

# (CHILD) SEX OFFENDER REGISTRY

Working paper

Overall presentation of different types of  
(child) sex offender registries



INTERFAITH  
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This publication is based on research undertaken by ECPAT International including Sendrine Constant, Zahra Beg, Andrea Varrella, Swasti Karmacharya, Gabriella Paterno and in collaboration with Mark P. Capaldi, PhD.

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# INTRODUCTION

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Globally, sexual violence against children is growing. The Out of the Shadow 2022 Index report that “every year, over 400 million children around the world are exposed to child sexual exploitation and abuse.”<sup>1</sup> These crimes are becoming more complex and interlinked as a result of increased travelling, technology and Internet access.<sup>2</sup> In an attempt to protect children and manage offenders, some countries have started to develop Sex Offender Registries (SOR) to continue monitoring persons convicted of sexual offences after serving their sentence. Protecting children from any form of violence, including sexual exploitation and trafficking, are the statutory responsibility of governments. Registries have been established in several countries to allow governments to keep track of persons convicted of child sexual offences through various notification systems and data stored in the registry. This is potentially shared among different entities, authorities and countries in an attempt to allow for better collaboration and safeguarding of children.

It is important to note that sex offender registries and notification systems are all relatively different in their structure and function, including the type of information they record, how they assess risks of re-offending, and how they monitor offenders. There is no harmonisation or uniform approach in this regard. Each country regulates this issue differently in line with their applicable legal framework, in an attempt to choose the best solutions that would help protect children from sexual exploitation and abuse. All registries include sexual offences

committed against children but in general, the offences covered commonly go beyond those who victimise children, and can include other crimes such as adult sexual assault and rape.

Sex offender registration is a system that monitors and tracks persons convicted of sexual offences following their release into the community which provides information about persons convicted of sexual offences to authorities and the public.<sup>3</sup> Some sex offender registries are dynamic registries whereby the information of offenders is updated on an ongoing basis while other registries consist of a database of convicted persons which is static, both of which have different policy and resource implications. Notification laws mandate the dissemination of information of persons convicted of sexual offences such as criminal history, physical description, and home address whilst, registration laws require those convicted of sexual offences to provide these specifics to relevant authorities.<sup>4</sup> It is important not to conflate that notification systems accompany sex offender registries which are part of sex offender management.

This working paper serves as a basis for reflection to document practices and identify key considerations that should be taken into account by policymakers and other stakeholders when developing or revisiting these instruments. This work resulted in the development of ‘Technical considerations for the development of (child) sex offender registries’ to inform the development or revision of such mechanisms.

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1. Economist Impact. (2022). *Out of the Shadows Index*.

2. ECPAT International. (2020). *How Sexual Crimes Against Children Have Changed Over Time*. Bangkok: ECPAT International.

3. Department of Justice. (2022). *Sex Offender Registration and Notification Act (SORNA)*.

4. Prescott, J. J., & Rockoff, J. E. (2011). *Do sex offender registration and notification laws affect criminal behavior?* Chicago: The Journal of Law and Economics, 54(1), 161–206.



This paper attempts to give an overview of the different functions and schemes that sex offender registries may contain, based on an initial literature review<sup>5</sup> and information collected through 35 semi-structured interviews with key informants from 12 countries, anonymously referenced throughout the working paper (ACA01, etc). Informants were from Australia, Canada, Denmark, India, Kenya, Maldives, New Zealand, Philippines, Poland, South Africa, the United Kingdom and the United States from a diverse multi-sectoral group of law enforcement (police officers and managers of sex offender registries), civil society organisations, academics and intergovernmental organisations including the United Nations.

## Terminology

In this paper, child sex offenders are understood as individuals involved in sex-based crimes against children.<sup>6</sup> ECPAT International acknowledges that using the common term 'sex offender' or 'child sex offender' can be stigmatising. We welcome the Council of Europe recommendation to refer to a "person accused or convicted of a sexual offence" to focus on the individual rather than the offence, as recommended by emerging research, policy and practice on the matter.<sup>7</sup> In this paper, the term (child) sex offender is rather used to refer to the sex offender registry and does not intend to stigmatise the persons concerned.

Although the scope of this paper is to look at how sex offender registries have been set up and how they contribute (or not) to the protection of children from sexual exploitation and abuse, most of the registries considered are broader and extend to offences beyond sexual offences against children, to encompass other sexual offences and violent crimes, etc. We, therefore, refer to the broader term 'sex offender registry' to reflect the nature of these mechanisms, and we specify provisions and

functions that specifically apply to children, across the text, when relevant.

It is important to note that the objective of this document is not to condone or condemn registries but rather to provide a nuanced introduction to sex offender registries and to offer different insights which may be helpful for countries and professionals to make informed decisions about reviewing existing registries or developing new ones.

## Children should not be placed on the registry

It should be noted that this paper refers to adults who have committed sexual offences against children. It was decided to exclude the issue of persons under 18 (commonly referred to as 'juveniles' when they are above the age of criminal responsibility and convicted for an offence) placed on the registry, because ECPAT International does not support the placement of juveniles on sex offender registries and recommends that children under 18 should not be treated as adults. Placing children on registries is one of their most criticised aspects, qualified as "expensive, harmful policies that don't work"<sup>8</sup> by some academics and researchers and also actively denounced by various civil society organisations who are all working in the field of child protection and juvenile justice.

For example, in the United States, a significant proportion of individuals on sex offender registries are juveniles (twenty five percent as reported in 2018).<sup>9</sup> The image of an adult sexual offender does not fit the majority of children who are charged with sexual offences and sex offender registries often do not differentiate the actions of minors before labelling them as a person convicted of a sexual offence. Children who have engaged in behaviour out of curiosity or exploring their sexuality can lead to them being placed on

5 ECPAT International. (2022). Issues Paper on Mechanisms for Centrally Registering Sex Offenders as a Strategy to Prevent the Sexual Exploitation of Children. ECPAT International. Unpublished.

6 ECPAT International and ECPAT Luxembourg. (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*.

7 Council of Europe Committee of Ministers. (2020). *Recommendation CM/Rec (2021)6 of the Committee of Ministers to the States regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence*. European Committee on Crime Problems.

8 Letourneau, E J. & Caldwell, M F. (2013). *Expensive, Harmful Policies that Don't Work or How Juvenile Sexual Offending is Addressed in the U.S.* Johns Hopkins Bloomberg School of Public Health & University of Wisconsin, Madison: International Journal of Behavioral Consultation and Therapy.

9 Cull, D. (2018). *International Megan's Law and the Identifier Provision - An Efficacy Analysis*. Washington University Global Studies Law Review.

registers.<sup>10</sup> This is particularly problematic in cases concerning consensual sex between minors. In the United States, children have been convicted of ‘child pornography’ offences and placed on registries for ‘sexting’ – the sharing of nude photographs of themselves to their peers.<sup>11</sup> Similar outcomes from ‘sexting’ have occurred in Australia as well as related concerns were raised in the United Kingdom.<sup>12</sup> In 2014, in Nottingham, police had written to local schools to warn, “If a person is aged over 10 years and distributes (shares - even to friends) an indecent image then they can be arrested, charged and dealt with for this offence. If they are found guilty, they must then register as a sex offender”.<sup>13</sup> Similarly, in some cases in the United States, children as young as nine years old have ended up on public sex offender registries.<sup>14</sup> Such cases can have horrific long-term implications for youth with regard to their future study, and employability, not to mention the social stigma and negative mental health impacts of being registered as a person convicted of a child sexual offence.

This is not to say that serious sex offences are not committed by juveniles and that some demonstrate a pattern of violent or predatory offending. However, such cases cannot be treated the same as adult persons convicted of a sexual offence and require appropriate responses. Without recognising the difference between adults and children (such as in cognitive capacity which can affect children’s culpability), sex offender registration systems designed originally for adult offenders are often being automatically extended to children. There is various evidence that reasons for offending, risks of re-offending and differences in children’s responsiveness to rehabilitation are different from adults. Rehabilitative principles are at the core of human rights and justice principles and should be prioritised for responses to child sex offending.<sup>15</sup>

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10 Note that following a 2006 amendment to the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA) in the United States the number of offences requiring registration increased to include, but not limited to, cases of indecent exposure, public urination, incest, indecency with a child by touching, and possession of child pornography. As there is no provision for individualised risk assessment, children have ended up on certain state registers, sometimes for varied delinquent offences which can be more experimental than deviant (Ref: Title I, §111.8 of the Adam Walsh Act, Pub. L. No. 109-248, (2006).

11 Lorang, M. R., McNiel, D. E., & Binder, R. L. (2016). *Minors and Sexting: Legal Implications*. The journal of the American Academy of Psychiatry and the Law, 44(1), 73–81.

12 Australian Institute of Criminology. (2018). *What impact do public sex offender registries have on community safety?*

13 Eleftheriou-Smith, L. (2014). *Teenagers who “sext” each other could land themselves on sex offenders’ register*. The Independent.

14 Human Rights Watch (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*.

15 *Ibid*.

## Children placed on sex offender registries in the United States<sup>16</sup>

- 'Maya' is now aged 28 years but she was arrested at the age of 10 for sexual experimentation as she and her two younger stepbrothers had 'flashed' each other and play-acted sex while fully clothed. Guilty of criminal sexual conduct, she is required to register as an offender for 25 years. When Maya turned 18 years old her name and photo were added to a public sex offender website.
- 'Isaac' was 12 years old when he was charged with 'indecent liberties' for touching another 12 years old's breasts. Although the incident happened 15 years earlier, it looks like he is an adult who sexually assaulted a 12 years old girl as he is on the public sex offender registry. His brother was once beaten up by a drunk neighbour who mistook him for Isaac.
- A mother of a child on a sex offender registry reported that the family is regularly harassed and that one of the neighbours shot the family dog.
- An adolescent was convicted at age 17 years of having sex with his 14 year old girlfriend. Ten years later he is still on a public sex offender registry and has been called a 'baby rapist' by neighbours, had faeces left on his driveway and has had a stone thrown through his window. He feels his life is ruined as he also struggles to find employment and a place to live.

ECPAT therefore urges that children under 18 should be treated in regard to the specific rights that they are entitled to in the various international instruments. Another document, complementing this one, explains ECPAT's position and the reasoning for considering children who have committed sexual offences differently from adults, with respect to their distinctive needs and their evolving capacities.

## Disclaimer

This paper does not aim to outline a position of ECPAT International on sex offender registries, nor does it aim to provide a complete picture of the different functions of these registries. This document is first and foremost a working paper to highlight what has been collected and raise critical questions that should be taken into consideration.

<sup>16</sup> Human Rights Watch (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*.



# 1.

## BRIEF HISTORY OF SEX OFFENDER REGISTRIES AND THEIR PURPOSES

Sex offender legislation largely emanates from a risk reduction perspective, becoming a central component of the criminal justice system where the risk management of persons accused or convicted of sexual offences has become a public protection concern.<sup>17</sup> Sex offender registries have often been developed as a result of three issues including a reaction to high-profile cases of violent child abductions and murders with legislation named after these cases in current criminal justice systems (e.g., the United States<sup>18</sup>); calls from practitioners (e.g., Australia<sup>19</sup>), or a reaction by governments to societal concerns surrounding sexual abuse networks (e.g., the United Kingdom<sup>20</sup>).

In essence, sex offender registries record the names and details of convicted (primarily child) sex offenders on a database belonging to law enforcement agencies.<sup>21</sup> A notification system is an added mechanism beyond registration that enables police-to-police cooperation either bilaterally or through networks such as INTERPOL and Europol, or allows the general public access to

### High profile cases as the catalyst for sex offender registration legislation around the world

In the US, the Adam Walsh Act of 2006 and Megan's Law of the 1990s were named after two children who were raped and murdered by adult men. The Jacob Wetterling Act of 1994 was passed after Jacob was abducted; he has never been found.

In the UK, 9 year old Sarah Payne was the victim of a high-profile abduction and murder in July 2000. The subsequent investigation and media coverage into her murder led to changes to child protection and sex offender registry legislation.

In South Africa, the savage rape and murder in 2019 of Uyinene "Nene" Mrwetyana, a South African Student at the University of Cape Town, has led to calls for the National Register for Sex Offenders to be made public.

17 Hoggett, J., McCartan, K., & O'Sullivan, J. (2019). *Risk, discretion, accountability and Control: Police Perceptions of sex offender risk management policy in England and Wales*. *Criminology & Criminal Justice*, 20(4), 433–450.

18 Spooner, Kallee (2011). *The Adam Walsh Act: Juveniles and Sex Offender Registration and Notification*. *Undergraduate Review*, 7, 126-130.

19 Vess, J., Langskaill, B., Day, A., Powell, M., & Graffam, J. (2011). *A comparative analysis of Australian sex offender legislation for sex offender registries*. *Australian & New Zealand Journal of Criminology*, 44(3), 404–424.

20 Davidson, Julia. (2008). *Child Sexual Abuse: Media Representations and Government Reactions*.

21 Australian Institute of Criminology. (2018). *What impact do public sex offender registries have on community safety?*



information on the database (in some cases upon request, in others through open access).

Sex offender registries are now quite widely adopted, notably by the United States in 1994, the United Kingdom in 1997, South Korea in 2000, Ireland in 2001, Canada and Australia in 2004, South Africa in 2007, New Zealand

in 2016, India in 2018, Nigeria, Malaysia and Trinidad and Tobago in 2019 and very recently Albania in August 2022. The literature review identified 41 countries, territories or jurisdictions which have adopted legislation governing sex offender registration systems as of September 2022.<sup>22</sup>

## 1.1 History of Sex Offender Registration and Notification System

### The United States

Early adopters of the sex offender registry were the United States, which began early in the 20<sup>th</sup> century. In the 1920s, sex offender registries were used to track criminal offenders once released into the community.<sup>23</sup> By the mid-1940s they were enacted to inform police of the whereabouts of habitual persons convicted of sexual offences though they lost favour to the 'sexual psychopath laws'.<sup>24</sup> California became the first state to enact a registration system for persons convicted of sexual offences in 1947.<sup>25</sup> In the subsequent decades of the 1950s and 1960s, Arizona, Nevada, Ohio and Alabama also enacted a registration system for persons convicted of sexual offences.<sup>26</sup> By the 1970s the 'sexual psychopath laws' had also lost favour,<sup>27</sup> as they were "either being repealed or widely ignored as ineffective and unjust policies".<sup>28</sup>

While other US states enacted sex offender registration statutes, state systems differed in many ways and did not always require the transfer of information about registered persons convicted of sexual offences with other states.<sup>29</sup>

The first US federal law to address the implementation of a standardised sex offender registration programme was introduced in 1994, known as the Jacob Wetterling Act, and called for each state to create a registry of persons convicted of a sexual offence.<sup>30</sup> The Act was later amended in 1996 and became Megan's Law to authorise the sharing of information concerning persons convicted of sexual offences by state and local law enforcement agencies when necessary to protect the public. Shortly after Megan's Law was passed, US states began creating public registry websites to display information for registered persons convicted of sexual offences. This included offences which involved the production and distribution of child sex abuse material according to the Wetterling Act standards.<sup>31</sup>

22 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

23 McPherson, L. (n.d.). *THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) AT 10 YEARS: HISTORY, IMPLEMENTATION, AND THE FUTURE*.

