOP records 20% of activity by travelling sex offenders as having taken place in European countries in 2008/9.<sup>3</sup>

There are a number of reasons why sex offenders may target European countries. Primarily, proximity to the UK means that travel is cheaper, quicker and the country may be more culturally familiar. Furthermore, some police forces and governments in South East Asia have now become aware of the problem and have introduced policies to combat these crimes. This includes establishing agencies dedicated to investigating child sexual abuse cases and Thailand, for example, has begun to take a more rigorous approach to the application of its sex offender laws. Those individuals with previous convictions for sexual abuse of children may now be deported or refused entry, even if they have not committed a crime in Thailand.<sup>4</sup>

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<sup>1</sup>End of the Line, ECPAT UK 2006, Return to Sender, ECPAT UK 2008.

<sup>2</sup>CEOP Strategic Overview 2008-2009, p.30.  
[http://www.ceop.gov.uk/downloads/documents/strategic\\_overview\\_2008-09.pdf](http://www.ceop.gov.uk/downloads/documents/strategic_overview_2008-09.pdf)

<sup>3</sup>CEOP Strategic Overview 2008-2009, p.30.  
[http://www.ceop.gov.uk/downloads/documents/strategic\\_overview\\_2008-09.pdf](http://www.ceop.gov.uk/downloads/documents/strategic_overview_2008-09.pdf)

<sup>4</sup>Hansard HC, 19 July 2010: c63w.

Combating the sexual abuse and exploitation of children by UK nationals abroad can also be hampered by difficulties during investigations; child victims often receive little protection from under-resourced local authorities, and they and their families are often powerless to speak out against foreigners, particularly those who have groomed entire communities by giving gifts. Furthermore, corruption within foreign judiciary and law enforcement agencies or lack of capacity to investigate crimes can lead to offenders being able to act with impunity. There can also be jurisdictional problems around collecting evidence and assembling witnesses to bring perpetrators to justice. However, despite these problems ECPAT UK believes the UK could do far more to protect children from this type of abuse and to prosecute these offenders.

The UK has developed means of investigating and prosecuting travelling sex offenders. However, many gaps still remain in law and implementation. The approach of UK law enforcement has largely focused on the monitoring of known and registered sex offenders who abscond from the UK and who are brought back under extradition agreements. However,

many offenders who abuse children abroad have no previous convictions in the UK and are not on the Violent and Sex Offenders Register (VISOR). In some cases those who are alleged to have abused children abroad have repeatedly travelled from the UK to overseas destinations and although their whereabouts may be known to authorities in the UK there is no single operational police unit responsible for taking action to disrupt their actions or bring them back to the UK. The need for such a unit is magnified when a perpetrator has been abroad for a long time and locating a 'home' police force to manage an investigation in the UK is hampered significantly because the person may have no UK address. Such bureaucratic details do matter in UK law enforcement.

This report provides an overview of the current UK policy framework to deal with travelling sex offenders, the institutions that are particularly vulnerable as targets and the practical response to travelling sex offenders by UK agencies, including the police and the prosecution service. The report makes recommendations upon which the UK must act in order to prevent the sexual abuse of children both at home and abroad.





## Children in the UK – the forgotten risk

**The legacy** of years of government indifference to travelling sex offenders is that the risk to children in the UK is almost never considered by police or government officials. The irrefutable facts are that British nationals who are convicted for sexual offences abroad can travel back to the UK undetected, their records do not automatically appear on a criminal records check and they can avoid being placed on the sex offenders register even if convicted of rape and serious sexual offences. These facts, coupled with a lack of centralised data collection from a variety of sources abroad present a significant risk to children in the UK.

The following case has exposed serious gaps when a sex offender with previous convictions in a European country slipped through the criminal records check system to become a driver for a taxi company with a school contract. Tragically this man went on to sexually abuse a child with special needs while driving the boy from school. The man has since been convicted for sexual offences but the child's mother made a complaint to both the Independent Police Complaints Commission and the Local Government Ombudsman. In a report handed down by Dr Jane Martin, Local Government Ombudsman on the 24th January 2011, Dr Martin states that:

*The complaint concerns a vulnerable child who was transported to school by the Council's contractors. The child was sexually abused by one of the drivers. It transpired that the driver had a list of criminal convictions abroad for offences against children. The Criminal Records Bureau (CRB) provided an enhanced CRB Certificate but it did not contain*

*information about overseas convictions. There is a separate complaint to the Independent Police Complaints Commission.*

The brief facts of the case are as follows:

The complainant's son, who has special needs, was transported to and from his school by Company X. Driving the car was Mr Y. There was also an escort employed by Company X. Company X say that she was also employed by the Council as a dinner lady. In November 2008 the complainant's son made an allegation to his mother that the driver had sexually abused him and that the driver gave him sweets in return. There was a child protection investigation by social services in conjunction with the police. Mr Y was found to have a string of criminal convictions abroad relating to the sexual abuse of young children and an outstanding warrant for his arrest (although this had expired after 10 years). Despite this evidence he obtained clearance from the Criminal Records Bureau.<sup>5</sup>

The purpose in making the complaint to the Ombudsman was to see whether there were any additional safeguards the Council could have taken or whether there are any procedural improvements which might prevent a similar situation occurring. The investigation examined the vetting and safeguarding mechanisms of the local council, the taxi contractor, and even Transport for London, and identified various gaps in scrutinising records and background checks. The council has since made changes to its safeguarding arrangements. The Ombudsman did not explore in great depth the reasons why the foreign convictions were not unearthed prior to his employment. When applying for a taxi licence in 2006 the man showed proof of a UK driver's licence

<sup>5</sup>Dr Jane Martin. Local Government Ombudsman. Report on an investigation into complaint no 09 008 248 against London Borough of Camden 28/01/11 [para 3].

that went back to 1975 and he declared to Transport for London he had lived abroad for 3 years. He did not declare any convictions in this period.

