TECHNICAL CONSIDERATIONS FOR THE DEVELOPMENT OF (CHILD) SEX OFFENDER REGISTRIES

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Suggested citation:
ECPAT International. (2023). *Technical Considerations
for the Development of (Child) Sex Offender Registries.*
Bangkok: ECPAT International.

INTERFAITH
ALLIANCE
FOR SAFER COMMUNITIES

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CONTEXT

Children are exposed to sexual abuse and exploitation around the world and no country is immune. Child sexual abuse and exploitation happens in every sphere of society, within the circle of trust of the child, by strangers locally or by foreigners who travel and sexually abuse and exploit children, but also through various forms of child sexual exploitation and abuse happening online and/or facilitated by digital technologies. These forms of violence can leave a long-term physical and emotional impact on children. Preventing and responding to the sexual exploitation and abuse of children is of paramount importance to ECPAT International and many other partners. It requires multi-sectoral approaches and coordination within countries and across borders.

Although there are many different tools available to combat child sexual exploitation and abuse, an important one is that of communication and information sharing. Over the past 40 years, we have seen the development and spread of sex offender registries that facilitate this information sharing. The concept of the registry is to have a centralised list of all known individuals convicted of a sexual offence with detailed updated information to aid law enforcement in investigating child sexual abuse offences.[1] Sex offender registries seem to intuitively appeal to the general public to prevent recidivism by persons convicted of child sexual offences, and their development needs to be considered carefully. A registry is one possible mechanism that can be adopted by a country as part of its arsenal to combat child sexual abuse and exploitation domestically and when the offence extends transnationally.

This technical guidance aims to provide orientation based on known practices and evidence and should be read in conjunction with ECPAT International's 2023 *"Working paper: Overall presentation of different types of (child) sex offender registries"* which provides more details on the academic, policy and practice evidence on the impact of the registries. The working paper enables you to understand opportunities and challenges that all aspects of the development and roll out of registration, and related activities pose.

Sex offender registries have been appealing towards the general public for public safety purposes. The registration of people convicted of a sexual offence is often a very political and emotive issue, with much debate and considerations around victim/survivor and community support, as well as issues linked to the risk management, integration back into society, and the human rights of those people registered.

The public often supports sex offender registries under the assumptions that: 1) police are monitoring the registered convicted offender, giving an inappropriate sense of safety and 2) knowing of the presence of an individual convicted of a child sexual offence in the community (through notification systems), would ensure the community can take protective measures for the children in the area and 3) the existence of a registry would act as a deterrence measure to prevent offending or re-offending. Measuring impact of prevention is always a delicate exercise. To this date, there is a gap of evidence to demonstrate that sex offender registries are effective in preventing sexual recidivism. Various methodological challenges exist in measuring sexual offending recidivism. This is traditionally done through arrest or prosecution for a new sexual offence, but this is an imperfect tool as it relies on the crime being reported and the

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1   It is important to note that the term sexual offence is a broad term and is normally defined by national and/or international legislative bodies. This means that what is a sexual offence in one country may not be a sexual offence, or called the same offence, in another, even in the same geographical region. Therefore, it is important to consider what constitutes a sexual offence in the country in question, rather than think of a sexual offence as a generic term.

According to a meta-analysis of 25 years of findings (1996-2020) in the US, the study finds comprehensive evidence that Sex Offender Registration and Notification policies do not have a statistically significant impact on recidivism when examining a combined model and disaggregating studies by sexual or non-sexual offences, or conceptualising recidivism by arrest or conviction.

Zgoba, K. Mitchell, M (2021, Sep). *The effectiveness of Sex Offender Registration and Notification: A meta-analysis of 25 years of findings*. Journal of Experimental Criminology.

The aim of this document is NOT to support or proscribe the use of a sex offender registry, but rather it is to suggest points of consideration for countries contemplating developing or reviewing their own registry. The development, rollout, and maintenance of a sex offender registry is not a cheap, easy solution to a complex problem. Our advice is always to fully consider the purpose, use, and impact of registration before rolling it out, and to do this it is recommended to look at the evidence and talk with colleagues from a range of countries that already have registries.

individual getting caught and processed by the system. Although the observed rates of recidivism for sexual offending are likely to provide an underestimate of the problem, various studies of adult males with a history of sexual offending do not show a high rate of recidivism. The academic research is currently inconclusive on the real impact on sex offender registries in preventing recidivism. This technical paper will highlight the importance of clarifying the objective of the sex offender registries you are trying to put in place.