24 Collateral Consequences Resource Center. (2020). *Sex offense registries in Europe and around the world*.

25 Bedarf, A. R. (1995). *Examining Sex Offender Community Notification Laws*. California Law Review, 83(3), 885–939.

26 McPherson, L. (n.d.). *The Sex Offender Registration and Notification Act (SORNA) at 10 Years: History, Implementation, and the Future*.

27 Collateral Consequences Resource Center. (2020). *Sex offense registries in Europe and around the world*.

28 Hoppe, T. (2016). *Punishing Sex: Sex Offenders and the Missing Punitive Turn in Sexuality Studies*. Law & Social Inquiry, 41(3): 573-594.

29 McPherson, L. (n.d.). *The Sex Offender Registration and Notification Act (SORNA) at 10 Years: History, Implementation, and the Future*.

30 United States of America. (1994). *Violent Crime Control and Law Enforcement Act of 1994*.

31 The PROTECT Act of 2003 mandated the creation of public sex offender registry websites by state. While different States created their own public registry websites, it was only in 2005 that the National Sex Offender Public Registry (NSOPR) was administered by the U.S. Department of Justice which collected the information from 22 States. The website was made up of voluntary participation of States with existing public sex offender registry websites.

In 2005, several sex offender registration bills were going through US Congress which all wanted to tackle different aspects of sex offender registries and notification systems.

Finally the Adam Walsh Act was signed into law in July 2006, also known as the Sex Offender Registration and Notification Act, which created a tier system to standardise the registration and notification system.<sup>32</sup> From 2006, all 50 US States were added to the National Sex Offender Public Website (NSOPW) which is the only U.S. government website which links public state, territorial and tribal sex offender registries in one national search site.<sup>33</sup>

## European developments

European legislation has also provided a strong push for the adoption of sex offender registration provisions. In 2010, the Parliamentary Assembly of the Council of Europe called on Member States to review their legal frameworks to “create a comprehensive system to manage sex offenders”, adopt measures “aimed at controlling and monitoring the movement of sex offenders, particularly travel abroad” and “introduce a system of vetting and barring for employment purposes to ensure that those who pose a risk cannot work with children or vulnerable persons”.<sup>34</sup> However, the proposition to introduce a Europe-wide for persons convicted of sexual offences was not supported. Key informants interviewed for this study report that the issue of data sharing across countries in general, including within the European Union, is a very sensitive one that hinders the possible establishment of such a mechanism.

Part of these recommendations have been introduced in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (also known as Lanzarote Convention, which entered into force in 2010) which requires States to take the necessary legislative or other measures

to ensure that the conditions to accede to those professions whose exercise implies regular contact with children guarantees that applicants have not been convicted of acts of sexual exploitation or sexual abuse of children.<sup>35</sup> The Convention, however, does not specify how this should be done and does not prescribe the use of a registry for persons convicted of (child) sexual offences as the measure to implement this provision.

The EU Directive on combatting the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU) includes measures to prevent and minimise recidivism, recommends putting in place intervention programmes for offenders and preventing them, temporarily or permanently from exercising activities in direct and regular contact with children.<sup>36</sup> The EU Directive also includes specific recommendations for Member States to “consider adopting additional administrative measures in relation to perpetrators, such as the registration in sex offender registries of persons convicted of (these) offences”.<sup>37</sup> The Directive, however, recommends that access to these registers should be subject to limitations in accordance with national principles and applicable data protection standards, for instance by limiting access to the judiciary and/or law enforcement

32 Zgoba, K., & Ragbir, D. (2016). *Sex offender registration and notification act (SORNA)*. Sexual Violence, 33–49.

33 Government of the United States of America. (n.d.) *ABOUT NSOPW*.

34 Parliamentary Assembly of the Council of Europe. (2010). *Reinforcing measures against sex offenders*. Council of Europe. Resolution 16.1, 16.3, 16.4.

35 Council of Europe Convention. (2012). *Protection of Children against Sexual Exploitation and Sexual Abuse*. Strasbourg: Council of Europe.

36 European Union. (2011). *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*.

37 *Ibid*.

authorities.<sup>38</sup> In 2021, the Council of Europe issued recommendations on the assessment, management and reintegration of persons accused or convicted of sexual offences for Member States.<sup>39</sup> The recommendations include guidance for national authorities in terms of legislation, policies and practices to prevent and reduce sexual offending.<sup>40</sup>

## In summary

Registration of persons convicted of (child) sexual offences has evolved and been increasingly adopted over the past 50 years often under public pressure as a reaction to high profile violent crimes against children. It is important for policy makers though to balance the public demands with principles of what works in reducing sexual and other criminal offending and what can be appropriate and effective in their countries, given their existing systems and structures.

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38 European Union. (2011). *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.*

39 Council of Europe. (2021). *Managing persons accused or convicted of a sexual offence: Council of Europe issues new guidelines.*

40 *Ibid.*

## 2.

# MAIN PURPOSES OF SEX OFFENDER REGISTRIES



The main purpose of sex offender registries is to support the police in “solving crimes and increasing public safety”.<sup>41</sup> It is a multifaceted process that includes collaboration between criminal justice officials and law enforcement agencies.

The original purpose of all types of sex offender registries is prevention of sexual abuse and exploitation of children, not punishment of offenders. They can also be used for screening persons who work with or interact regularly with children. Both the sex offender registries and notification systems are used for public safety purposes but there are variations in sex offender registries whereby countries grant public access or not, mainly through websites. It is important to consider these factors in order to evaluate their effectiveness in managing persons convicted of a sexual offence.

While public safety is a key purpose for sex offender registries, the impact of public access of the registry and the community notification systems are difficult to measure and these continue to be some of the most controversial aspects of these policies. Most research on the matter emanate from Anglo-Saxon countries

and do not necessarily reflect impact that would have similar results in different contexts. It was also not possible for this study to speak with victim organisations, which are known in some countries to be advocating in favour of the sex offender registry development and access to the public in order to strengthen public safety.

### 2.1 A tool for investigation and law enforcement collaboration

Empirical evidence and information provided by key informants’ point to (child) sex offender registries as a useful tool to assist law enforcement in investigating sexual crimes against children<sup>42</sup> as the main and primary purpose of a registry. This is through giving law enforcement immediate access to up-to-date detailed information about persons convicted of sexual offences (GOV01-02-03, LE01-02-03-05-06, EXP01-02-03). In a 2016 study conducted in England and Wales, police officers reported that they “felt that the establishment of the sex offenders register and the introduction of ViSOR (Violent and Sex Offenders Register),

41 Murphy, L & Fedoroff, J. (2013). *Sexual Offenders' Views of Canadian Sex Offender Registries: A survey of a clinical sample*. Canadian Journal of Behavioural Science, 45(3): 238.

42 Bieri, D. M. (2015). *The utility of sex offender registration: A research note*. Journal of Sexual Aggression, 22(2), 263–273.

helped with the management and community support of sexual offenders; believing that it

helped them do their jobs better, protect the public better and reduce re-offending".<sup>43</sup>

## Canada - Sex Offender Information Registration Act - 2004<sup>44</sup>

### **Purpose and Principles**

2 (1) The purpose of this Act is to help police services prevent and investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders.

### **Principles**

(2) This Act shall be carried out in recognition of, and in accordance with, the following principles:

- (a) in the interest of protecting society through the effective prevention and investigation of crimes of a sexual nature, police services must have rapid access to certain information relating to sex offenders;
- (b) the collection and registration of accurate information on an ongoing basis is the most effective way of ensuring that such information is current and reliable; and
- (c) the privacy interests of sex offenders and the public interest in their rehabilitation and reintegration into the community as law-abiding citizens require that
  - (i) the information be collected only to enable police services to prevent or investigate crimes of a sexual nature, and
  - (ii) access to the information, and use and disclosure of it, be restricted.

## 2.2 Prevention of offending or re-offending

Sex offender registries have become one of the most debated criminal justice policy issues, particularly when it comes to their impact on preventing offending. Although widely supported by the public, policy makers and generally law enforcement, on the other end of the spectrum are academics and treatment providers of persons convicted of a sexual offence who have largely remained critical of the measures, particularly public notification schemes. There is a general assumption that persons convicted of child sexual offences are likely to re-offend and such mechanisms would help monitor and prevent recidivism by limiting

opportunities to access children. Whilst recidivism rates can vary in studies, research suggests that it ranges from 4% to 24%.<sup>45</sup> Although these rates are lower than for other categories of crime, other research argues that lower recidivism statistics for sexual offences are not true reflections due to low reporting and detection of such crimes.<sup>46</sup>

The extent to which sex offender registries further lower recidivism is unclear: (i) there may be different recidivism rates for different sexual offences (e.g. possession of child sexual abuse material versus physical sexual assault of a child); and (ii) some research has suggested there is no statistical difference in recidivism rates for persons convicted of sexual offences

43 O'Sullivan, J., Hoggett, J., McCartan, K. and Kemshall, H. (2016). *Understandings, Implications and Alternative Approaches to the Use of Sex Offender Register in the UK*. Irish Probation Journal. 84-101.

44 Government of Canada. (2004). *Sex Offender Information Registration Act*.

45 HAQ: Centre for Child Rights. (2018). *The Benefits and Detriments of Sex Offender Registries: A Comprehensive Qualitative Analysis*.

46 *Ibid*.



that are registered as opposed to those who are not. If this is the case, it implies that sex offender registries cannot alone result in lower recidivism and that other measures are also needed.

This lack of evidence may be partly due to differing measured variables and the difficulties to rigorously measure impact on prevention. A further difficulty in reviewing the effectiveness

of sex offender registries in prevention can be inconsistencies in definitional technicalities of recidivism,<sup>47</sup> as different law enforcement policies mean that statistical information can vary or be contradictory.

However, overall research, mostly conducted in the United States, is not conclusive regarding the preventive impact of sex offender registries.

### **Sex offender registries, open access, notification system and impact on recidivism**

The open access of the sex offender registry to the public and the community notification scheme adopted in certain countries, in particular in the United States, adds an additional level of complexity in measuring the impact of sex offender registries on offending and/or re-offending and need to be considered in and of themselves, as a different measure from the sex offender registry. A study in 2008 found that community notification systems led to an increase in sex offender recidivism.<sup>48</sup> These findings were replicated in a further study in 2014,<sup>49</sup> posing questions regarding the usefulness of the community notification system. The authors believed that the reason for an increase in sex offence recidivism, when personal information is made public, is linked to the “associated psychological, social, or financial costs” experienced by offenders, leading to instability in their lives and feelings of hopelessness.<sup>50</sup>

A meta-analysis published in 2023, based of 25 years of sex offender registration and notification (SORN) evaluations and their effects on recidivism, found no statistically significant impact on recidivism and concluded that sex offender registration and notification policies have no effect on reducing recidivism and denounces that the lack of efficacy creates “a false sense of security” which has important policy implications.<sup>51</sup>

While the effectiveness of a sex offender registry in reducing recidivism (specific deterrent effect on persons convicted of a sexual offence) is not satisfactorily demonstrated by research, nor is its impact on preventing offending on the general population (general deterrent effect). At the same time, there is also empirical evidence that registries are associated with decreases in sexual offending and that they can play a key role in assisting law enforcement in response to child sex crimes.<sup>52</sup> This has been confirmed and

reiterated by interviews conducted, whereby most respondents from law enforcement emphasise that the main purpose of a registry is definitely a tool to aid in investigation and should be considered as such.

Other body of opinions report that the lack of evidence on reducing recidivism does not mean that sex offender registries do not have a role to play in protecting children from individuals who could re-offend if not registered.<sup>53</sup> Sex offender registration allows for

47 For example, whether recidivism is measuring only sex offences, breaking of notification restrictions or both.

48 Prescott, J. J., & Rockoff, J. (2008). *Do sex offender registration and notification laws affect criminal behavior?* Cambridge: National Bureau of Economic Research.

49 Agan, A. Y., & Prescott, J. J. (2014). *Sex offender law and the geography of victimization*. *Journal of Empirical Legal Studies*, 11(4), 786–828.

50 Prescott, J. J., & Rockoff, J. E. (2011). *Do sex offender registration and notification laws affect criminal behavior?*. Chicago: The Journal of Law and Economics, 54(1), 161–206.

51 Zgoba, K.M., Mitchell, M.M. (2023). *The effectiveness of Sex Offender Registration and Notification: A meta-analysis of 25 years of findings*. *J Exp Criminol* 19, pp. 71–96.

52 Bieri, D. (2015). *The utility of sex offender registration: a research note*. *Journal of Sexual Aggression*.

53 *Ibid*.

a basis to regularly monitor persons convicted of sexual offences, their activities and whereabouts. This could supposedly offer opportunities for improving the management of persons convicted of sexual offences and ensuring closer monitoring on the ones who are assessed to pose risks of re-offending to children. This can take place by limiting opportunities to enter in contact with children, particularly in situations of high-power inequalities, including when travelling to places where weaker child protection systems and children deprived of adequate access to protection may be more at risk of being sexually exploited.

Sex offender registries could therefore be seen as part of a larger management system for persons convicted of child sexual offences.

This is reported by some key informants to be likely most effective if the registration and monitoring system was based on assessment of risks posed, rather than on the offence for which the person is convicted. The registration system could then also give indications on the financial spending on monitoring persons at risks based on related assessments.

Reintegration management support and interventions could and should exist independently of the existence of a registration system. A number of promising models exist and would need to be widely available to support safe reintegration in the communities for persons who have been convicted of sexual offences against children, as potentially more effective ways to prevent recidivism.

### **Practice from the United Kingdom**

Following the introduction of sex offender legislation in the United Kingdom, the development of the Sex Offender Risk Assessment and Management (SORAM) has assisted joint assessment and management of offenders within the community. The 'Good Lives Model' and 'Circles of Support and Accountability' (CoSA) complements these strategies to successfully reintegrate offenders.<sup>54</sup> The 'circles' are made up of volunteers, supported by professionals, who establish a support friendship with the registered person convicted of a sexual offence to aid reintegration.<sup>55</sup>

The British non-governmental organisation, The Lucy Faithful Foundation, offers a range of core sex offender treatment programmes to inmates in prisons, residential programmes to those on registries, but also anonymously to any individuals who may feel they have any sexual feelings towards children.<sup>56</sup> Research has clearly indicated that persons convicted of a sexual offence who receive treatment, in both prison and community settings, have a lower sexual recidivism rate than those who do not receive treatment.<sup>57</sup> Treatment effects are reportedly particularly good for juveniles and high-risk offenders.

## **2.3 Screening for positions in contact with children**

Supposedly, sex offender registries could also assist in preventing persons convicted of sexual offences against children to hold positions with

direct access to children, through background checks. There is literature that confirms that child protection professionals, who work with child sexual abuse victims, also hold favourable opinions on sex offender registration laws.<sup>58</sup>

54 Government of the United Kingdom (2014). *Circles of Support and Accountability (CoSA): A Case File Review of Two Pilots*. Ministry of Justice.

55 *Ibid.*

56 The Lucy Faithful Foundation (n.d.). *Services*.

57 Przybylski, R. (2015). *The Effectiveness of Treatment for Adult Sexual About SOMAPI Offenders*. SOMAPI Research Brief.

58 Connor, D., & Tewksbury, R. (2017). *Public and Professional Views of Sex Offender Registration and Notification*. Criminology, Criminal Justice, Law & Society and The Western Society of Criminology.