The Ombudsman found in favour of the complainant and stated in her report that:

*I consider the Council's inadequate procedures constituted maladministration. It is difficult to say whether proper procedures... would have made a difference to the events of this complaint, but they might well have increased the chances of Mr Y's past history coming to light. The complainant will always be left with some doubt that the Council could have done more to protect her child. To recognise this injustice arising from the Council's fault, I recommend the Council pays £1,000 to the complainant in recognition of the distress she endured, plus £200 in recognition of her time and trouble in pursuing this complaint. By doing so, she has brought important issues into the public domain.<sup>6</sup>*

This case has highlighted the significant gaps and risks to children when there is no coordination of information about sexual offences committed abroad. ECPAT UK has even greater concerns that archived records have never been included in police databases. On 11th January 2007, the BBC<sup>7</sup> reported that

*"The Home Secretary promised a full inquiry after the Home Office was accused of ignoring files on criminals convicted overseas. ... Out of 27,500 [records], police say 540 were serious offenders - including rapists, paedophiles and murderers. So far, just 260 have been identified."*

The report claims that the Home Secretary said

*"The remaining 280 cannot be entered on the computer and are the subject of further inquiries to the notifying country to get more details to try to establish the identity of the offender."*

It is not known whether these records were ever completed.



<sup>6</sup>Dr Jane Martin. Local Government Ombudsman. Report on an investigation into complaint no 09 008 248 against London Borough of Camden 28/01/11 [para 48].

<sup>7</sup><http://news.bbc.co.uk/1/hi/uk/6250739.stm>

## International Standards

**The primary** international standard aimed at protecting children is the United Nations Convention on the Rights of the Child (UNCRC). Under Article 34 of the UNCRC which the UK ratified in 1991, the UK is bound to protect children from all forms of sexual exploitation and sexual abuse and to introduce domestic measures intended to achieve this aim.

The UNCRC is complemented by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This defines and prohibits different forms of child sexual exploitation and requires state parties to treat these offences as crimes in domestic law. In addition, the treaty encourages international co-operation between states in pursuing offenders and requires states to provide for the extradition of the offenders once caught. The UK signed the Optional Protocol on the 7 September 2000 and finally ratified it on the 20 February 2009, after extensive campaigning by ECPAT UK and other concerned organisations.

At a European level the Council of Europe developed the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The UK signed the Convention on 5 May 2008, but is yet to ratify or implement it in domestic law. This treaty makes specific provisions for preventing travelling sex offenders from exploiting children abroad.<sup>8</sup>

Importantly, it also contains measures that encourage co-operation between states in the prevention of child sexual exploitation and calls for uniformity in the domestic legal systems of individual states, with the overarching aim of mutual legal assistance in investigating and prosecuting offenders.<sup>9</sup>

More recently, the EU has drafted a Directive on combating sexual abuse, sexual exploitation of children and child pornography.<sup>10</sup> The UK has announced it will opt in to this Directive once it has been agreed by the European member states but has not provided any detail of how it will consult government and non-government agencies about implementation of the Directive.



<sup>8</sup> Article 25, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, <http://conventions.coe.int/Treaty/EN/treaties/html/201.htm>

<sup>9</sup> Article 38, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, <http://conventions.coe.int/Treaty/EN/treaties/html/201.htm>

<sup>10</sup> Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010PC0094:EN:NOT>



## Institutions at particular risk

**In the UK** there is a fierce debate about the process for screening individuals who work with children. The current Criminal Records Bureau (CRB) system which vets applications for individuals who want to work with children and vulnerable people is under review alongside the Vetting and Barring Scheme and the scaling down of the Independent Safeguarding Authority (ISA).

On 5th February 2011, The Daily Telegraph newspaper reported on proposed changes to the ISA in the upcoming Freedom Bill stating that,

*"only those in sensitive posts or who have intensive contact with children or vulnerable people will need to be cleared and undergo criminal record checks."<sup>11</sup>*

This debate centres on striking the right balance between the need for stringent screening procedures to protect children with the importance of respecting the rights to privacy of individuals which may be infringed by heavily bureaucratic checks. However, there is no real argument in the UK against the principle of vetting individuals working with children, rather the level and extent of these checks is at issue. Even though criminal records checks should only be one part of a vetting process some sex offenders deliberately target countries with less developed child protection systems and without the adequate infrastructure to regulate employees and volunteers in institutions like schools and orphanages.

Currently it is not possible for overseas schools or organisations to request a criminal records check from the CRB on UK nationals who apply to work with vulnerable children.

The Charity Commission has issued recruitment guidelines for UK charities working abroad:

*"Children are an especially vulnerable group and it is important to stress the importance of proper safeguards for their protection. When any charity is working with children it is reasonable and proper for the trustees to make all possible checks on trustees, volunteers, employees and any other persons connected with the charity that might have access to children, both through their professional role or through contact outside of work."*

They acknowledge, however, that

*"The checks that can be performed will vary from country to country and it may be that a reference from a teacher or other professional with knowledge of the applicant will be all that is available. The local police may also be willing to provide a reference."<sup>12</sup>*

Through these guidelines British charities abroad are encouraged to check the history of all people coming into contact with children. However, smaller locally run charities or institutions such as schools or orphanages often lack the resources to do intensive screening and background checking in the UK, or even know where to begin to authenticate employment histories and references.