However, few key informants for this study report that a sex offender registry is an effective measure to safeguard children in this regard and informants from the global South in particular reported that the criminal record database is a much more complete instrument and more timely updated.

## In summary

**Sex offender registries are a useful tool for law enforcement investigations and data sharing when provisions are in place.** Many key informants interviewed for this study recognise that the greatest use of sex offender registries is a “*tactical tool for investigation*” (LE03) to facilitate timely sharing of detailed up-to-date information on persons convicted of sexual offences against children between law enforcement agencies, including across borders.

On the other hand, many acknowledge the need for revision to improve the data sharing efficiency between agencies and countries, which is highly complicated by various elements including data protection issues.

**The evidence base on reducing recidivism and preventing offending is inconclusive, contentious and open to interpretation,** as reported by many key informants contacted (ACA01, ACA02, CSO01, CSO02, LE04). Sex offender registries would likely be most effective if part of more elaborated child protection and criminal justice systems. It is therefore important to consider the objectives stated behind the development of a registry in order to avoid ambiguity on its potential impacts.



## 3.

# REQUIREMENTS IMPOSED ON PERSONS PLACED ON THE REGISTRY

Being placed on a registry usually comes with specific requirements expected from the registrant (i.e., the convicted offender required to register) and are usually outlined in the civil process leading to the registration. These are meant to ensure that information on the registry is regularly updated and usually also imposes specific restrictions. Requirements may include:

- **Notice of changes** – to keep the registry regularly updated, registrants have to give notice of certain changes occurring in their lives, including change of address, jobs, in cases of travelling for certain registries (see below) within the country and abroad, etc.
- **Authorisations and prohibitions** – these may be more or less stringent but range from defining the types of jobs the registrant can have, where the registrant can live, the type of contact with children the registration can have, if another adult's supervision is aware of the conviction is needed, etc.
- **A reporting obligation** – reporting obligations vary usually according to sentences and risks assessed.

### 3.1 Reporting obligations and notice of changes

Countries have different approaches to the requirements imposed under the registry. Convicted offenders placed on the registry usually report to their local law enforcement agency, at least annually if not quarterly, to update with information and photographs. Frequency and type of monitoring may depend based on the severity of the offence committed or is evaluated as part of the risks assessed.

Reporting consists of updated information about the registrant, including new addresses and new passport details. The person can be required to notify the authorities of any 'significant' changes happening in their life (change of jobs, new physical marks like tattoos, or notification of change of sex like in **South Africa** for instance).<sup>59</sup> This may lead to adapted supervision mechanisms (like supervising contact with peers of the children habitually living with or near the person convicted of a sexual offence against a child). The notice by the registrant can be done from a distance, e.g., in **Kenya**, information can be submitted in writing if the offender has moved

59 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

to a different address, leave/obtain a job, leave/enrol in a new school or leave the jurisdiction of the High Court.<sup>60</sup> However, other countries require the notification of changes to be given “by attending a local police station” to verify the changes as well as the identity of the person informing of the changes.<sup>61</sup> It was reported by some informants that in certain countries (in the United States and the United Kingdom), police officers may conduct visits to the place where the offender is registered to verify the information and assess their living conditions, and identify if the person displays any sign of possible distress or social disconnection (isolation, alcohol or substance abuse) that could hint to specific attention needed to support their reintegration.

While keeping accurate and timely updated information is critical to ensure that the sex offender registry can be a useful tool for law enforcement investigations and collaboration, in some countries this may not be efficient for the lack of monitoring capacities by law enforcement officials, as reported by key informants from Kenya and South Africa (LE06, CSO02).

The **United Kingdom system** has adopted, like many others, a layered process with a gradual level of monitoring depending on the risk level of the registered offender. For persons placed on the registry, assessed as low risk, the level of efforts of the police to monitor the case is limited to annual registration and updating of the database in case of notice of any changes in the life of the person placed on the registry (EXP01). This may allow for better prioritisation of efforts and refocusing of resources towards higher risks of re-offending which can be necessary with the increase of cases.

### 3.2 Restrictions linked to registration

Restrictions may differ but the most common one is linked to restricting access to jobs in

direct contact with children and some countries have housing restrictions for persons convicted of a child sexual offence, prohibiting them from living near to schools, daycare centres, parks and school bus stops. In a few jurisdictions, electronic monitoring systems are used to identify if offenders have been near a crime scene or violated any of their community restrictions.

Increasingly, countries are adopting regulations to limit access to employment or volunteering positions in direct contact with children and vulnerable adults by persons convicted of sexual offences. However, this is not necessarily linked to sex offender registration system. Usually, persons placed on the registry for committing child sexual offences are prohibited from accessing positions in direct contact with children. Some countries put the responsibility on the offender to disclose convictions and in South Africa for example, the registry includes obligations “to disclose the conviction to his/her employer”.<sup>62</sup> Usually, the onus is on the organisation employing staff or volunteers potentially in contact with children (and vulnerable adults) to undertake background checks. This is recommended by various legislations including the EU Directive on combatting the sexual abuse and sexual exploitation of children and child pornography (2011/93/EU) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.<sup>63</sup> However, it was not possible to find examples during this study showing that the sex offender registry is used as a primary source of information in this context, and background checks are more often conducted through criminal record databases.

*Even when these offenders may lose their license to teach for instance, this doesn't necessarily prevent them from serving in contact with children (like in youth sports league for instance) or they may be able to volunteer in youth activities for a short period of time (such as acting as Santa Claus over Christmas) as (some) registries have a period*

60 Government of Kenya. (2008). *The Sexual Offence (Dangerous Offenders DNA Data Bank) Regulations*. Section 7.

61 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

62 Government of South Africa. (2007). *Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007*. Section 46.

63 European Union. (2011). *Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*.



*of time under which, if the activity including contact with children, is conducted for less than a week for instance, then the law does not prohibit such an activity (LE05).*

Currently, there are various limitations to the use of sex offender registries in this context including static databases of the registry which risk not being as updated as the criminal record databases (e.g., South Africa). Some countries do not enforce a systematic obligation to check the backgrounds of persons in direct or regular contact with children. For instance, in

South Africa, public employees (e.g., education staff), as well as private companies, sports and religious organisations, are not systematically screened. The difficulties linked to sharing data across countries and the type of information contained in the registry hinders its potential as well. INTERPOL is currently running a project 'Soteria' to explore opportunities to share more comprehensive data on persons accused of various sexual misconducts and offences to prevent access to potentially vulnerable persons.<sup>64</sup>

**INTERPOL Project Soteria** aims to bring law enforcement and aid sector organisations together to predominantly focus on prevention and reduce the risk of those convicted of a sexual offence working in the aid sector.<sup>65</sup> Soteria treats both convicted sex offenders and those without convictions, recognising that the majority of offences at this stage do not reach police, and when they do, many do not result in conviction. Soteria is working to prevent sexual offenders from using their positions to access and offend against children and strengthen the capacity of law enforcement to investigate, prosecute and arrest those who abuse aid recipients.<sup>66</sup> The project also wants to leverage INTERPOL's global policing capabilities including their notices to dedicated crime analysis files.

### **The European Criminal Records Information System - ECRIS**

The European Criminal Records Information System (ECRIS) was established in April 2012 in order to improve the exchange of information on criminal records throughout the European Union. All Member States of the European Union are currently connected to ECRIS. The objective is to ensure that information on convictions is exchanged between EU countries in a uniform, fast and compatible way. National courts often pass sentences in criminal cases considering past convictions an offender has in their national criminal records register. Under EU law, they are obliged to also take into account convictions in other EU countries.<sup>67</sup> ECRIS, a decentralised system for exchanging information on previous convictions between Member States, supports this process by providing judges and prosecutors easy access to comprehensive information on the criminal history of persons concerned, including in which EU countries that person has previously been convicted.<sup>68</sup>

This system is being extended to simplify the process of finding criminal convictions against non-EU nationals in other Member States. The initiative is also a part of the new approach set out by the European Commission towards data management for borders and security whereby all centralised European Union information systems for security,

64 INTERPOL. *Preventing perpetrators of sexual exploitation, abuse and harassment from working in the aid sector.*

65 *Ibid.*

66 *Ibid.*

67 Council of the European Union. (2008). *COUNCIL FRAMEWORK DECISION 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings.*

68 ECRIS. *European Criminal Record Check - Now made easy!*

border and migration management should become interoperable in full respect of fundamental rights.<sup>69</sup> Although this is not specific to persons convicted of sexual offences, data is showing that this system is increasingly being used to vet future employees.

The 2020 report shows that the number of requests received by ECRIS for purposes other than criminal proceedings exceeded 500,000 in 2019, which is over 6 times more than in 2016.<sup>70</sup> This mainly comes from individuals requesting their own criminal records followed by requests for the purpose of recruitment for professional or organised voluntary activities involving direct and regular contact with children, in implementation of Directive 2011/93/EU.<sup>71</sup> These requests amounted to 115,000 in 2019, i.e., 22% of requests for other purposes which is a significant rise from 7,800 in 2016.<sup>72</sup> Although no assessment has been found of this instrument, it could be expected that its use will continue to grow with time. However, key informants contacted for this study reported that in Poland, for instance, despite the existence of both the national crime registry and the sex offender registry, it was practically impossible for civil society organisations operating in the urgency of the Ukraine War to check the criminal background of persons coming from outside the European Union. Hence, this can pose serious threats to children in situations of vulnerability (CSO04).

It should be noted though that this sharing of information across countries is linked to criminal record databases and not to sex offender registries. Although there had been some discussions about creating a regional sex offender registry, this was abandoned due to varied legislations including on privacy.

### 3.3 Restrictions on residency

Restrictions on places of residence are implemented in some countries, particularly in countries like Australia, Canada, the United Kingdom or the United States. They typically prohibit persons placed on the sex offender registry from living in the vicinity of schools, day care centres, parks and other places frequented by children. They may also restrict the time period for shopping over the weekend and avoid crowded spaces with a high concentration of children. In the United Kingdom, if a Sexual Harm Prevention Order is issued, prohibitions could include residing in any location where a child aged 16 or under is present unless their parent/guardian has knowledge of the offending history.<sup>73</sup> In a few

jurisdictions, including South Korea, France and the United States, electronic monitoring systems are used to identify if persons placed on the registry are under house arrest, were near a crime scene or violated any of their community restrictions. In the United Kingdom, in case a person placed on the registry does not have a fixed address, the person will be required to go to the police station once a week.<sup>74</sup>

Strict restrictions on residency has been reported to create serious limitations which impact both the person placed on the registry and their family and have shown an increase in transience, homelessness and instability.<sup>75</sup> This has raised some concerns in some US states in regard to the rights of offenders and a number of court cases have been filed on rights to property or the unconstitutionality of the measures. The impact of such measures is also mixed. Associations working with offenders and some law enforcement officers interviewed, report that these restrictions may put the persons placed on the registry in situations of high instability, pushed at the margins of the society (EXP01, CSO01, CSO02, LE01).

69 European Union. (2019). *Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN)*.

70 European Union. (2020). *REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL concerning the exchange through the European Criminal Records Information System (ECRIS) of information extracted from criminal records between the Member States*.

71 *Ibid.*

72 *Ibid.*

73 Unlock. (n.d.). *Sexual Harm Prevention Order (SHPO)*.

74 Stop it Now! UK & Ireland. *Being on the sex offenders register (SOR)*.

75 Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*.

This type of social ostracisation does little to prevent re-offending and can actually undermine factors shown by research to be associated with re-entry and reduced recidivism.<sup>76</sup> Housing instability is known to increase criminal recidivism and absconding.<sup>77</sup> There is little evidence that residential restrictions protect children or prevent recidivism as offenders are more likely to re-integrate successfully with meaningful jobs, housing and support from family and peers.<sup>78</sup>

### 3.4 Compliance considerations and failure to register

In some countries, the requirements imposed on the person placed on the registry (and possibly the shaming and ostracising stemming from the community notifications) can possibly have a counter-effect. Although this study was not able to access such data, various interviewees from law enforcement and organisations working with offenders report a significant proportion of non-compliance of the registration requirements by the convicted offenders (EXP01, LE01, LE04, LE05, ACA01).

This may result in additional sentencing for non-compliance such as three-day imprisonment, as reported in Canada. Some key informants estimate that non-compliance to the registration requirement may amount to 20% to 30% of persons placed on the registry, with apparently some exceptions in the United Kingdom (EXP01). It is reported that compliance with the registration requirements in the United Kingdom is assessed as high to very high reported by key informants as probably due to the fact that the registry is not public and the system has strong non-government organisation involvement which contributes to a more holistic approach to the management of persons convicted of sexual offences (EXP01).

In order for the registration system to be effective, it would be important to understand how compliance with the registry requirements is relevant to public safety, and why the persons placed on the registry fail to comply. Non-compliance can have various origins and can be linked to cognitive limitations, or to the fact that the person concerned has an unstable life. Some persons placed on the registry may be disorganised and not have the capacity to comply to these administrative steps rigorously. Others may deliberately and intentionally be hiding the information and “this is when law enforcement should become concerned” as reported by a key informant (LE07). One study has examined the link between sex offender registration compliance and rates of recidivism.<sup>79</sup> This study did not find a significant relationship between failure to register and sexual recidivism in a sample of 2,970 persons convicted of a sexual offence followed up for an average of 6.2 years. However, it did reveal that the failure to register was related to other forms of offences (e.g., nonsexual) with 75% of the non-compliant group showing new convictions of any type compared to only 39% of the registration-compliant group. This study related, however, to persons convicted of a sexual offence in general without a specific focus on persons who sexually abused children.

### In summary

Most registries include various requirements to notify changes in the life of the person convicted of a child sexual offence and placed under the registry and impose limitations on the type of work, places to live and habits in an attempt to contribute to a better management of risks of re-offending. These obligations can impose severe restrictions to the registrant and at times may be counter-productive to supporting their safe reintegration into community. It is therefore essential to consider adequate sex offender management strategies to complement the registration system.

76 Levenson, J. S. (2018). *Hidden challenges: Sex offenders legislated into homelessness*. *Journal of Social Work*, 18(3), 348–363.

77 Schulenberg J. L. (2007). *Predicting noncompliant behavior: Disparities in the social locations of male and female probationers*. *Justice Research and Policy* 9(1): 25–57.

78 Steiner B., Makarios M. D., Travis L. F. (2015). *Examining the effects of residential situations and residential mobility on offender recidivism*. *Crime and Delinquency* 61(3): 375–401.

79 Levenson, J. (2009). *Failure to Register as a Sex Offender: Is it Associated with Recidivism?* *Justice Quarterly*, 27: 3. 305 — 331.



## 4.

# NOTIFICATIONS AND RESTRICTIONS TO TRAVEL FOR PERSONS UNDER THE REGISTRY

As part of the registration system of many countries, registered persons convicted of a sexual offence are required to notify authorities about their whereabouts, when travelling in-country or abroad. The risks and prevalence of sexual victimisation of children in the context of travel and tourism do not need to be demonstrated any further. The 2016 Global Study on sexual exploitation of children in travel and tourism highlighted the increased complexities and diversification of forms of sexual exploitation of children linked to travel and tourism such as voluntourism and peer-to-peer arrangements for accommodation. This also included the increased use by offenders of mobile technologies and the preponderance of domestic or intra-regional travelling offenders while the sexual exploitation of children persist as well in the context of international travel and tourism.<sup>80</sup> These different types of national and international travels combined with advances in Internet and mobile technology have contributed heavily to creating opportunities for individuals to sexually exploit children, allowing anonymity and hidden pathways for direct contact between offenders and victims.<sup>81</sup>

The power imbalances that fuel the sexual exploitation of children can be exacerbated in contexts of travel and tourism where offenders often use their comparative wealth and power to exploit children and evade justice. Added to stereotyped attitudes toward children, perceived social tolerance to child sexual abuse in some local cultures and weak systems of protection can create opportunities for sexual exploitation.

### 4.1 Travel notifications

Travel notifications provide information on whether countries require registered persons convicted of a sexual offence to report themselves to relevant authorities if they undertake either domestic or international travel.<sup>82</sup>

Countries such as Australia, Bahamas, Bermuda, British Overseas Territories (Pitcairn Islands, Gibraltar), Canada, Guatemala, Ireland, Jamaica, Japan, Kenya, Maldives, Malta, New

80 Hawke A., Raphael A. (2016). *Offenders on the Move. The Global Study Report on Sexual Exploitation of Children in Travel and Tourism*. ECPAT International and Defence for Children-ECPAT Netherlands.

81. *Ibid.*

82 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Zealand, Palau (domestically), Poland, Romania, Samoa, South Korea, Spain, Trinidad & Tobago, the United Kingdom and the United States provide for notification of travel.<sup>83</sup> These notifications may apply to international as well as domestic travel.

Usually, the travel notification includes information such as:

- Dates leaving/returning to point of departure
- Means of transport (e.g., Romania)
- Change of travel plans (e.g., Australian Capital Territory)
- Copy of travel itinerary (e.g., Trinidad and Tobago)
- Purpose of travel (e.g., Romania)
- Addresses of the places that offender will stay in

The International Megan’s Law adopted in 2016 in the United States specifically includes provisions to tackle the issue of Americans convicted of sexual offences travelling abroad with a potential risk of abusing children in a foreign country.<sup>84</sup> This includes various primary provisions including the establishment of The Angel Watch Center dedicated to identifying persons convicted of child sexual offences who attempt to travel internationally and provisions to ensure that persons convicted of sexual offences should notify their intent to travel outside of the United States, 21 days before the travel.<sup>85</sup>

In Canada for instance, there is a requirement for the person placed on the registry to notify the police when travelling domestically for a period longer than seven days, internationally for longer than seven days, and exceptions made for persons who have sexually abused children, who always have to notify if they are leaving the country, for any time period. They must also notify their registration centre if they will extend their stay beyond the stated date of return.<sup>86</sup> This is even though Canadian law does not provide for restrictions to travel but use this for information sharing purposes.

According to Canadian law, a notification can be done by police or Canada Border Services Agency if it is necessary for the prevention or the investigation of a crime of sexual nature,<sup>87</sup> but this has to be defined by the law enforcement agency. When the police receive a notification from a person placed on the registry that they are leaving the country, they conduct a risk assessment. This assessment, using the risk assessment tool, Static-99R, forms the basis of the decision to inform the receiving country. If the offender is assessed as a high-risk child sexual offender, the receiving country would be systematically notified; if it is not a high-risk case, an investigation is done for “possible transnational child sex offences” by looking at the purpose of the trip, travel paths etc. Law enforcement officials have a number of indicators on which to decide to alert the receiving country or not (LE03). It should be noted that some key informants in the context of this study reported on various limitations to this scheme, including the fact that there is no specific period of advance notice for when the notification must take place, or the fact that the sharing of information on convicted sexual offenders travelling, which is dependent upon the existence and functioning of sharing agreements with the visited country, in practice does not seem to happen systematically and adequately.

In Europe, some appeals were made for the development of a regional registry (particularly relevant in the context of the free travel zone of the Schengen regulation) or international registry and database from some professional organisations. However, these have not been seen as viable given the inconsistency in registration practices on a national and international level, and the sensitivity in sharing data on their citizens between countries.

Considering to the speed, frequency and relative anonymity of travel which can be achieved by a convicted travelling person convicted of a sexual offence, key informants report a need for effective cross-border communication and data sharing mechanisms.<sup>88</sup>

83 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

84 Government of the United States of America. (2016). *International Megan’s Law*.

85 *Ibid.*

86 Republic of Canada. (2004). *Sex Offender Information Registration Act*. 6. (1.01).

87 *Ibid.* 15.2 (1).

88 Hilder, S. and Kemshall, H. (2015). *The Management of Serious Violent or Sexual Offenders who are Mobile across the European Union: the Challenge of Mobile Offenders*. Irish Probation Journal 12, October 2015, pp: 113-130.



## 4.2 Information sharing across countries

Efficient information sharing mechanisms across countries is critical for the travel notification system to be effective in monitoring the movement of a person

convicted of a sexual offence who are travelling both in and out of country. Some countries have information sharing agreements with destination countries and countries of origin can have different requirements for disclosing information to receiving countries of travelling person convicted of a sexual offence.

### **The Angel Watch Center in the United States**

The US Angel Watch Center, part of Immigration and Customs Enforcement's Homeland Security Investigations unit, is required by law to notify foreign law enforcement or border security to which registered person convicted of a sexual offence travel outside of the United States.<sup>89</sup> The US legislation allows also for signalling on the passport of a person convicted of a child sexual offence their registered status.

A 2020 report by International Justice Mission (IJM) found that online child sexual exploitation and abuse offenders from Western countries travel to the Philippines frequently.<sup>90</sup> Referrals made to the Philippines by the Angel Watch Centre, which provides notifications to foreign countries regarding the anticipated travel of convicted and registered person convicted of a child sexual offence, resulted in 85% of the travellers in question being denied entry in 2017, 82% in 2018 and 86% in 2019.<sup>91</sup> These numbers suggest that there is effective cooperation between the law enforcement authorities of the United States and the Philippines in preventing child sexual exploitation and abuse involving travelling person convicted of a sexual offence.<sup>92</sup>

The sharing of information between countries can be a difficult and sensitive issue. It is governed by various agreements and rules of privacy. Countries can use the INTERPOL

system or go through bilateral agreements with the designated country of destination of the travelling registered offender.

### **INTERPOL Notice System**

One of the functions of INTERPOL, the world's largest international police organisation, headquartered in Lyon, France and with 195 member countries, is to share critical crime-related information using international notices.<sup>93</sup> Notices alert law enforcement in other countries in case of potential threats or assist in solving crimes by providing high visibility for serious crimes or incidents. The notice system is split into different colours including Red, Blue, Green, Yellow, Black, Orange, Purple, INTERPOL - United Nations Security Council Special Notice. Notices allow countries to share alerts and requests for any information worldwide for all member countries. Once requested by a member country's INTERPOL National Central Bureau, notices are provided by the General Secretariat. Members can also request cooperation via a 'diffusion' which is directly circulated by a member's National

89 Government of the United States of America. (2020). *Privacy Impact Assessment for the Angel Watch Program*.

90 International Justice Mission. (2020). *Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry, and Civil Society*.

91 *Ibid*.

92 ECPAT, INTERPOL, and UNICEF. (2022). *Disrupting Harm in the Philippines: Evidence on online child sexual exploitation and abuse*. Global Partnership to End Violence Against Children.

93 INTERPOL. (n.d.). *About Notices*.

Central Bureau to all or some other member countries. Diffusions also correspond with the Notices' colour-coded system.

In the context of persons suspected or convicted of child sexual offences, INTERPOL issues Green Notices. Green Notices are worldwide international alerts which provide warnings about a person's criminal activities. The person is considered to be a possible threat to public safety as they are likely to repeat these crimes in other countries. A Green Notice requires sufficient identifiers including (a) either the family name, forename, sex, and date of birth (at least the year), along with the physical description, DNA profile or fingerprints; or (b) a photograph of good quality, along with at least one identifier such as an alias, the name of one of the parents, or a specific physical characteristic not visible in the photograph.<sup>94</sup> To issue a Green Notice, a risk assessment must be included, considering potential risks that the offender could face on the basis of the information provided on the notice. Green Notices are often used to prevent individuals with sexually motivated crime convictions in one country from travelling. Once the notice is received, countries are free to choose an appropriate course of action.<sup>95</sup> In 2021, the General Secretariat published 1,072 Green Notices.<sup>96</sup>

While the INTERPOL notices potentially offer a global system to monitor movement of registered person convicted of a sexual offence, a number of challenges are reported. Many countries refrain from sharing this information through the INTERPOL system due to legal challenges including potential privacy breaches or even suspicions of government 'snooping'.<sup>97</sup> However, INTERPOL has been key in monitoring those convicted of sexual offences worldwide. This is demonstrated by the international operation that INTERPOL coordinated, Operation Blackwrist, in 2019 when 50 children were rescued and 9 offenders were arrested in Thailand, Australia and the United States.<sup>98</sup> As the INTERPOL notice system allows placing alerts and sharing information with all INTERPOL member countries at once<sup>99</sup> key informants and experts contacted report underutilisation of the system as countries may prefer to decide with whom they share data on their citizens. At the receiving end, inefficiencies are reported due to a lack of resources, personnel and delays in transferring information.

The bilateral sharing of information seems to be a preferred option by many countries, for various reasons of sensitivity, or alignment on human rights such as countries where same sex sexual relations are criminalised or the existence of death penalty for related crimes. In terms of efficient monitoring of travelling convicted person convicted of a sexual offence, this is reported to have some limitations in case the person placed on the registry continues onto destinations other than the one(s) declared for instance.

## 4.3 Travel restrictions

Within the framework of sex offender management, some countries have adopted travel restrictions which are used to deter convicted offenders from travelling.

This includes refusing leave/entry of convicted offenders based on registration and notification, revoking passports or putting identifiers on passports (e.g., the United States). Restrictions can differ depending on whether the crime took place in the offender's country of residence or destination country.

94 INTERPOL. (n.d.) *INTERPOL's Rules on the Processing of Data*.

95 Council of Europe. (2010). *Reinforcing measures against sex offenders*.

96 INTERPOL. (n.d.). *About Notices*.

97 Peachy, P. (2014). *Green Notice: Interpol's paedophile tracking system 'compromised by privacy concerns' following Edward Snowden spying revelations*.

98 INTERPOL (2019). *50 children rescued, 9 sex offenders arrested in international operation*.

99 INTERPOL (n.d.) *About Notices*.

It is important to note that most countries usually opt to notify the receiving country of the arrival of a person convicted of a sexual offence on their territory rather than restricting travel which can be assessed as contravening human rights. Countries usually try to balance rights and sex offender risks management concerns. Some key informants report that the decisions to restrict travel is not often used and instead should be based on proportionality between the assessed risks posed by the person convicted of a sexual offence and the legitimacy of the travel (LE07, LE03).

Restricting travel is not necessarily linked to a registration system and for example, in The Netherlands and Germany, their Passport Acts<sup>100</sup> offer the possibility to revoke a passport (or refuse a passport application), making it difficult for persons convicted of sexual offences to travel outside of the Schengen area.<sup>101</sup> However, this is reported to be seldom used.



In the United States, regulations were adopted in 2017 called International Megan's Law.<sup>102</sup> This means that a person, convicted of a sex offence against a minor and required to register as a person convicted of a sexual offence, is subject to the passport marker provision. This implies that the back cover of the passport book of the registered offender is marked with the notice: "The bearer was convicted of a sex offence against a minor and is a covered person convicted of a sexual offence pursuant to 22 United States Code Section 212b(c)(1)."<sup>103</sup> This is accompanied by consequences for failing to comply with travel notifications. In the United States, in January 2021, a convicted felon and registered person convicted of a sexual offence in Georgia was sentenced to 20 months and five years of supervised release for failing to inform authorities related to intended international travel.<sup>104</sup>

### **Australia – potential restriction of international travel**

In Australia, in some states, and for certain offenders for which travel is assessed as presenting a risk of child sexual abuse, a passport can be revoked and travel not allowed.<sup>105</sup> Since 2017, Australia passed legislation generally prohibiting registered person convicted of a child sexual offence who are Australian citizens from leaving the country while still registered without permission from authorities.<sup>106</sup> All states and territories of Australia require advance notice of travel, domestically and internationally. In Australian Capital Territory, this requirement applies if the travel plan extends more than seven days.<sup>107</sup>

100 Kingdom of the Netherlands. (1991). *Passport Act*. Article 18; Government of Germany. (1986). *Passport Act*. Section 8.

101 Bureau Beke. (2022). *An explorative study of the instruments in relation to (convicted) sex offenders of transnational child sexual abuse*.

102 United States of America. (n.d.). *Passports and International Megan's Law*. U.S. Department of State – Bureau of Consular Affairs.

103 *Ibid*.

104 United States of America. (2021). *Sex Offender Sentenced To Prison For Not Reporting International Travel*. United States Attorney's Office, Middle District of Georgia.

105 Australian Government. (2017). *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017*.

106 Parliament of Australia. (2017). *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Bill 2017*. Section 271A.1.

107 Australian Capital Territory. (2005). *Crimes (Child Sex Offenders) Act 2005*. Section 42.

In New South Wales, this refers to travel in and outside Australia for more than 14 days and the offender should notify at least seven days before departure (or no later than 24 hours).<sup>108</sup> The offender is required to share details of their destination and contacts at the destination. Some experts consulted for this study highlighted that apart from the limitation to travel, Australia actively exercises extraterritorial jurisdiction in carrying out international investigation and prosecution of child sexual offences conducted abroad.<sup>109</sup> According to them, it is essential to have the sex offender registry coupled with a strong international network to prevent these crimes through a notification system between the country of departure and arrival.

## In summary

Some countries have made use of the sex offender registry to inform destination countries and possibly restrict international travel of persons convicted of sexual offences. It is assumed that reducing opportunities for convicted persons of child sexual offences to travel to places where they can take advantage of contexts where many children may be in challenging socio-economical situations or where child protection systems are inadequate, to sexually abuse and exploit children.

The approach to restrict travel can be challenged on a number of fronts, including human rights. The destination countries on the other hand, can decide to put measures in place to restrict access to their territories for persons convicted of child sexual offences as is reported to be the case in the Philippines or the Dominican Republic for instance. These measures should be considered and proportionate to the risks posed by the registered offenders and require effective and efficient coordination and cross-border data sharing mechanisms. Efficient stakeholder collaboration to assist prevention approaches in transnational child sexual abuse<sup>110</sup> is therefore critical. This includes sharing data between academia, industry, charities, and law enforcement across jurisdictions, and should be prioritised.

108 New South Wales. (2000). *Child Protection (Offenders Registration) Act 2000 No. 42*. Division 3. Section 11.

109 ECPAT International (2023). Development of a technical guidance with key considerations for managing a child sex offender registry. Unpublished.

110 Merdian, H. L., Perkins, D. E., Webster, S. D., & McCashin, D. (2019). *Transnational Child Sexual Abuse: Outcomes from a Roundtable Discussion*. International journal of environmental research and public health, 16(2), 243.

# 5.

## RESTRICTED OR PUBLIC ACCESS OF REGISTRIES



One of the most significant differences in how sex offender registries have been established and implemented around the world and an important and debated feature is around whether or not the registry allows for closed, open, limited, or reduced disclosure of information regarding the persons placed on the registry and the type of notification mechanisms in place.