<sup>11</sup> <http://www.telegraph.co.uk/news/uknews/law-and-order/8305502/Anti-paedophile-vetting-scheme-to-be-scaled-back.html>

<sup>12</sup> Guidance for Charities working internationally [http://www.charity-commission.gov.uk/Charity\\_requirements\\_guidance/Your\\_charitys\\_activities/Working\\_internationally/Charities\\_working\\_internationally\\_index.aspx](http://www.charity-commission.gov.uk/Charity_requirements_guidance/Your_charitys_activities/Working_internationally/Charities_working_internationally_index.aspx)

The nature of poorly regulated and unsupervised orphanages is that they can easily be infiltrated by individuals working as volunteers. Some perpetrators may even set up orphanages to provide access to children for themselves and others to give them the opportunity to groom victims and gain the trust of the community.

In 2006, ECPAT UK published details about the *Anchorage orphanage* case in India<sup>13</sup>, a case involving the prosecution of two British nationals for sexually abusing children at the orphanage founded by one of the men. The men were convicted, they then won an

appeal on a legal technicality. However the children's legal team have taken the case to the Indian Supreme Court and are still awaiting the outcome of the case. This is not a single isolated case, in fact the majority of 'child sex tourism' cases coming to the attention of ECPAT UK now involve orphanages, children's homes and schools.

CEOP recently reported 33 cases of British nationals travelling overseas and abusing children whilst in an educational position in one eighteen month period: of these 33 cases, 23 were identified as having previous convictions for offences involving children.<sup>14</sup>

### CASE STUDY 1

**British pair jailed for Albania orphanage abuse**  
12 January 2010

*Two British men have been jailed for abusing children while working as caretakers at an orphanage in Albania. DC, 45, from Blackburn, Lancashire, was jailed for 20 years by judges in Tirana. RA, 56, a salesman from Cromer, Norfolk, was given a sentence of 15 years and six months. Both men were convicted after denying "sexual relations with minors" on four children between 2003 and 2005 at His Children Orphanage.*

*One seven-year-old boy was said to have wept as he gave evidence via videolink that both men had abused him when he was aged four. In evidence, DC, a social therapy nurse who quit his job at Queen's Park Hospital in Blackburn on a mission "to help the needy in eastern Europe", told the court the allegations were "fantasy".*

*The court ordered that both men be deported on completion of their sentences. A Foreign and Commonwealth Office spokeswoman said: "We can confirm that two Britons were jailed today for 20 years and 15 years and six months. They are being provided with consular assistance."*

*In November 2008, the founder of the orphanage, 58-year-old DB, from Edinburgh, was jailed for 20 years for sexually abusing children. He was arrested during a police raid in May 2006 and the orphanage was subsequently closed.*

Source: <http://news.bbc.co.uk/1/hi/england/8455477.stm>  
[accessed 15 September 2010]

<sup>13</sup> The End of the Line for Child Exploitation, p12, ECPAT UK, 2006.

<sup>14</sup> ECPAT UK is currently working with CEOP as a member of the planning group for a project to develop an International Child Protection Certificate for international schools who may employ British nationals. The Charity Commission and the ACPO Criminal Records Office (ACRO) are also partners in this project. This information comes from analysis of CEOP's overseas tracker team's data shared as part of this project.



## Monitoring and sharing information

**The Violent and Sex Offenders Register (ViSOR)** contains details of anyone convicted, cautioned or released from prison for a violent act or sexual offence against children or adults since September 1997. It acts as a database through which the police, probation and prison services can exchange information on these offenders. All convicted sex offenders must sign the register within three days of conviction or release from prison; failure to do so is an imprisonable offence. This system also imposes preventative measures on UK sex offenders including Sexual Offences Prevention Orders, Notification Orders and Foreign Travel Orders, which are intervention tools that restrict the behaviour of offenders and can be applied for through the courts with the intention of preventing offenders committing serious further offences.<sup>15</sup>

Sexual Offences Prevention Orders place prohibitions on behaviour and can be used where an offender is considered to pose a risk of serious sexual harm. It does not matter when the conviction or caution was received. Notification Orders require sexual offenders who have been convicted overseas to register with police, in order to protect the public in the UK from the risks that they pose. Foreign Travel Orders, (which

are discussed in further detail below) prevent offenders with convictions for sexual offences against children from travelling abroad where it is necessary to do so to protect children from the risk of sexual harm.

Currently there is no requirement for British citizens who have been convicted of sexual crimes against children overseas to register on the Violent and Sex Offenders Register. However, on the convicted person's return to the UK, a summons *can* be served upon them to surrender themselves at a magistrate's court for a notification order to be applied. The court must be satisfied that a notifiable offence has been committed abroad and then a notification order will be made. This order then requires the individual to register on the ViSOR.<sup>16</sup> Due to the difficulties in monitoring the movement of travelling sex offenders, many will be able to slip through the net and potentially continue to abuse children overseas but some do come back to the UK. Recent figures show that there are currently 44,700 sex offenders registered on ViSOR<sup>17</sup> and 499 individuals registered on ViSOR as a result of offences committed abroad.<sup>18</sup>

Police forces are also able to apply for Sexual Offences Prevention Orders (SOPO) in the case of high risk offenders. Once on the register, offenders are monitored by Multi-Agency Public Protection arrangements (MAPPA), and their details can be

<sup>15</sup> Once an offender has been identified as having committed a relevant offence abroad, a certified copy of conviction will be obtained from the court of the country where the offence took place. Police will complete a Notification Order (NO) and place this before the magistrates' court which will sanction the correct period for which the offender will be subject to the notification requirements, in accordance with notification requirements the offender must provide a range of personal identifying information. Police may apply to the court for a NO in relation to offenders living in, or intending to come to, the United Kingdom. The penalty for breach of a notification requirement is up to five years' imprisonment. Hansard HC, 15 July 2010 c825w <http://services.parliament.uk/hansard/Commons/ByDate/20100715/writtenanswers/part003.html>