### 5.1 Varying levels of accessibility of the information on convicted persons

Different levels of access to the information registered on the convicted persons may be possible. Access to the sex offender registry may be : 1) restricted to only authorised entities, like magistrates, law enforcement, prison and probation services; 2) restricted access only to certain persons (parents) or organisations, such as civil society organisations based on requests; 3) access to the public may be reduced only for those convicted offenders assessed as high risk; or 4) fully open to the public. One goal pursued through restricted access to the sex offender registry is to enhance the protection of children by allowing certain professions, categories

of individuals or parents and community members to access information about a person who has been convicted of a child sexual offence and their presence in the community. Full public access to the sex offender registry database, available to anyone usually on an open Internet database, is founded on the assumption that by knowing about the presence of a person who was previously convicted for sexual crimes against children, people would be able to put in place measures to increase the protection of children around them.

Many experts warn that this could lead to a false sense of security as it perpetuates the myth of ‘stranger danger’ when most persons convicted of a child sexual offence are known by or even related to the child victim. In Australia for example, 83% of child victims of sexual assault was from someone they know.<sup>111</sup> Data from the US Bureau of Justice Statistics found that only 8% of offenders were unknown to the victim.<sup>112</sup> Presumably, a registry would not have provided new knowledge to these victims, or the family of these victims, allowing them to better protect themselves from that offender.<sup>113</sup> Knowing someone (e.g., a parent, uncle, and sibling) implies victims would probably be aware of the sexual assault history

111 Australian Institute of Criminology. (2018). *What impact do public sex offender registries have on community safety?*

112 Snyder, H. (2000). *Sexual assault of young children as reported to law enforcement: Victim, incident and offender characteristics*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

113 Bieri, D. (2015). *The utility of sex offender registration: a research note*. Journal of Sexual Aggression.



regardless of the existence of the registry. However, research of child sex offences over a 20 year period in the United States found that 60% of assaults were by non-relative acquaintances (i.e., friends, neighbours, babysitters, employees or by

others known to the victim). The research concluded that registries would still add value for the majority of victims as without them, 'acquaintance offenders' can hide their history from those they interact with.<sup>114</sup>

Though controversial, many countries have adopted public disclosure schemes following the US approach, including through public websites. This is apparently the case in Belize, Chile, Guatemala, Maldives, Nigeria, Poland, and South Korea.<sup>115</sup> In 2019, Nigeria launched the National Sexual Offender Database (NSOD) and maintains a public website disclosing individuals on the sex offender registry, both for convicted and for arraigned cases. The latter information can only be accessed if the person who requests the information registers and pays a contributing fee. The sex offender registry also includes a verified service provider database for victims. As of 25 April 2023, the sex offender registry had 1,189 records, including 232 convicted, 546 still in court, 187 under investigation.<sup>116</sup> In Poland, the court can decide not to put the name of a perpetrator on the public database in case this could result in a great negative impact on the life of the perpetrator or the victim, such as in the context of living in a small village for instance (CSO04).

## 5.2 Unofficial databases and collateral damages

In many countries, information about criminal convictions is often public. However public disclosure of those convicted of sexual offences has evolved with new technologies which may give the impression that the responsibility for monitoring persons convicted of a sexual offence is shifted from government and law enforcement towards the public. This is demonstrated through the prominent use of social media networks (e.g., Facebook) and

mobile applications with the aim of helping the general public monitor those convicted of a sexual offence locally and nationally. For example, one study looked at iPhone applications in the United States which allowed the public to easily locate and identify persons registered as sexual offenders living in their area with their accommodation identified via the GPS function as well as their photo and offence summary.<sup>117</sup> This provides for great legal, moral, social and risk management concerns.<sup>118</sup>

### **Public perceptions on sex offender registration systems**

A key part of the impact of sex offender registries is on the perceptions of community safety. Undoubtedly public support for sex offender registries – including to make them public – is high. In Australia, 67% of people polled were supportive of an online public registry and 65% felt that the people had a right to know the identity of child sexual offenders were living in their area.<sup>119</sup> In the United States, where public notification schemes are more common, public perceptions of safety and effectiveness are higher and generally exceeded 75%.<sup>120</sup> Interestingly, a number of studies have found that upon notification of a person convicted of a sexual offence living in their community, most people polled indicated no increased

114 Bieri, D. (2015). *The utility of sex offender registration: a research note*. Journal of Sexual Aggression.

115 McPherson, L. (2022). *Leveraging Information to Prevent Offending Abroad: International Megan's Law and Sex Offender Registration Systems around the World*. Gonzaga Law Review: United States Marshal Service.

116 Federal Republic of Nigeria. (n.d.). *National Sexual Offender and Service Provider database*.

117 McCartan, K. F. (2009). *iVigilante? Public Disclosure and New Technology*. ATSA Forum, Vol. XXI, 4.

118 *Ibid.*

119 Australian Institute of Criminology. (2018). *What impact do public sex offender registries have on community safety?*

120 Koon-Magnin, S. (2015). *Perceptions of and support for sex offender policies: Testing Levenson, Brannon, Fortney, and Baker's findings*. Journal of Criminal Justice 43: 80-88.

level of fear or a very small increase.<sup>121</sup> A potential analysis for this is that feelings of fear are heightened by knowing of a perceived danger of sexual victimisation whereas knowing can also increase a sense of confidence in parents' ability to monitor and respond to this threat of danger. Generally, the public does appear sympathetic to the negative impact that community notification can have on a person convicted of a sexual offence (such as stigma, shame or vigilantism) although most were still supportive of the restrictions that came with the sex offender registration.<sup>122</sup> The media is seen to have the greatest impact on public support and belief in sex offender registration laws and not surprisingly, they tend to present sensationalised, dramatic and even inaccurate depictions of persons convicted of a child sexual offence.

These can perpetuate myths about offenders and their crimes, distort public attitudes and can ultimately hamper the efficacy of the sex offender registries as most people assume anyone on a registry is a 'rampant pedophile'. This suggests that perceptions are fuelled by emotions more than knowledge of empirical evidence regarding sex offender registration. In a 2007 survey, 50% of people polled agreed with the statement "I would support these policies even if there is no scientific evidence showing that they reduce sexual assault".<sup>123</sup> Similarly, risk level does not appear to influence the public's desire to know about a person convicted of a sexual offence as in another survey carried out in 2009, 51% of those polled believed low risk offenders should also be publicly exposed through sex offender registries (75% did not feel that registries violated a person convicted of a sexual offence's right to privacy; indeed, 37% felt that a person convicted of a sexual offence did not have any legal rights at all).<sup>124</sup>

Based on the academic literature review, a number of negative aspects associated with sex offender registration in relation to the human rights of offenders and their families - particularly when associated with public notification, have been identified. These collateral consequences resulting from open access and notification can be perceived as further harsh punishment for convicted offenders. In some cases, it could prevent the rehabilitation of convicted offenders, and some argue may even intensify risks of deviance and diminish protection measures.<sup>125</sup>

Perhaps the biggest criticism of public sex offender registries is the potential for public vigilantism that threatens the physical safety of registered person convicted of a sexual offence (or the ones mistaken for them) - a real risk in

light of the obvious negative public attitude towards a person convicted of a child sexual offence. However, protecting the human rights of a person convicted of a sexual offence does not mean a reduction in child or community safety. In the United States, a 2012 review of multiple studies found that 44% of registered persons convicted of a sexual offence reported threats and harassment from neighbours and/or had their property damaged.<sup>126</sup> Finding any employment (not related to work with or for children) with a criminal record is often a challenge and the stigma around sexual offending amplifies this. A 2005 study that had examined residence restrictions on persons convicted of sexual offences inferred that sex offender registration and notification statutes affected the financial and emotional well-being of offenders to such an extent that

121 Harris, A.J. & Cudmore, R. (2016). *Community experience with public sex offender registries in the United States: A national survey*. Criminal Justice Policy Review; Koon-Magnin, S. (2015). *Perceptions of and support for sex offender policies: Testing Levenson, Brannon, Fortney, and Baker's findings*. *Journal of Criminal Justice* 43: 80-88.

122 Katz-Schiavone, S. & Jeglic, E. (2009). *Public Perception of Sex Offender Social Policies and the Impact on Sex Offenders*. *International Journal of Offender Therapy and Comparative Criminology*, 53(6).

123 Levenson, J.S., Brannon, Y. Fortney, T. & Baker, J. (2007). *Public perceptions about sex offenders and community protection policies*. *Analyses of Social Issues and Public Policy*, 7: 1-25.

124 Katz-Schiavone, S., & Jeglic, E. (2009). *Public Perception of Sex Offender Social Policies and the Impact on Sex Offenders*. *International Journal of Offender Therapy and Comparative Criminology*, 53(6).

125 *Ibid.*

126 Lasher, M.P. & McGrath, R.J. (2012). *The impact of community notification on sex offender reintegration: A quantitative review of the research literature*. *International Journal of Offender Therapy and Comparative Criminology* 56(1): 6-28.

the increased stress and hardship could be a trigger for re-offending.<sup>127</sup> Limiting severely the social capital and support networks of persons convicted of sexual offences is indeed not likely conducive to a safe reintegration into the community. In extreme cases, such as reported in South Africa, where communities have little trust in the justice system, this may lead to communities doing justice themselves and severely harming the convicted offender.

The stigmatisation, isolation and even violence at the hands of community members often extends to family members of the registered person convicted of a child sexual offence. One research on the family members of registered person convicted of a sexual offence found that over two thirds of the families reported suffering stress with most saying they felt alone, humiliated, fearful and had lost friends because of the sex offender registration and notification system.<sup>128</sup> It should be reminded that sexual abuse often takes place within the family environment of the child who therefore may suffer further victimisation. Another study also found that family members of publicly labelled person convicted of a sexual offence suffered from chronic hopelessness, ostracism, threats and depression and that any continued association with a registered person convicted of a sexual offence results in fears over safety for their families.<sup>129</sup> Children of publicly registered person convicted of a sexual offence particularly suffered with most stating they were treated differently by friends and teachers or ridiculed by their peers.<sup>130</sup>

### 5.3 Restricted disclosure of the sex offender registry

Some countries have strong data and privacy protection frameworks and the information contained on the sex offender registry is provisioned to remain restricted to very limited and selected professionals, mostly magistrates and law enforcement (e.g., France). Restricted disclosure can also be done to organisations or individuals based on a need-to-know basis. In this case, access is usually controlled by an authority and assessed based on specific guidelines to ensure alignment with personal information policies. In Kenya “any person who has reasonable cause to examine it may examine the [R]egister” with some safeguards for misuse of the accessed information.<sup>131</sup>

Although widely debated, the United Kingdom wanted to consider these measures of public disclosure of information.<sup>132</sup> An evaluation of the scheme, in England and Scotland, suggested that controlled disclosure to fewer members of the community has a more positive impact than blanket disclosure, such as the US approach of ‘Megan’s Law’. Evaluations of the pilots in the United Kingdom reported that few offenders had experienced serious adverse consequences as a direct result of the limited disclosure pilot scheme and researchers were not made aware of any vigilante incidents.<sup>133</sup> This was one of the main concerns raised by the UK legislature in response to public pressure to introduce a widespread and unrestricted community notification as shown in the United States. The United Kingdom initially rejected full public disclosure on protection grounds with fears of those convicted of a sexual offence ‘going underground’.<sup>134</sup>

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- 127 Levenson, J.S. & Cotter, L.P. (2005). *The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd?* International Journal of Offender Therapy and Comparative Criminology, 49: 168-178.
- 128 Tewksbury, R., Levenson, J. (2009). *Stress experiences of family members of registered sex offenders*. Behavioural Sciences and the Law, 47(611).
- 129 Farkas, M.A., Miller, G. (2007). *Reentry and reintegration: Challenges faced by families of convicted sex offenders*. Federal Sentencing Reporter, 20(2): 88-92.
- 130 Tewksbury, R., Levenson, J. (2009). *Stress experiences of family members of registered sex offenders*. Behavioural Sciences and the Law, 47(611).
- 131 Government of Kenya. (2006). *Sexual Offences Act*. Section 39 (13).
- 132 Whitting L., Day A., Powell M. (2016). *An Evaluation of the Impact of Australia’s First Community Notification Scheme*. Psychiatr Psychol Law.
- 133 Whitting, L., Day, A., & Powell, M. (2014). *The impact of community notification on the management of sex offenders in the community: An Australian perspective*. Australian & New Zealand Journal of Criminology, 47(2), 240–258.
- 134 McCartan, K., Kemshall, H., & Hoggett, J. (2017). *Reframing the sex offender register and disclosure: From monitoring and control to desistance and prevention*. In H. Kemshall, & K. McCartan (Eds.), Contemporary Sex Offender Risk Management, Volume II (205-230). London: Palgrave Macmillan.

## Child Sex Offender Disclosure Scheme (CSODS) in the United Kingdom

In the United Kingdom, the Child Sex Offender Disclosure Scheme (CSODS) is an additional part of the sex offender registration management whereby the sex offender registry is not available to the public. Parents, carers and guardians can request a police to check if someone they want information on, has a record of child sexual offences in England and Wales.<sup>135</sup> There are also similar schemes in Scotland and Northern Ireland. Disclosure decisions are made by MAPPA officials (Multi-Agency Public Protection Arrangement), which consists of various authorities such as the National Probation Service and HM Prison Service, who take into account a risk assessment and whether disclosing this information would assist in protecting the community.<sup>136</sup> Under MAPPA, police and probation already disclose information about registered persons convicted of sexual offences and violent offenders in a controlled way including to head teachers, leisure centre managers, employers, landlords and parents.<sup>137</sup> The disclosure scheme was developed to improve access to information and is an additional tool that police use to keep children safe.

As part of this initiative, The Lucy Faithful Foundation has also set up an informational website 'Parents Protect!' to raise awareness about child sexual abuse and ways to prevent it for parents and carers. The main aim of the scheme is to provide parents, guardians and carers information to better safeguard their children's safety and welfare.<sup>138</sup>

### 5.4 Notification systems

Notification is a different measure but can be associated to the registration scheme. There are different types of notification systems. One enables **police-to-police cooperation** either bilaterally or through law enforcement networks such as INTERPOL and Europol. This allows for sharing of information to destinations when a registered person convicted of a sexual offence plans to travel. The **victim notification system** provides for the possibility to share information about the criminal justice processing or release status of the person(s) who victimised them, if they wish to receive such information. The **community notification system** as adopted in the United States

provides for proactive sharing of information to different groups of individuals up to the whole general public depending on the assessed level of risks posed by the person concerned by the notification system. Besides the United States, there are few existing community notification systems.

South Korea has a strict sex offender registration and notification system which was first enacted in 2000. Its registration and public disclosure scheme have been expanded over the years and any person convicted of a sexual offence is subject to targeted public notification and website posting.<sup>139</sup> Targeted community notification is permitted to parents (through schools or parent associations), guardians, childcare centres, and other entities charged with the care of children in the neighbourhood where an offender resides. Information permitted to be disclosed includes an offender's name, age, address and actual domicile, physical description, photograph, a summary of the sexual offence of conviction, previous criminal record, and whether the offender is subject to electronic monitoring.<sup>140</sup>

<sup>135</sup> Government of the United Kingdom. (2021). *Find out if a person has a record for child sexual offences*.