<sup>16</sup> Hansard HC, 20 July 2010, c203W

<sup>17</sup> <http://www.guardian.co.uk/uk/2010/jun/24/probation-sex-offender-skills-criminal-justice>

<sup>18</sup> Hansard HC, 19 July 2010, c28W

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100719/text/100719w0001.htm#10071914000079>

accessed nationwide by police. Enhanced CRB checks detail whether a person is, or has been, on the register. Furthermore, enhanced CRB checks include convictions as well as 'soft' information which describe informal involvement with the police, if relevant. Individuals identified as having committed sexual crimes against children overseas are generally brought into the MAPPAs. The foreign jurisdiction may notify the UK of the crime, or the UK police may have independently discovered the crime through their own investigation. Once proof of a foreign conviction is obtained by the

police, they may apply for the offender to be subject to notification requirements. If the order is granted then the offender is formally brought into the MAPPAs scheme, and consequently can be monitored and assessed for risk.<sup>19</sup> This legislation needs to be tightened up to ensure that information on known offenders is acted upon and individuals who have offended overseas are managed just as robustly as those who offend in the UK.

### CASE STUDY 2

Briton charged with paedophilia in Cambodia  
26 May 2010

*A Cambodian court has charged a British computer engineer with paying for sex with underage local girls, police said.*

*MH, 36, was arrested last week and Phnom Penh Municipal court charged him on Tuesday with buying sex from two children in 2006 and committing an indecent act against a 13-year-old girl more recently, police said. Keo Thea, chief of Phnom Penh's anti-human trafficking unit, told AFP that police had confiscated two laptops – one containing 200 pornographic images, mostly of children – from the suspect.*

*A British police report said MH jumped bail from Britain in 2005 after being arrested on child pornography charges, Keo Thea said. Dozens of foreigners have been jailed for child sex crimes or deported to face trial in their home countries since Cambodia launched an anti-paedophilia push in 2003 to try to shake off its reputation as a haven for sex predators.*

Source: <http://www.bangkokpost.com/news/asia/179231/>  
[accessed 15 September 2010]

<sup>19</sup> Hansard HC 15 July 2010, c824W



## UK Law

### *Extra-territorial legislation*

The Sexual Offences Act 2003 is the primary legislative instrument that deals with all types of sexual offences. Within this Act there are specific provisions for those committing sex crimes against children whilst abroad. Extra-territorial legislation is embodied in Section 72 of the Sexual Offences Act 2003. This states that a national or resident of the United Kingdom who commits certain sexual acts which are prohibited by UK law whilst abroad is guilty of that offence in the UK. The requirement of dual criminality<sup>20</sup> no longer applies to British nationals following the amendment made by Section 72 of the Criminal Justice and Immigration Act 2008 which amends Section 72 of the Sexual Offences Act 2003 to extend extra-territorial jurisdiction over sexual offences against children overseas, including grooming.

Extra-territorial legislation allows the UK to prosecute individuals even when the offence is not committed on home territory and allows perpetrators who return to the UK to be charged when there has been no arrest by other jurisdictions. Prosecution and investigation in countries where the offence occurs often fail to take place because of an inability or unwillingness by local authorities to follow up cases involving foreigners. Extra-territorial legislation should serve to deter individuals who travel overseas with the intention to sexually abuse children, as they effectively face the threat of prosecution in the destination country or in the UK. However, this type of prosecution is rare and lessons from individual cases are not readily shared between statutory agencies or used as material for prevention and awareness raising activities. The UK government is not even able to put a figure on the number of prosecutions under extra-territorial legislation when asked by parliament.<sup>21</sup>

Prosecuting offenders who have committed crimes abroad requires effective co-operation between authorities from different jurisdictions. Differing resources, languages and investigative methods frequently hinder co-operation and more informal routes often open up better co-operation than formal mutual legal assistance processes that can be hindered by bureaucratic obstacles. Investigators need to acquire evidence from the foreign jurisdiction that can stand up to UK court standards and the international success stories show that part of that success comes from understanding the local context, including the key role of non-government organisations (NGOs) who fill the vacuum in investigations and victim support when poor, corrupt or fractured governments do not. This can be a challenge for British authorities who are used to dealing with government rather than non-government agencies but it is now common practice for governments including the USA, Sweden and Australia to work closely alongside specialist NGOs, including exchanging intelligence and surveillance to support an extra-territorial investigation. This is especially true when obtaining evidence from child witnesses who should always receive the same considerations for protection as they would in the UK even if the local authority structures are weak.

### *The three day loophole*

Under Section 86 of the Sexual Offences Act 2003, UK registered sex offenders must inform the police of any intention to travel outside the UK seven days before they depart. Whilst this cannot stop the offenders from travelling, it requires them to disclose certain information to the police: their date of departure, the countries they intend to visit, details of accommodation arrangements for the first night only, and when they intend to return. This gives the UK police the opportunity to warn the authorities overseas, allowing them to take any appropriate precautions.

<sup>20</sup> Dual criminality is the concept that a crime must be an offence both in the country in which the offender is a national and in the country where the crime is alleged to have taken place.

<sup>21</sup> Hansard HC, 19 July 2010 : Column 28W

However, offenders are only required to notify the police if they intend to travel abroad for three days or more. Given the ease and speed of travel nowadays, British sex offenders can easily travel abroad (to European countries and beyond), commit offences and return home within this three-day period. The continued retention of this so-called 'three-day loophole' is particularly alarming because in 2008 the former Home Secretary, Jacqui Smith, announced an intention to close this easily exploited legislative gap,

saying, "*From the autumn, we also intend to make registered sex offenders notify the police of any travel abroad.*"<sup>22</sup>

However, as recently as October 2010, updated guidance was published stating the regulations apply to any relevant sex offender in England, Wales or Northern Ireland who intends to leave the UK for three days or longer.<sup>23</sup>

### CASE STUDY 3

**British paedophile jailed for eight years for sex attacks on street children in Latvia**  
12 January 2010

*A British paedophile has been jailed for eight and a half years after admitting 46 sex attacks on street children in Latvia. IE, 49, admitted rape and forcing underage boys to take part in his homemade pornographic films. His reign of sexual terror in the Latvian capital Riga ran for more than three years from the summer of 2005 until he was detained in October 2008. IE would pick up his victims in the capital and then take them to his house. The court case - held behind closed doors because it involved at least eight minors - heard that IE was previously charged by British police over possessing child pornography, and was included on the sex offenders register.*

*He picked up his victims in Riga's old town or at the main railway station bribing them with money and sweets. He transported them - usually in the boot of his car - to his house in Saulkrasti, on the Gulf of Riga coast. IE, divorced and originally from Lincolnshire, admitted his guilt under Section 161 of the Latvian Criminal Code which involves committing 'unnatural sexual acts with a person who has not attained the age of 16'. IE was ordered to pay his victims a total of £11,840 in compensation.*

Source: <http://www.dailymail.co.uk/news/worldnews/article-1242622/British-paedophile-jailed-years-sex-attacks-street-children-Latvia.html>  
[accessed 15 December 2010]

<sup>22</sup> <http://www.guardian.co.uk/uk/2008/aug/18/ukcrime>

<sup>23</sup> Guidance on Part 2 of the Sexual Offences Act 2003, p23, Home Office, 2010  
<http://www.homeoffice.gov.uk/publications/police/operational-policing/guidance-part-2-sexual-offences?view=Binary>  
Separate regulations cover Scotland.

### *Foreign Travel Orders*

The Sexual Offences Act 2003 also introduced Foreign Travel Orders (FTOs) banning travel abroad for offenders in some circumstances. FTOs may be imposed on people convicted of specified sexual offences against children and can be used to prevent the offender from travelling to specific countries or any country. The court must be satisfied that imposition of the FTO is necessary to protect a child or children from serious sexual harm.

There have been some recent developments in the legislation governing FTOs; the Policing and Crime Act 2009, which came into effect in April 2010, made some significant changes. First, the maximum duration of an FTO has been extended from six months to five years. Furthermore, in order to prevent offenders from absconding against the court order, those subject to blanket travel bans must surrender their passport to the police for the duration of the order.<sup>24</sup>

Despite these encouraging changes, as with extra-territorial legislation FTOs appear to be underused or simply unknown amongst law enforcement agencies. In 2008–2009, only 12 foreign travel orders were issued.<sup>25</sup> Whilst this is an improvement from the previous five years, in which a total of only five FTOs were issued, this is still relatively few in comparison to the number of registered child sex offenders living in the UK. The Scottish courts are yet to grant a single foreign travel order.

ECPAT UK's contact with police forces in the UK has revealed that many are either unaware of the potential to use a FTO, or do not know enough about them to use them effectively. Clearly legislation can only be useful if it is applied appropriately. Over the past 12 months ECPAT UK has been requested by a number of police forces to assist them in providing information to British courts for assessing the risks in particular countries. This effective joint working has led to the granting of Foreign Travel Orders and subsequent restrictions on the movement of individuals likely to present a risk to vulnerable children abroad. However, this has happened because of informal contacts with police and not because of systematic advice given by the Home Office or ACPO, the Association of Chief Police Officers.



<sup>24</sup> See Explanatory Memorandum to The Magistrates' Court (Foreign Travel Orders) (Amendment) Rules 2010 (No. 605)

<sup>25</sup> Hansard HC Debate, 19 July 2010, c36w



## Police response

**CEOP is the UK police's primary agency dealing with travelling sex offenders. CEOP has responsibility for managing intelligence about suspected offenders, authority to work with law enforcement in other countries and responsibility to share risk assessed information with international law enforcement agencies through the International Criminal Police Organization (Interpol). However CEOP is not an agency with 'tasking' capabilities – in other words it cannot order police forces across the UK to investigate sexual offences against children abroad. There are three scenarios for investigators to consider:**

(a) whether the perpetrator is still in the country where the offence was committed;

(b) where the perpetrator is back in the UK but the victim is in the country where the offence is committed; or

(c) where the perpetrator has fled to another country but the complaint has been made to UK authorities.

All of these scenarios can have complex investigative requirements involving one or more law enforcement agency. CEOP states that it provides a centralised operational and tactical lead for the policing of offences committed abroad and engagement with international and national NGOs.<sup>26</sup> However, in previous reports ECPAT UK has questioned the capability and capacity of CEOP to investigate all cases of abuse of children overseas, and has concerns that individuals who are registered sex offenders wanted in the UK are prioritised because the agency lacks capacity to deal with the hundreds of intelligence logs that it receives

from across the world. It could be said that the very small number of prosecutions in the UK using extra-territorial legislation is evidence that this has never been a priority for CEOP.

The future structure of CEOP is now in doubt following the government's proposed changes to UK policing structures. The proposals indicate that CEOP<sup>27</sup> will be brought into a new National Crime Agency in 2013. Whatever new policing structures are introduced the function of both intelligence and operational responses to overseas offending must be integrated with the work of child protection specialists and prosecutors. The international contacts and good practice developed by CEOP must not be lost.

There has been some very good case examples from individual police forces across the UK as highlighted in this report but there is no apparent mechanism for sharing lessons learned or spreading good practice across other police forces in the UK and to regional offices of the Crown Prosecution Service.