<sup>136</sup> McPherson, L. (2022). *Leveraging Information to Prevent Offending Abroad: International Megan's Law and Sex Offender Registration Systems around the World*. Gonzaga Law Review: United States Marshal Service.

<sup>137</sup> MAPPA. *Child Sex Offender Disclosure Scheme*.

<sup>138</sup> Government of the United Kingdom. (2010). *Child sex offender disclosure scheme guidance*.

<sup>139</sup> Government of South Korea. (2020). *Act on Special Cases Concerning the Punishment, etc., of Sexual Crimes*. Article 47; (2009). *Act on the Protection of Children and Juveniles from Sexual Abuse*. Article 38.

<sup>140</sup> McPherson, L. (2022). *Leveraging Information to Prevent Offending Abroad: International Megan's Law and Sex Offender Registration Systems around the World*. Gonzaga Law Review: United States Marshal Service.

## In summary

The general public may support the notification and public access to information related to persons convicted of child sexual offences. This is because it is generally assumed that knowing about their presence in the community would help keep children safe. This is however not backed by evidence, as parents are often ill-equipped to implement effective prevention measures, notwithstanding the fact that a large part of child sexual offenders are in the circle of trust of the child victim. There is a broad consensus among key informants that evidence-based prevention campaigns and programmes educating children on understanding risks, seeking support and for caregivers and community members to better know how to keep children safe in the community would be more appropriate. This would avoid the risks of collateral damage to the convicted persons on the sex offender

registry and their relatives who may suffer stigmatisation and negative consequences of the publicity surrounding the registry and notification system. It would also avoid transmitting a false sense of safety and would potentially reinforce endogenous community mechanisms. Although decision makers may be influenced by public pressure to adopt a public registration system with notification functions, the evidence of impact for such policy needs to be considered carefully.

Although registration and notification are distinct policies, over the past decade in the United States, Internet-based registries have led registration and notification to become nearly interchangeable.<sup>141</sup> Some research of community notification systems versus systems with registration only were found to have little effect on recidivism, or in some cases, the notification system may even have *increased* recidivism.<sup>142</sup>

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141 Criminal Justice. *Sex Offender Community Notification (Megan's Laws)*.

142 Prescott, J. J., & Rockoff, J. E. (2011). *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* The Journal of Law & Economics, 54(1), 161–206.





## 6.

# CLASSIFICATION OF OFFENCES IN THE SEX OFFENDER REGISTRATION SYSTEM

Sex offender registries are dependent upon national or state-level legislation. Very few sex offender registries are exclusively dedicated to sexual offences against children, and they often include broader offences.

## 6.1 Registration linked to the characteristic of the offences

Registries are usually of civil nature (e.g., the United Kingdom, the United States) meaning they are non-punitive by nature even if they are usually triggered by a criminal. Most jurisdictions group sexual offences in different categories with offences against children being in more serious, high-risk tiers. This informs the reporting requirements and duration of the registration obligations.

In the United Kingdom, all sexual crimes against children will result in people being placed on the registry, even for a short sentence (while for sexual crimes against adults, only if the sentencing is equal or above six months would the offender be placed in the registry).

- A prison sentence of more than 30 months for sexual offending – placed on the registry indefinitely
- A prison sentence of 6 to 30 months - registry for 10 years or 5 years if they are under 18
- A prison sentence of 6 months or less - registry for 7 years or 3.5 years if they are under 18
- A caution for a sexual offence is put on the register for 2 years or 1 if under 18

Some countries have registration exclusively for sexual offences against children (e.g., New Zealand, Cyprus) and some can also integrate other violent acts (e.g., the United Kingdom). However, not all registries explicitly include

all crimes of sexual exploitation related to children such as crimes related to sharing of child sex abuse material, online grooming, sexual exploitation of children in prostitution, trafficking, or in the travel and tourism context.

Registries usually also include offences linked to statutory rape – which is an offence related to having sexual relations with a person who is under the age of consent, regardless of the consent of the victim considered to be too young to legally consent to have sexual intercourse. This is the case for instance in South Africa (including statutory sexual assault), Kenya, the United States and a few countries in Latin America including Colombia, El Salvador, Guatemala and Peru<sup>143</sup> amongst others. In Kenya, where the legal age of consent is 18 under the Sexual Offences Act no 3 of 2006,<sup>144</sup> two minors having consensual sexual relations could be charged of statutory rape. In this case, juveniles are not placed on the sex offender registry as they are protected by The Children Act 2022<sup>145</sup> and other conventions protecting them from being treated as convicts with jail sentences and instead, they are usually detained in rehabilitation centres.

The UK Sexual Offences Act 2003 introduced a notification requirement system for persons convicted or cautioned against sexual

offences.<sup>146</sup> Legislation in the United Kingdom does not refer to this as a 'registry' in any provision but rather under 'notification requirements'. The comprehensive list of offences slightly varies across the four countries constituting the United Kingdom, but overall includes offences related to rape, child sexual abuse and exploitation, including through prostitution and child sexual abuse material.<sup>147</sup> With regard to other forms of child sexual exploitation, it is worth noting that trafficking crimes are not included in the list. The notification period varies depending on the offence and the length of the conviction.<sup>148</sup> Key informants interviewed for this study report that placement on the registry is usually systematic in the case of a sexual offence against a child (CSO06, EXP01). As imprisonment penalties for some sexual offences against children vary, depending on the age of the child (with increased penalties when victims are younger), the length of notification requirements would vary accordingly.

### **Australia including persons convicted of grooming offences in the registration system**

In Australia, within the offences requiring registration, various states include offences of online grooming for sexual purposes. For example, the Crimes Amendment (Grooming) Act 2014 in Victoria introduced the offence of grooming for sexual conduct with a child under the age of 16 years which targets predatory conduct designed to facilitate later sexual activity with a child.<sup>149</sup> In addition, in New South Wales,<sup>150</sup> Queensland<sup>151</sup> and Tasmania,<sup>152</sup> offences are sorted into two categories and references to grooming a child under 16 and crimes related to child sexual abuse material come under both Class 1 and 2 offences<sup>153</sup> resulting from 8 to 15 years of registration requirements.

143 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

144 Republic of Kenya. (2006). *The Sexual Offences Act No. 3 of 2006*. Section 8. (Last revised in 2019)

145 Republic of Kenya. (2022). *The Children Act 2022*.

146 Government of the United Kingdom. (2003). *Sexual Offences Act*. Notification Requirements. Ch. 42 Part 2.

147 *Ibid.* Schedule 3. Ch. 42 Part 2.

148 *Ibid.* Section 82. Ch. 42 Part 2.

149 Parliament of Victoria. (2014). *Crimes Amendment (Grooming) Act 2014*.

150 New South Wales Government. (2000). *Child Protection (Offenders Registration) Act 2000*. Section 3.

151 Queensland Government. (2004). *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*. Schedule 1.

152 Tasmanian Government. (2005). *Community Protection (Offender Reporting) Act 2005*. Schedule 2.

153 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Certain countries extend the registration to other acts of violence against children not necessarily of a sexual nature. For example, violent offences against children below 14 in Chile.<sup>154</sup> Malaysia has a specific 'Register of Children' including all offences related to the

health and welfare of children.<sup>155</sup> Offences leading to placement on the registry include ill-treatment, neglect, abandonment, leaving the child without supervision, and offences related to exploitation of children in prostitution, child trafficking or abduction.

### **Registration for offences committed abroad**

Key informants report that the registration requirement is applicable to anyone on their territory. Hence, in cases of New Zealand or Canada, the requirement to register includes their citizens but also foreigners on their territory. Persons convicted of a child sexual offence abroad would also be subjected to registration orders provided the offence for which they were convicted is equivalent to an offence that would be prosecuted within the territory.

*If a person comes to reside in Canada, this person is submitted to the obligations laid out in the Criminal Code, which implies being placed on the registry if that person has been convicted of a sexual offence against a child, even if the offence was perpetrated abroad (LE03).* In this context, a magistrate would need to conduct investigation to identify if the offence for which the person has been convicted would be equivalent to crimes provisioned in the national legislation. In case this equivalence is established, the person will be required to register in the system.

In certain countries where same-sex sexual relations are criminalised, persons convicted for such offences may be included on the registry. This is reported to be the case in the Maldives<sup>156</sup> and in Paraguay<sup>157</sup> and would go against human rights.

## **6.2 Sex offender registries exclusively for sexual offences against children**

Very few registries are exclusively focused on sexual crimes against children. There may be value in having a specialised registry as it can enable a closer and more efficient management of the system, as reported by some key informants.

### **New Zealand**

New Zealand is one of the few countries that have established a registry exclusively for sexual offences against children, called the Child Sex Offender Registry, which

commenced operations in 2016. The registry functions as a record of up-to-date information about registered persons convicted of sexual offences living in the community, which is used by police and corrections staff to monitor offenders, with the aim to prevent re-offending and keeping children safe.<sup>158</sup> This extends as well to "corresponding registrable offenders" for persons convicted of sexual offences in another country and who come to visit or reside in New Zealand. The length of placement on the New Zealand Child Sex Offender Registry depends on the classification of the offence committed.<sup>159</sup>

Individuals convicted of a qualifying sexual offence against children must register under the Child Protection (Child Sex Offender

154 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

155 Parliament of Malaysia. (2001). *Child Act No. 611, 2001*. Chapter 3.

156 Republic of Maldives. (2014). *Sexual Offences Act*. Section 24.

157 Republic of Paraguay. (2020). *Ley N. 6572 que crea el Registro Nacional de Agresores Sexuales de Niños, Niñas y Adolescentes y el Banco Genético*. Article 6.

158 New Zealand Police. *Child Sex Offender (CSO) Register*.

159 Government of New Zealand. (2016). *Child Protection (Child Sex Offender Government Agency Registration) Act 2016*. Section 35.

Agency Registration) Act 2016. The perpetrator, at the time of offence, must have been 18 years of age or older, and his or her victim must have been under 16 years of age.<sup>160</sup> Offenders found guilty and sentenced to imprisonment for a qualifying sexual offence are registered in the Child Sex Offender Registry at the discretion of the sentencing judge.<sup>161</sup> Offences that require registration are indeed divided into three classes - Class 1 offences include non-contact offences such as indecent communication or offences related to child sexual abuse material, Class 2 offences include offences related to sexual acts considered less severe and Class 3 offences includes the most severe sexual abuse offences according to the New Zealand's criminal legislation.<sup>162</sup> This categorisation determines the registration requirements and the duration of registration.

## Cyprus

In Cyprus, Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography, created the 'Registry of Persons Convicted for Sexual Offences Against Children,' for recording the personal information of persons convicted of sexual offences against child victims.<sup>163</sup> The legislation and consequently the registry covers most offences of sexual abuse and exploitation of children.

### 6.3 Organisation of the registration system based on the severity of the offences

The severity of the offence and related sentence usually determines the placement on the registry, its duration and the subsequent requirements. However, it is highlighted by some key informants, that the severity of the offence does not necessarily reflect the risks of re-offending posed by the person on the registry.

It is important for the registration system to inform monitoring and be able to differentiate between persons convicted of child sexual offences and their likelihood of re-offending.

*"An example of contact sexual offending would be two sexual offenders; one has perpetrated an offence against a child within the family (could be a step-parent, an uncle); a second one has perpetrated the same offence, but is a teacher or a sports coach or a clergy member, with a pattern of offending children that are not in the family circle but children in their care or authority. For the same offence, both would be expected to register similarly. However, the risks and likelihood of re-offending may be significantly different for both. Based on the numerous studies on offenders' profiles, with the person with authority over children and offenders against boys usually present a higher risk of re-offending. Efforts to monitor these offenders more closely could and should be proportionated to the risks and likelihood of re-offending, rather than exclusively to the characteristic of the offence itself." (ACA01).*

### 6.4 Introducing risk assessments methods to inform monitoring of registered offenders

Risk assessments are included in some monitoring systems of certain countries and usually inform, not the registration, but rather the type and level of monitoring of the person registered. Risk assessment instruments are based on various research and are reported to have a good predictive accuracy, particularly when combining static and dynamic metrics. Static factors usually refer to elements that do not change such as the history of offending. The dynamic factors are more of a changing nature, such as substance abuse, personality disorders, relational connections, etc. These factors associated with risks of re-offending are statistically weighted and constitute rigorously validated instruments that assist in determining risks of re-offending. Some of these instruments scientifically validated, allow for lay professionals, with adequate training, to conduct risks assessment with great accuracy. It is reported that evaluations conducted by mental health professionals, who base their opinions on interviews and reviewing criminal histories, have not proven to be as accurate as using structured clinical judgment

160 Government of New Zealand. (2016). *Child Protection (Child Sex Offender Government Agency Registration) Act 2016*. Section 35. Section 4, 7.

161 *Ibid.* Section 7.

162 *Ibid.* Schedule 2.

163 Republic of Cyprus. (2014). *THE PREVENTION AND COMBATING OF SEXUAL ABUSE AND SEXUAL EXPLOITATION OF CHILDREN AND CHILD PORNOGRAPHY LAW, 2014*. Section 22(1).

that incorporates validated risk assessment instruments.<sup>164</sup>

Various risk assessments instruments have been adopted in different countries, with the Static-99R<sup>165</sup> seemingly the most widely used. In Canada, New Zealand, the United Kingdom or the United States for instance, risk assessments which can be conducted by law enforcement are based on similar risk assessments instruments, informing the monitoring requirements of the person placed on the registry. For example, a case identified as high risk (Tier 1) in New Zealand will have a monthly monitoring plan, according to key informants interviewed for this study (LE10, LE11).

If the registry aims to support the monitoring of persons convicted of child sexual offences as part of a sex offender management strategy to prevent re-offending, then experts highlight that the characteristic of the offence itself is not a very strong predictor of risk of re-offending (EXO01, ACA01, ACA02). The use of risk

assessment instruments would therefore be needed and recommended by many for the registry to tentatively be more effective in identifying risks of re-offending and adapting monitoring measures in consequences. According to the US-based Sex Offender Management Assessment and Planning Initiative (SOMAPI) forum, experts stated that there is a need for tailored approaches (rather than a uniform approach) to “match sex offender treatment and management efforts to the risk levels and criminogenic needs of sex offenders”.<sup>166</sup> It is reported that other aspects than the crime itself, such as the history of the offender or other dynamic characteristics would be a more accurate predictor of a potential threat posed to children. This would enable a more discretionary and targeted approach to placement on the registry and particularly to determining the subsequent monitoring and supervision measures that are linked to the registration (ACA01, ACA02, EXP01).

### **Risk Management Framework in New Zealand**

The child sex offender registry of New Zealand (referred to as the Child Protection Offender Register) uses a strength-based approach which integrates a Risk Management framework to support the registry’s objective as a tool for reducing sexual re-offending against child victims. This framework enables the targeting of resources to where the risk of harm is the greatest i.e., proactive monitoring and management activities in the community would be targeted to individuals who present a high re-offending risk. Based on the use of risk assessment tools determining level of risk and intensity of case management required, individual risk management plans are elaborated, and the monitoring of a person convicted of a child sexual offence as part of the management of the registered person. The individual is also subject to a sentence or order is conducted by Corrections and from within the local Police district who conducts home visits, multi-agency meetings, sharing information with third parties where necessary, involving community agencies to support the registered person, etc.