It is vital that all UK police forces are trained and have sufficient resources to undertake investigations into British citizens who have allegedly sexually abused children abroad. In reality these cases can be costly in respect of both financial and staff resources if an international investigation is to be undertaken. Much could be learned from police responses in the USA, Australia and Sweden where dedicated teams are brought together to focus resources. In building up expertise in investigation, prosecution and collaboration with national and international partners, these countries have become very effective at targeting sex offenders who travel abroad and disrupting networks in their own countries and overseas.

<sup>26</sup> CEOP Annual Review 2009/10 [http://www.ceop.police.uk/Documents/CEOP\\_AnnualReview\\_09-10.pdf](http://www.ceop.police.uk/Documents/CEOP_AnnualReview_09-10.pdf)

<sup>27</sup> Home Office Consultation document, 2010 Policing in the 21st Century: Reconnecting Police and the People. <http://www.homeoffice.gov.uk/publications/consultations/policing-21st-century/>



## International efforts

### *Project Haven*

In late 2010 the European Law Enforcement Agency, Europol launched a project to stop travelling sex offenders, called Project HAVEN – Halting Europeans Abusing Victims in Every Nation.<sup>28</sup> The project aims to detect and disrupt European travelling sex offenders. Under Project HAVEN, Europol will coordinate a common EU effort to address crimes of child sexual abuse being committed by European citizens outside their countries of origin. This will include the coordination of international operations run by EU law enforcement authorities, as well as supporting the project through awareness events to discourage potential child sex offenders from abusing children abroad. The project has also suggested that in the long term, preventive measures such as a permanent notification or alert system should be implemented at Europol in order to trace child sex offenders and limit their crimes.

Increased bi-lateral co-operation is essential, but the nature of co-operation should impact upon both policy and practice. Examples of good practice can be found in joint investigations, information sharing and building trust, along with practical technical assistance. European legislation also provides for the establishment of joint investigation teams (JITs) which consist of judicial and police authorities from at least two European member states. JITs are responsible for carrying out criminal investigations into specific matters for a limited period with a view to improving police co-operation.<sup>29</sup> A joint investigation team set up between the Metropolitan Police and the Romanian Police has recently provided a successful example of joint working resulting in a number of criminal convictions following an investigation into child trafficking.<sup>30</sup>

The European Criminal Records Information System (ECRIS) was established in 2009, and is due for implementation by 2012. This system will allow exchange

of criminal records throughout European Union member states, sharing information about previous convictions through a standardised format. Whilst all information will remain on the criminal record system in the country where the individual was convicted, any state dealing with a non-national will be able to request information about prior convictions from other member states, and vice-versa. This system aims at being a progressive means of sharing information about known sex offenders subject to investigation by foreign states. However, it has its shortcomings. The system focuses on criminal investigations and convictions. Non-criminal orders, for example disqualification from working with children, need not be provided unless the member state holding the information does so voluntarily. Such information is clearly vital for those judging a person's suitability for working with children.

### *Project Childhood*

Under an initiative titled "Project Childhood" the Australian government, through AusAID, the Australian Agency for International Development, has begun a programme of work with international partners to combat child sex tourism in South East Asia. Structured as two 'pillars': Prevention and Protection, the 'Protection Pillar' will be implemented in 2011 by the United Nations Office on Drugs and Crime (UNODC) based in Bangkok to liaise with international law enforcement agencies and provide capacity building programmes across the region. Though implemented by two different entities, the two Pillars of Project Childhood will co-ordinate their activities and maintain regular communication. A Project Childhood Co-ordination Committee (PCCC) will meet on an annual basis to ensure coherent implementation of the project as a whole. AusAID has financed the programme to the tune of £7.5 million Australian dollars over five years making this one of the largest investments by any single government on addressing the protection of children from travelling sex offenders.

<sup>28</sup> <http://www.europol.europa.eu/index.asp?page=news&news=pr101122.htm>

<sup>29</sup> The concept of the Joint Investigation Teams (JITs) originated from the 2000 EU Convention on Mutual Legal Assistance in Criminal Matters (2000 MLA Convention) with the aim of improving co-operation between judicial, police and customs authorities by updating existing mutual legal assistance provisions.

<sup>30</sup> Operation Golf is a joint investigation team set up between the Metropolitan Police and the Romanian Police to investigate organised criminal networks and child trafficking.

## Success through co-operation

### CASE STUDY 4

Hertfordshire man jailed for raping girl in Goa  
10 December 2010

*A Hertfordshire man who travelled to India to film himself raping a 10-year-old girl has been sentenced to life in prison. BM, 54, of Tudor Walk, Watford, groomed his victim after befriending her "slum-dwelling" family, St Albans Crown Court heard. He admitted three rapes and 18 related charges in Goa between 2005 and 2007.*

*Judge Marie Catterson said BM's crimes were "abhorrent". She said he must serve at least seven years. The court heard the girl had felt unable to report what was happening because BM paid for her brother's education. BM and his wife had met the victim's brother while he was selling peanuts at a beach resort in the 1990s. The child's father was dead and the mother had raised nine children by selling pots and pans.*

*BM's activities came to light in 2007 when police in the UK suspected him of downloading images of child abuse and seized his computer. Officers found images of the rapes as well as video clips BM had taken on a camcorder as he raped and abused the girl, described in court as a "slum dweller".*

*BM continued to visit Goa after splitting up with his wife in 2005, and would tell the girl's brother to bring his sister to his accommodation. The court heard BM gave her mango juiced laced with temazepam, which would leave her unconscious. Judge Catterson said: "It's clear the victim felt unable to complain about you because of the financial support you were giving her brother."*

*BM also admitted four counts of assault, three of administering a noxious substance so he could engage in sexual activity, and one of sexual assault of a child. He pleaded guilty to eight charges of taking indecent photographs of the child and two charges relating to the making and possessing of indecent photographs of children.*

Source: <http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-11971829>  
[accessed 15 December 2010]

The BM case demonstrates a welcome breakthrough towards achieving greater justice for children exploited by British travelling sex offenders. BM was convicted in 2010 on a range of charges which included raping a child under 13, administering stupefying drugs to his victim, and taking and possessing indecent photographs. This case illustrates the success that can be achieved when the different agencies are able to work together across boundaries and borders. The police worked

closely with the CPS, the Serious Organised Crime Agency (SOCA) and CEOP in the investigation. BM was charged under the Sexual Offences Act 2003 for sexual offences committed in India. Critically, police officers from Hertfordshire Constabulary and CEOP travelled to India to work with the local authorities and specialist non-government organisations in order to secure the conviction.



## Prosecutors

**There must be a more concerted effort by the British authorities to charge and bring before the court UK nationals who are suspected of abusing children in other countries many are not properly equipped to prosecute such cases. Whilst the *first country first* principle (where the offender is arrested and prosecuted in the country where the offence took place) is a worthy aim it is often impractical because of insufficient or badly drafted legislation, or difficulties in enforcement. In these cases the UK should work with the authorities in the other country to ensure offenders are returned and prosecuted in the UK.**

There is an important role for the CPS to provide training to prosecutors and increase knowledge about travelling sex offenders and the potential for using extra-territorial legislation. The case of PM (below) demonstrates the CPS's failure to successfully prosecute a British national on charges of sexually abusing children abroad. Despite a thorough investigation of allegations of child abuse in India by Gloucestershire Constabulary the case was dismissed in June 2010 and the alleged perpetrator was allowed to go free. The judge criticised the CPS for taking an unreasonable time in organising their case. In particular, they had failed to arrange the required video links which would have allowed the child witnesses, based in India, to give evidence in the UK court. The defendant had initially been arrested and bailed in July 2006 but it was not until April 2007 that the CPS took steps to secure evidence from the child victims in India. Whilst it was clearly foreseeable that they would need to give evidence in some form, the process of considering the best means of giving evidence was unacceptably slow. It was only in late 2009 that the CPS ruled out bringing the child victims to the UK, and it was therefore decided to use a live video link.

However, although the decision had been made no action was taken until January 2010 when it was formally submitted in court that the live video link

would be used. Despite this submission, it took a further ten weeks for the CPS to make the formal request to the Home Office. A series of delays on the part of the CPS and the Home Office led to a delay of four years since the original arrest. Whilst it was obviously undesirable to allow the defendant to go free, the judge was forced to release him. Notably, the judge stated that "the police have not been dilatory at all in the way in which they have tried to deal with the matter," and that there had been "no lack of industry on the part of the police to secure the giving of evidence by these children." In striking contrast, he concluded that it was "the Crown (referring to the CPS) who have failed rather than the foreign jurisdiction" and that "the Crown cannot escape responsibility...by seeking to blame Indian officialdom." It is highly frustrating for all involved that the CPS made such elementary errors and importantly children in India did not get access to the justice they had a right to expect from the UK authorities.

ECPAT UK wrote to the Director of Public Prosecutions in June 2010<sup>31</sup> raising our concerns about the CPS's handling of this case. After an internal review by the Complex Casework Unit the DPP replied acknowledging three areas where failings had affected the outcome of the case. The DPP summarised these as:

- i) Failure to record advice in respect of the first contact with police and provision of the original letter of request on the CPS computer system which meant that there was a lack of an audit trail, leading to a lack of progression by the reviewing lawyer and managers;
- ii) Lack of appreciation of the wider implications of mounting a complex prosecution involving victims and witnesses from abroad without specialist assistance from the regional Complex Case work unit;
- iii) Lack of guidance to prosecutors on the CPS internal *Infonet* in respect of the potential delays and possible problems associated with letters of request to India and more generally in prosecuting cases where a number of witnesses are due to give evidence from abroad.<sup>32</sup>

<sup>31</sup> Letter to Keir Starmer, Director of Public Prosecutions, from Christine Beddoe, ECPAT UK, 25 June 2010.

<sup>32</sup> Letter to Christine Beddoe, ECPAT UK from Keir Starmer, Director of Public Prosecutions, 27 August 2010.

The DPP also confirmed that the Chief Crown Prosecutor for Gloucestershire had provided guidance to his lawyers and managers across the South West that any similar requests for advice from the police should be referred to the regional Complex Casework Unit for their guidance and assistance.

The incompetence demonstrated in the management of this case reflects the more general problem that the

UK is reluctant to properly pursue extra-territorial offences involving the sexual abuse of children by British nationals. Unless agencies like the CPS improve their methods, police forces will become less willing to mount these lengthy and complex investigations, and consequently such individuals will continue to offend.