This approach in New Zealand combining a risk management framework and an individual case management approach has been informed by the evidence available and learnings from other jurisdictions and sectors which offers promising opportunities of meeting the legislative purpose of reducing sexual re-offending against child victims.

164 SARATSO. *Risk Assessment Instruments*.

165 *Ibid.*

166 National Criminal Justice Association. (2017). *Sex Offender Management Assessment and Planning Initiative*.



## In summary

Registration systems are usually organised by categories of offences which determine the requirements placed on the person concerned. While this provides for an efficient process of registration, various key informants argue that the prevention of re-offending would be likely more effective if registrants were monitored based on risks they are assessed to pose to children. In a context of increasing pressure on law enforcement and criminalised approaches to public protection, it is important to clarify what approaches should underpin the protection of children through the management of potential offenders. Should this be a preventative approach, a

restorative approach, a punitive approach and what may be the most efficient combination in context of constrained law enforcement resources to bring the most measurable protection to children and benefit to victims?<sup>167</sup>

The best way to stop child sexual abuse and exploitation is to prevent it before it happens. Sex offender registries are basically tertiary prevention efforts and primary prevention involves public education programmes or projects and interventions targeted at potential offenders who have not yet offended but who are sexually attracted to children and want help controlling their sexual urges<sup>168</sup> should be integrated in child protection efforts to maximise results.

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<sup>167</sup> Human Rights Watch. (2013). *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*.

<sup>168</sup> For example, the Prevention Project Dunkelfeld (PPD) is an effort founded in Germany to provide clinical and support services to individuals who are sexually attracted to children. See: *German project "Prevention Project Dunkelfeld (PPD)" | EUCPN*.



# 7.

## PROCESSES AND PRACTICES IN REGISTRATION

The court usually gives an order detailing the registration process and obligations linked to registration. Authorities will require initial registration of data including the “name, sex, and date of birth of each child who generally resides in the same household as that in which the offender generally resides”.<sup>169</sup> Then specific obligations are detailed for the person on the registry (also referred to as ‘registrant’). Usually, only convicted offenders are ordered placement on the registry.

### 7.1 Civil Orders (Australia, Canada, Ireland, New Zealand, Poland, the United Kingdom)

The **United Kingdom** uses a comprehensive set of civil orders to manage persons convicted of sexual offences. The Sexual Risk Orders and Sexual Harm Prevention Orders replaced Sexual Offences Prevention Orders, Risk of Sexual Harm Orders and Foreign Travel Orders in March 2015 following the implementation of

the Anti-Social Behaviour, Crime and Policing Act 2014.<sup>170</sup> As these are civil orders, they do not form part of the criminal record so there are no legal requirements to disclose being subject to a sexual risk order on standard Disclosure and Barring Service (DBS) checks (to vet persons working in direct contact with children) and a person does not necessarily need to be a convicted or registered person convicted of a sexual offence in order to be potentially subject to these kind of orders.<sup>171</sup> In terms of sexual risk order decision-making processes, the court will consider a risk assessment of the offender. Assessment of risk is informed by consideration of criteria such as the nature of the behaviour, the relevance of previous convictions, and current circumstances of a potential subject (e.g., employment, housing, training).<sup>172</sup> A sexual risk order can be appealed in court or have the conditions varied by applying to the Magistrate’s Court or a Youth Court. The court can decide to terminate it earlier based on assessed risks and will decide on foreign travel restrictions (which can last for five years maximum).<sup>173</sup>

169 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

170 Kingston, S. (2018). *The Sexual Risk Order and Sexual Harm Prevention Order: the first two years*. Probation Journal. 77-88.

171 McPherson, L. (2022). *Leveraging Information to Prevent Offending Abroad: International Megan’s Law and Sex Offender Registration Systems around the World*. Gonzaga Law Review: United States Marshal Service; Government of the United Kingdom. (2003). *Sexual Offences Act*. Section 122A.

172 Government of the United Kingdom. (2022). *Guidance On Part 2 of the Sexual Offences Act 2003*. 51. Home Office.

173 Government of the United Kingdom. (2003). *Sexual Offences Act*. Section 122C.

In the United Kingdom, the registry is maintained by local police and requires individuals to register with their local police station within 72 hours of the release of their conviction or release into the community.<sup>174</sup> Usually, the process and data collection already starts in collaboration with prison and probation services. At point of conviction, registration requirements are served by the Civil Court. If the offender fails to register, they may be charged with another offence.<sup>175</sup> In terms of appeals processes, in September 2012, those convicted of a sexual offence who were ordered to register with the police for life could appeal against this requirement for the first time.<sup>176</sup> However, this depends on the conviction as someone who has been convicted of any of the sexual offences listed in Schedule 3 of the Sexual Offence Act 2003 is automatically subject to the notification requirements and has no right of appeal.<sup>177</sup> Schedule 3 offences include, among others: rape, sexual assault of a child under 13 and certain child sexual offences committed by adults, children or young persons.<sup>178</sup>

In **Australia** Capital Territory, all crimes committed under Class 1 or 2 (usually when involving a child) must register based on a court order.<sup>179</sup> Additionally, the court can order a 'child sex offender registration order' for offences not classified under Class 1 or 2 offences.<sup>180</sup> This order may be issued by the court, usually, if the court decides that the person poses "a risk to the sexual safety of one or more people or the community".<sup>181</sup> Australia has adopted an automatic system to ensure more systematic registration. "When registration order is left to the discretion of the court this leads to discretionary imposition of the obligation" (LE05).

In **Ireland**, a Sex Offender Order is available as a civil proceeding and regulates what the convicted offender cannot do, to protect the public from serious harm.<sup>182</sup> In terms of post-release supervision for those convicted of a sexual offence, protecting the public from serious harm from a person convicted of a sexual offence is interpreted as a reference to protecting a member or members of the public from death or serious personal injury, whether physical or psychological which would be provoked if the offender would commit a sexual offence after they are released into the community.<sup>183</sup> On conviction for a sexual offence, the court issues a certificate of conviction to the Sex Offender Management and Intelligence Unit and offender's information is recorded in a National Police database.<sup>184</sup> Offenders are required to notify a local police representative of their name and address within seven days of release from incarceration and must keep their information up-to-date.<sup>185</sup> The local police, where the offender lives, maintains a Sex Offenders Notification Form, which is cross-referenced with the records held by the national police, when necessary.<sup>186</sup> Ireland has a comprehensive sex offender management programme where each offender is assigned a police liaison who conducts regular risk assessments to determine how to best supervise the offender.<sup>187</sup>

In **Canada**, offenders subject to the Sex Offender Information Registration Act must report to a registration centre within seven days of being convicted of a designated sexual offence, released from custody or released from custody pending the outcome of an appeal.<sup>188</sup> The duration of the order depends on the maximum term of imprisonment for the

174 McCartan, K. F., Hoggett, J., & O'Sullivan, J. (2016). *Understanding the use and implications of the sex offenders register and child sexual offender disclosure scheme in England and Wales – A report to the College of Policing*. *Irish Probation Journal*, 84-101.

175 Stop it Now! UK & Ireland. *Being on the sex offenders register (SOR)*.

176 The Guardian. (2012). *Sex offenders gain right to appeal against registration*.

177 UK Parliament. (2023). *Registration and management of sex offenders*.

178 *Ibid*.

179 Australia Capital Territory. (2005). *Crimes (Child Sex Offenders) Act 2005*. Chapter 2. Section 10.

180 *Ibid*. Chapter 2. Division 2.2.2. Section 15.

181 *Ibid*. Section 16.

182 Republic of Ireland. (2001). *Sex Offenders Act*. Sections 16 and 21.

183 *Ibid*. Section 16.

184 *Ibid*. Section 14.

185 *Ibid*. Section 10.

186 Lori McPherson. (2022). *Leveraging Information to Prevent Offending Abroad: International Megan's Law and Sex Offender Registration Systems Around the World*. *Gonzaga Law Review: United States Marshal Service*.

187 *Ibid*.

188 Government of Canada. (2004). *Sex Offender Information Registration Act*. Section 4.

committed offence, with lifetime registration for offenders convicted of two or more offences.<sup>189</sup> Generally, registration is mandatory but for some crimes (e.g., trafficking in persons, kidnapping) it is based on the prosecutor establishing that the person committed such crimes with the intent of committing other sexual offences (e.g. trafficking for sexual purposes).<sup>190</sup> The order to register is known as a Form 52 which is used to provide notification to a defendant of their registration requirements.<sup>191</sup>

**Poland** has a specific measure in its registry which has three sections – open-access, limited access and the third section which (is not yet active and according to the key informants interviewed in this study) is planned to register persons convicted of sexual offences who are deemed to pose a risk to society. This is particularly important because of their access to children, through specific functions like teachers, even if the person could not be prosecuted due to the statute of limitation (which limits the period of time within which a legal action can be taken) (CSO04, CSO05). In 2021, the state commission against paedophilia put forward 22 recommendations including the removal of the statute of limitation for sexual abuse cases and tougher punishments.<sup>192</sup>

## 7.2 Duration of placement on the registry

Two aspects of the registration and storage of information on a person convicted of a sexual offence need to be distinguished here: one is the duration of the record keeping of an offender within the sex offender registry; and the second is the duration of the requirements imposed on the offender. These two do not necessarily coincide.

The period during which offenders are placed on the registry varies greatly, from a few months to a lifetime. This is usually based on

the severity of the offence committed and the sentence received, rather than on the assessed risks posed by the person. In India, the registry stores data for a duration based on criminal history. For example, 15 years for those classified as 'low danger,' 25 years for those classified as 'moderate danger' and lifetime sentence for habitual offenders, violent criminals, and those convicted of gang rape or custodial rape.<sup>193</sup>

In Canada, the duration of an offender's registration requirement begins on the day that the order to register is made and termination depends on the maximum available punishment which can last 10 or 20 years or even for life.<sup>194</sup> Registrants can apply for termination of their registration requirements after either 5, 10, or 20 years.<sup>195</sup> It should be clarified that the obligations under the registration system stop after that period (reporting of changes, etc.) but the data collected on those convicted of a sexual offence placed on the registry are maintained for a lifetime in the database.<sup>196</sup>

Many countries keep a lifetime record of the offender on the registry, even if the offender does not have to comply with any reporting requirements anymore. Even after registration requirement ends, the data remains stored on the database. The storage of personal information on the registry beyond the reporting requirement is increasingly challenged by data protection laws and regulations.

However, this has been reported by some key informants to be useful particularly in cases of 'historical' sexual abuses, when the crime is reported decades later, and the victim may not have all the detailed information about the identity of the offender. The Canadian police reported of a case of child sexual abuse reported 30 years after the crime happened where the suspected offender could be identified thanks to information retained in the registry.

189 Government of Canada. (1985). *Criminal Code*. Section 490.013.

190 *Ibid.* Section 490.012, Section 490.013.

191 Government of Canada. (2004). *Criminal Code*. Form 52.

192 Notes from Poland. (2021). *Poland's state commission against paedophilia issues first report with 22 recommendations*.

193 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

194 Government of Canada. (2004). *Criminal Code*. Section 490.013.

195 *Ibid.* Section 490.015.

196 Government of Canada. (2004). *Sex Offender Information Notification Act*. Section 15.

## 7.3 Termination orders

In some countries, an offender may apply to the court for a termination order for their data to be removed from the registry when meeting certain criteria (e.g., time has passed without

the offender being re-arrested – Japan). In Romania, the law explicitly states that even if an offender has been pardoned, rehabilitated or given amnesty, they will not be removed from the registry.<sup>197</sup>

In 2005 and 2006, three cases were brought forward from French nationals to the European Court of Human Rights, who complained about their inclusion in the Sex Offender Database which infringed their right to respect for private and family life.<sup>198</sup> This was rejected by the European Court of Human Rights stating that “registration in the FIJAIS [national sex offenders database], as applied to the applicants, strikes a fair balance between the competing private and public interests at stake”.<sup>199</sup> In April 2010, the supreme court in the United Kingdom made a landmark ruling that persons registered could challenge being “labelled for life” by being on the sex offender registry without review.<sup>200</sup> Two persons convicted of sexual offences claimed that the lack of opportunity for them to present that they had reformed was a breach of their human rights.<sup>201</sup> In the United Kingdom, in July 2012, the Sexual Offences Act 2003 was amended by the Sexual Offences Act 2003 (Remedial) Order 2012 to introduce a mechanism to allow persons registered as those convicted of sexual offences, who would usually be subject to notification requirements for life, whereby they could apply for those requirements to be reviewed.<sup>202</sup>

In October 2022, the Canadian Supreme Court found mandatory and lifetime registration on the sex offender registry unconstitutional because the two provisions of the Criminal Code violate section 7 of the Charter since “registration has a serious impact on the freedom of movement and of fundamental choices of people who are not at an increased risk of re-offending.”<sup>203</sup>

## 7.4 Period of risks of re-offending

Research on the period of risks associated with re-offending could inform the optimal length of placement on the registry. A Canadian study<sup>204</sup>

looked at the risk of sexual recidivism in the long term on a combined sample of over 7,000 individuals and argued that the likelihood of re-offending declined with time after a certain period of 10 to 15 years with no new sexual offences reported. Although the study did not seem to explore specifically persons who sexually abused children, it could be argued that registration policies of those convicted of sexual offences should include mechanisms to adjust initial risk classifications, ensure periodic review based on changing risks status and determine periods of placement and requirement on the registry based on risks assessed.

197 Government of Romania. (2019). *Law No. 118/2019*. Article 10(5).

198 European Court of Human Rights (2009). *INCLUSION IN NATIONAL SEX OFFENDER DATABASE DID NOT INFRINGE THE RIGHT TO RESPECT FOR PRIVATE LIFE*.

199 Library of Congress (2010). *European Court of Human Rights; France: Registration in French National Sex Offender Database Does Not Violate Rights*.

200 Travis, A. (2010). *Sex offenders win appeal against indefinite inclusion on register*.

201 *Ibid*.

202 Government of the United Kingdom. (2012). *Sex offenders removed from the sex offenders' register*.

203 Supreme Court of Canada (2022). *R. v. Ndhlovu*.

204 Hanson, R. K., Harris, A. J. R., Letourneau, E., et al (2018). *Reductions in risk based on time offense-free in the community: Once a sexual offender, not always a sexual offender*. *Psychology, Public Policy, and Law*, 24(1), 48–63.



## In summary

The diversity of registries is not only linked to the functions they have, but also to the national legal framework that governs the offences included in the registration process. Some countries have adopted a child-focused approach, while others extend the registration processes to various crimes beyond sexual offences against children. It would be important to link these choices to the purposes established for each registry. While some

registries add a risk assessment component to inform the monitoring requirements placed on the person ordered to register, in most cases the registration process is linked to the type of offence committed which is not always a good indication of the risk of re-offending. The length of placement on the registry should also be adapted to the risks posed by the person on the registry, regularly reviewed and informed by evidence to allow for an optimal use of resources and proportionate the resources with the expected impact.



## 8.

# INFORMATION RECORDED AND STORED IN THE REGISTRY DATABASE

Each registry comes with different information recorded and countries use different databases to keep full records of offenders and maintain it up to date. Registries can be very detailed, but usually include at the minimum key information related to the convicted person, from their identity numbers to physical characteristics. Unofficial discussions with key informants from law enforcement reported how birthmarks or tattoos can become key in a criminal investigation, particularly in cases of investigating child sexual abuse material where some visuals of the suspected offender may be available on the material and could be traced back to them thanks to the detailed information stored in the sex offender registry. The benefit of the registry, in comparison to a usual criminal database, is to store all this additional information and to timely and regularly update it thanks to the monitoring system in place for persons who are required to register. While registries are useful in storing information, the onus is on the registered person to comply by. If the registered person does not comply, this is considered a breach and can constitute an offence.

## 8.1 Type of information recorded

Usually, registry databases may include details on:

- **The offender:**
  - identity including all names used;
  - identifiable information such as physical descriptions including tattoos and other marks, fingerprints, DNA samples;
  - addresses (where they live and stay regularly), living with a child; or if staying in a household where a child lives for at least 12 hours a day;
  - occupations, jobs and work addresses and affiliation with any clubs or organisations where children may be present;
  - national insurance numbers, passports and identification documents details, mobile number, VPN, car registration, bank account details, etc.
- **The sentence:** information on the conviction (past convictions if appropriate), date, type, and the circumstances under which the offence was committed, summary of facts, any infringement in the registration requirements, etc.
- **The victim:** information on age, gender, relation to the victim, etc.
- **Any other information** – medical history, rehabilitation etc.

Countries including Argentina, Cyprus, Guatemala, India, Romania, Spain, Trinidad and Tobago, Uruguay are required to record the DNA sample of the convicted offender on the registry.<sup>205</sup> Additional registration requirements can be imposed such as testing polygraph which is a lie detector testing, as an additional license condition.<sup>206</sup> Polygraph testing is used to monitor an offender's compliance with licence conditions and the information that is collected from the test is used to improve risk management plans by offender managers.

In some countries, specific provisions recorded are also related to the online experiences of the registered offender. New Zealand for instance stores the details of telecommunication services, online social networks, gaming accounts, online storage accounts and emails used or intended to be used by the offender.<sup>207</sup> Any update must be communicated by the registered offender within 72 hours of the change.<sup>208</sup> In the United Kingdom, under the Sex Offender Management: Police, Crime, Sentencing and Courts Act 2022, the court may impose a requirement to those subject to Sexual Harm Prevention Orders and Sexual Risk

Orders, to monitor compliance with conditions in the order, by wearing an electronic monitoring tag.<sup>209</sup> Various countries including El Salvador or Peru for instance, also store data in the registry on whether rehabilitation services are being or have been provided.<sup>210</sup> In Taiwan, the competent authority of the municipality or county (city) can order that the offender receives physical and psychological treatment or counselling education in some specific cases.<sup>211</sup>

## 8.2 Example of databases

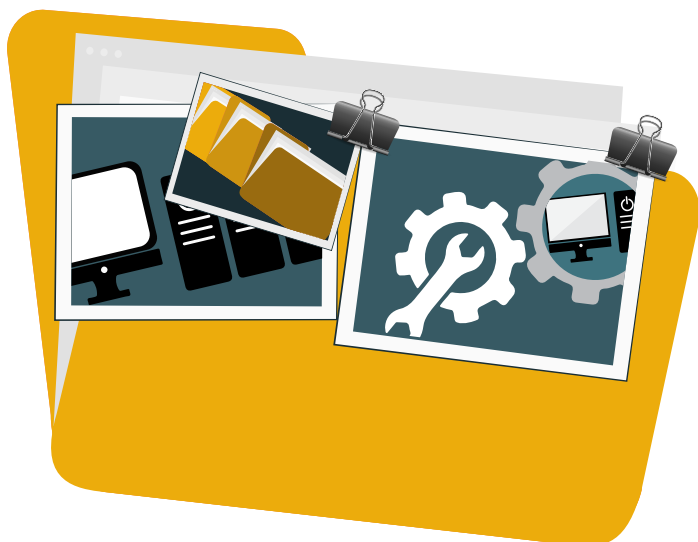
Many countries are investing in sophisticated digital databases to upgrade efficiency. Kenya had a paper-based database at times of writing this report which significantly limits opportunities for optimal search and management and is upgrading it to digitalise the database. In federal states and provinces like Australia, Canada or the United States, the database may be managed locally or centrally. In Canada, the database system was recently upgraded with the information becoming centralised.

### United Kingdom

To assist cooperation and better manage and preserve the registry, an intelligence database, called ViSOR (Violent and Sex Offender Register) was developed. ViSOR is the database containing information for persons with serious convictions including those convicted of sexual offences, violent offenders, registrable terrorist offenders or potentially dangerous persons as part of MAPPA (multi-agency public protection arrangements) which is made up of probation, police, prison service to manage individuals who pose a higher risk than others.<sup>212</sup> Information that is stored includes their residential area, details and the types of crimes for which they have been placed on the registry. This is a central tool to the administration of the registry in England and is used as the source of information for police decision-making about public disclosure.<sup>213</sup> This tool enables up-to-date information to be disclosed, through official channels or via the Child Sex Offender Disclosure Scheme.<sup>214</sup>

- 205 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).
- 206 Government of the United Kingdom. (2022). Polygraph testing measures in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment; Government of the United Kingdom. (2007). *Offender Management Act 2007*. Section 28.
- 207 Government of New Zealand. (2016). *Child Protection (Child Sex Offender Government Agency Registration) Act 2016*. Section 16.
- 208 *Ibid.* Section 20.
- 209 Government of the United Kingdom. (2022). *Sex offender management: Police, Crime, Sentencing and Courts Act 2022 factsheet*.
- 210 Federal Research Division. (2022). *Sex Offender Registration and Notification Laws around the World*. Washington: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).
- 211 The Republic of China (Taiwan). (2015). *Sexual Assault Crime Prevention Act*. Article 20.
- 212 HM Inspectorate of Probation. (n.d.). *Multi-agency public protection arrangements*.
- 213 O'Sullivan, J., Hoggett, J., McCartan, K. and Kemshall, H. (2016). *Understandings, Implications and Alternative Approaches to the Use of Sex Offender Register in the UK*. Irish Probation Journal. 84-101.
- 214 McCartan, K., Kemshall, H., & Hoggett, J. (2017). *Reframing the sex offender register and disclosure: From monitoring and control to desistance and prevention*. London: Palgrave Macmillan.

In Australia, the hosting of the database is handed to the Australian Criminal Intelligence Commission which is a Commonwealth body which manages the database on behalf of States and territories. Linked to the independence of the States and territories and the differences in legislation, while the Criminal Intelligence Commission hosts a central database, key informants report that access to the database between States and territories can only be legitimate and operational as arbitrated by court. The efficient sharing of information across States and territories has been reported to be challenging due to bureaucratic access to information, issues of privacy, inconsistent out-of-date data and inefficient databases (LE04, LE05).



## 9.

# MAINTENANCE OF THE SEX OFFENDER REGISTRATION SYSTEM

Static systems of registration differ significantly from dynamic registries where offenders provide up-to-date information on an ongoing basis to authorities. The value of registries is largely dependent upon the accuracy of the data recorded. As such, most US law enforcement agencies are responsible for verifying data through in-person contact with registered persons convicted of sexual offences. This must be considered, in terms of workload and resource implications for the agencies, although some agency officials in the United States have reported that the accountability and monitoring benefits of the schemes outweigh the costs involved with administration, by sending a clear message that offenders are being monitored.<sup>215</sup>

It should be noted that large registration systems can be hugely challenging to update and monitor resulting in them becoming increasingly difficult for both police and members of the public to be able to distinguish between serious sexual offenders and non-violent offenders.<sup>216</sup>

The specialised police department in the United Kingdom, Managing of Sexual and Violent Offenders (MOSOVO Police), which consists of police officers, detectives and police staff investigators is responsible for managing registered offenders and assessing their levels of risk and implementing interventions to maintain the safety and security of offenders at risk of harm.<sup>217</sup> With a specialised unit, estimates of the costs of such a policy to monitor registration requirements can be made more easily. It is reported that the caseload of the MOSOVO police, for example in Surrey, England, can typically include 50-60 persons placed on the sex offender registry to regularly monitor and assess for each police officer (EXP01). Given the expanding population of persons convicted for sexual offences on the registry and the constraints on the criminal justice budgets, there is a need to understand the use of current approaches in order to assess how effective they are and what, if any, changes or alternative approaches might usefully be developed.<sup>218</sup>

215 Vess, Jim & Day, Andrew & Powell, Martine & Graffam, Joe. (2012). *International sex offender registration laws: Research and evaluation issues based on a review of current scientific literature*. Police Practice and Research. 15. 1-14.

216 Hynes, K. (2013). *The Cost of Fear: An Analysis of Sex Offender Registration, Community Notification, and Civil Commitment Laws in the United States and the United Kingdom*. The Penn State Journal of Law & International Affairs, 2(2).

217 College of Policing. *Sexual or Violent Offender Manager (MOSOVO)*.

218 O'Sullivan, J., Hoggett, J., McCartan, K. and Kemshall, H. (2016). *Understandings, Implications and Alternative Approaches to the Use of Sex Offender Register in the UK*. Irish Probation Journal. 84-101.



Sex offender registration laws have been criticised by some as being overly inclusive of too many different types of persons who have sexually offended, tying up limited law enforcement resources to track many offenders who pose little risk of sexual re-offending.<sup>219</sup> The cost of implementing and maintaining sex offender registries is frequently overlooked in the debates about their effectiveness but requires specific consideration, particularly when extending to new countries that do

not already have a registry. Whilst costs will obviously vary across different jurisdictions, expenditure includes personnel and training, software costs, administrative and court costs and to a certain extent, legislative costs and additional prison space in case of non-compliance. Large registration systems can be hugely challenging to implement, maintain, update and monitor. They take time, effort and money to be designed and managed properly and effectively.<sup>220</sup>

### **Evaluation of the New Zealand child sex offender registry**

A three-year evaluation of implementation of the child sex offender registry in New Zealand highlights this challenge. The weight of responsibility to manage the increasing number of registered persons living in the community falls largely on Police, and this has significant implications for resourcing. While there was a 31% increase in the total number of registered persons living in the community between 2018 and 2019, there was a 63% increase in the number of registered persons in the community whose management was being led by Police, compared to a 4% increase for Corrections over the same period.<sup>221</sup>

Several factors are reported to have impacted the success with which the Register have been implemented, including among others: Resourcing pressure – this was reported as having a significant impact on case managers' ability to carry out their duties to the standard required due to the increased number of cases. The principal reason for this community increase is the number of persons being released into the community ahead of their prison sentence end date (e.g., on parole) whereas initial forecasting for the child sex offender registration system used the end of sentence release date. A secondary factor is the number of persons returning to, or deported to, New Zealand with overseas child sex offending convictions and are registerable on the New Zealand Register, of which there were around 150 in the first three years; Staffing issues – Staff deployment away from Register duties, high staff turnover, and rotation of staff were cited by case managers and Registry staff having a negative impact on the implementation and operation of the Register. Staff also reported high levels of well-being despite increased workload pressure and clear and enabling legal frameworks also contribute positively to child sex offender registry implementation.<sup>222</sup>

A study in the United States compiled a range of valuation estimates for sexual assault in lifetime losses per individual victim (e.g., costs to the victim and the state for incurred trauma, treatment and future lost productivity). It argues that if sex offender registry systems reduced this by 13% then the United States would make a saving of around USD 4.5 billion per year. A 6.5% reduction in sexual assault, whilst still compared with the high costs of

national sex offender registry systems would potentially generate hundreds of millions of dollars more benefit than the cost each year.<sup>223</sup> While appropriate investment is critically needed to ensure better protection of children, many academics and civil society organisations are raising the question of the demonstrated impact of these policies in comparison to their costs, and it appears that this should only be part of a more elaborated set of measures of a

219 Vess, Jim & Day, Andrew & Powell, Martine & Graffam, Joe. (2012). *International sex offender registration laws: Research and evaluation issues based on a review of current scientific literature*. Police Practice and Research. 15. 1-14.

220 Australian Institute of Criminology. (2018). *What impact do public sex offender registries have on community safety?*

221 New Zealand Police (2020). *Child Sex Offender Register & Risk Management Framework – Findings from a Three-Year Evaluation*.

222 *Ibid.*

223 Bieri, D. (2009). *Cost matters: a randomized experiment comparing recidivism between two styles of prisons*. Journal of Experimental Criminology, 5(4): 371-397.

continuum of prevention and rehabilitative services which could be more effective.

## **In summary**

The issue of the human, technical and financial resources needed for an effective maintenance and management of a sex

offender registry is a critical one that needs to be considered and assessed based on impact and the evolving nature and trends of sexual crimes against children. The balance between a resource-intensive approach to persons convicted of child sexual offences and a preventative approach has to be carefully considered, based on evidence.

# CONCLUSION

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The sexual abuse and exploitation of children constitute serious crimes with long-term impacts and consequences on victims and communities to which governments must respond with robust and comprehensive prevention and protection mechanisms.

There is an increasing movement amongst professionals, practitioners and some policymakers to consider sexual abuse more as a public health issue, rather than framing it as a criminal justice issue. This means to move towards a more proactive preventative approach rather than a narrow-focused punitive one for a limited number of persons who have sexually abused children and have been brought to the attention of law enforcement and have been convicted. All studies show that these constitute a small subset of persons who actually commit sexual offences against children as often the crimes go unreported. Research has also shown that approximately 95% of prosecuted sexual crimes are committed by first time offenders; this means that an inordinate number of resources and funding are focused on the 5% of known offenders rather than on the primary prevention of child sexual abuse.<sup>224</sup>

This paper attempts to show the variety of models and functions of sex offender registries adopted until now. A critical issue is to clarify the purpose and objective of a sex offender registry. More research may be needed to evidence the impact of the sex offender registry for law enforcement collaboration and investigations. The impact on the prevention of offending or re-offending is not fully apparent

including because a number of offences are not reported and have never come to the attention of authorities. The expectation of the general public or policymakers, that a sex offender registry and law enforcement monitoring behaviours of persons convicted of child sexual offences provides victims and the public with protection against all those convicted of a sexual offence is unrealistic – this limitation should be explicitly stated.

It would be important therefore to also ensure that registries are informed by and developed based on solid evidence on the management of persons who have sexually abused children and that a continuum of prevention programmes and interventions are put in place. Interventions must be well-resourced as part of an overall public safety and child protection strategy to allocate appropriate resources to programmes demonstrated to really benefit the protection of all children. Strength-based treatment and community-based programmes to support and facilitate the safe reintegration and management of persons convicted sexual offences against children should be made more widely available. These types of programmes are often delivered by probation and prison services and should be extended as prevention strategies as well. Indeed, despite the evidence that rehabilitation programmes can be effective, many countries continue to opt mostly for a more punitive approach.<sup>225</sup> As part of this comprehensive programme, the sex offender registry can find a place and ensure the monitoring of offenders at high risk of re-offending.

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224 McCartan, K. (2022). *Translating the Sexual Abuse Evidence Base into Effective Policy and Practice*. In Uzieblo, K., Smid, W.J., McCartan, K. (eds) *Challenges in the Management of People Convicted of a Sexual Offence*. Palgrave Studies in Risk, Crime and Society. Palgrave Macmillan, Cham.

225 Economist Impact. (2022). *Out of the Shadows Index*.



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