### CASE STUDY 5

Judge dismisses child sex abuse case against retired Gloucestershire teacher  
17 June 2010

*The case against a 63-year-old retired teacher from Winchcombe accused of committing sexual offences against young boys in India has been dismissed by a judge at Bristol Crown Court.*

*The trial of PM, of Sudeley View, was due to begin yesterday (16 June). However, there were administrative delays in arranging for the child victims' evidence to be given by video link from India. The judge refused to adjourn the trial, and ordered it be dismissed. Adrian Foster, Chief Crown Prosecutor for Gloucestershire, said: "This was the first case of its kind we have seen in Gloucestershire and was both highly sensitive and extremely complex. "Working closely with local police officers, CPS Gloucestershire followed the correct procedure in sending an International Letter of Request. The process is lengthy and complex, with involvement from the Home Office, Indian Government and Interpol. "Unfortunately the delays resulting from such a lengthy process resulted in this case being dismissed. Lessons have been learned and we will continue to work with the authorities both here and abroad to tackle crimes of this nature."*

*Detective Inspector Mark Little, who oversaw the investigation carried out by Gloucestershire's Child Abuse Investigation Team, said the dismissal of the case had been very disappointing. He said: "We are obviously very disappointed that this case has not progressed and I would like to thank all the officers involved for their hard work and dedication. "The Child Abuse Investigation Team in Gloucestershire works tirelessly in order to keep all children safe from harm. We will continue to investigate all allegations brought to our attention and will use all legislation available, working with our partners, to protect children and bring offenders to justice.*

*The charges against PM, which he denied, dated back to 2005 to 2006 when he worked as a volunteer in Chennai, India. They were brought under the Sexual Offences Act 2003 which allows the British Crown to prosecute its citizens for sexual offences allegedly committed overseas.*

*A team of officers from Gloucestershire Constabulary visited India to interview victims and witnesses during 2009, as part of the lengthy and thorough investigation.*

Source: <http://www.thisisgloucestershire.co.uk/news/Judge-dismisses-child-sex-abuse-case-retired-Gloucestershire-teacher/article-2320178-detail/article.html>

[accessed 15 September 2010]



## Conclusion

Despite the laws and legal tools in place for many years, children are still being sexually abused by British sex offenders who travel for work or holiday. ECPAT UK is calling on the government to introduce a cross-government strategy to deal effectively with the prosecution of sexual offences committed abroad, the protection of child victims and the prevention of such crimes. A combined strategy and implementation plan should cement leadership and co-ordination in ensuring that information about perpetrators is collated, analysed and vigorously acted upon, shared within the UK and internationally for the protection of children and the prosecution of offenders. Rather than being a back-room document, this strategy should guide engagement with European and international partners and provide clear messages for the media and the wider community.

For this vision to become reality the Home Office and the Ministry of Justice should immediately set out a timeframe for consultation with the prosecution service and wider legal community, NGOs, police forces, and other law enforcement agencies including SOCA, CEOP, Europol and Interpol and, importantly, specialists in countries affected by these crimes.

ECPAT UK enquiries have shown that there is low awareness about the risk these perpetrators pose to children here in the UK. The Home Office consultation document on policing in the 21<sup>st</sup> century, published in July 2010, barely mentioned these crimes. The document firmly embeds the localisation agenda for policing but totally lacks detail on international crimes against children and how they impact on policing in the UK. The Home Office states that "We will create a powerful new body of operational crime-fighters in the shape of a National Crime Agency. This should harness and build on the intelligence, analytical and

enforcement capabilities of the existing Serious Organised Crime Agency (SOCA) and the Child Exploitation and Online Protection Centre. But the new Agency should better connect these capabilities to those within the police service, HM Revenue and Customs, the UK Border Agency and a range of other criminal justice partners".<sup>33</sup>

The need for strategic leadership is clear, it is required to bring together the work of all the relevant government and non-government agencies involved with these cases and oversee tasking of enforcement and protection activities. The range of information currently held on perpetrators convicted abroad is patchy, not managed centrally and, we believe, not shared effectively to reduce the risk to children both in the UK and abroad. There are insufficient mechanisms in place for international organisations and schools to get access to data held by authorities before recruiting British nationals even though the information would be shared with similar UK based organisations through the CRB and ISA bodies.

Whilst some police forces have made strong efforts to investigate alleged crimes committed abroad, there are few resources available to most forces to undertake robust investigations. It is totally unacceptable that children overseas continue to be abused by British nationals as a result of inaction by UK authorities. It is time for policy makers and law enforcement agencies to have a more comprehensive understanding of the impact of these crimes, and in particular the risks to children both in the UK and abroad. Central to this is the need to listen to children and to ensure that their experiences and those of the professionals who care for them are influencing legislation, policy and prevention strategies.

<sup>33</sup> Home Office consultation document, 2010 Policing in the 21st Century: Reconnecting Police and the People.

# Recommendations

In addition to our priority call for the government to develop a cross-government strategy to deal effectively with the investigation and prosecution of child sexual offences committed abroad, ECPAT UK makes the following recommendations:

### **Recommendation 1**

The UK should immediately ratify and implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

### **Recommendation 2**

The Home Secretary should act immediately to close the 'three day loophole' – referring to Section 86 of the Sexual Offences Act requiring registered sex offenders to notify travel abroad. ECPAT UK recommends that all international travel must be notified, irrespective of the duration of the trip.

### **Recommendation 3**

The Home Office, the Foreign and Commonwealth Office and CEOP jointly convene a review of information sources so that a precise report of the numbers of British nationals who have been prosecuted abroad, and in the UK for crimes committed abroad, is published before the end of 2011.

### **Recommendation 4**

The CPS must improve its knowledge and practice in prosecuting cases of child sexual abuse and exploitation committed overseas. The CPS should establish a review of the use and efficacy of Section 72 of the Sexual Offences Act (2003), the UK extra-territorial law for the prosecution of sexual offences. The Director of Public Prosecutions should report on action taken since his review following the case of PM in Gloucestershire.

### **Recommendation 5**

Training on relevant legislation and investigation of international offences is needed across the UK, and not only for police. A wide range of agencies should be made aware of key issues including those responsible for customs, immigration, consular services, passport and visa offices, and probation. In addition, a review of training for staff of bail hostels and prisons should be conducted so that early warning signs for offenders aiming to travel abroad can be identified.



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