The International Committee on Sex Offender Registries (ICSOR) is a group of countries that have established or are considering establishing a sex offenders' register and facilitates the sharing of information about transnational sex offenders to improve law enforcement communication, review and progress. If you would like to connect with ICSOR, please contact:

Lori McPherson (Senior Policy Advisor - United States Marshals Service/SOIB). *lori.mcpherson2@usdoj.gov.*

Given the focus of child protection, safeguarding, and reducing harm to children internationally we would NOT condone the use of registration procedures with children who have sexually harmed. The process of registering children creates harm and trauma in the lives of children already traumatised by being in the criminal justice system and will have an ongoing impact on their health, wellbeing, social inclusion, and socio-economic development.

For more information on ECPAT's position on this - please refer to **www.ecpat.org**

RECOGNISING THE REALITY OF SEXUAL OFFENCES REGISTRATION

This document will walk you through some of the key issues that you need to consider when looking to develop, adopt and roll out a registry for people convicted of a sexual offence. However, there are some key starting points and premises that you need to be aware of.

1. Child sexual abuse and exploitation should be understood as a child rights, public health and criminal justice issue with a strong focus on victims, through a socio-ecological model (see below). This means that child sexual exploitation and abuse concerns community and social issues as well as individual and State issues. This implies that preventing and responding to child sexual exploitation and abuse is everyone's responsibility.

Figure 1: Socio-ecological model in understanding and responding to child sexual exploitation and abuse[2]

Individual
Factors in an individual's biology and personal history that increase the possibility of becoming a victim or perpetrator of anti-social or criminogenic behaviour

Examples:
Offence supportive beliefs, history of abuse, addictions

Interventions:
Mindfulness-based Cognitive Behavioural Therapy (MCBT), psycho-educational programmes (e.g., New Me Strengths (NMS))

Focus:
Individual development

Interpersonal
Factors within the individual's closest relationships that increase the possibility of becoming a victim or a perpetrator of anti-social or criminogenic behaviour

Examples:
Association with peers, family members or partners that condone anti social or criminological behaviours, being in abusive environments

Interventions:
Restorative justice, mentoring programmes

Focus:
Interpersonal relationship

Community
Factors in the community, such as relationships with schools, workplaces and neighbourhoods, that increase the possibility of becoming a victim or a perpetrator of anti-social or criminogenic behaviour

Examples:
General tolerance of crime and anti-social behaviour, lack of support from police, weak community sanctions against perpetrators

Interventions:
Mentoring programmes, community participation programmes (CoSA)

Focus:
Community bonding, social inclusion

Societal
Societal or cultural norms that increase the possibility of becoming a victim or a perpetrator of anti-social or criminogenic behaviour

Examples:
Inequality due to an individual's gender, race, class or inequality due to economic and social policies

Interventions:
Cure Violence, New Generation of Policing

Focus:
Creating and maintaining broad social norms

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2   Kemshall, H., McCartan, K. (2022, Oct). *Desistance, recovery, and justice capital: Putting it all together*. HM Inspectorate of Probation.

2. The development and use of a registry is one tool to be used in conjunction with others in a multi-agency and multi-sectoral approach to the successful risk management and community integration of people convicted of a sexual offence. The registry is not the sole solution itself, but rather a piece of the puzzle.

3. A country wide and country specific registry for people convicted of a sexual offence will tell you about the population convicted of sexual offences in your country. However, it will not tell you about people convicted of a sexual offence entering your country from another country. If you require information about foreign nationals convicted of a sexual offence entering your country, you would need to develop bilateral agreements with other countries allowing access to their registries and them to yours, use INTERPOL information sharing mechanisms or in partnerships to develop an international/transnational registry.

4. It is important to recognise that registries are built on conviction data, therefore only people who have been caught and convicted are placed on the registry.[3] However due to the nature of sexual crimes against children, many cases are never reported or prosecuted. The registry therefore only gives a very limited picture of child sexual offending in a country. Therefore, the registry is not fully reprehensive of the risky population. The development of your registry should be an opportunity to discuss broader strategies related to child sexual abuse and to locate this within larger prevention schemes of your system.

5. To develop and roll out a registry you need a well-developed multi-agency approach to risk management and community protection in your country, with different regions, sectors and teams being linked up and functioning smoothly. There is an argument that you should not be looking to develop a registry, and related activities, if your criminal justice sector is not fit for purpose, unless it is part of a upskill, development and evolution in service provision.

6. The development, roll out and maintenance of a registry requires significant investment of human, technical and financial resources. Therefore, you need to have a clear understanding of the resources available to your criminal and social justice sector as well as the financial stability of your government/country to sustain such investment. It is important to calculate in advance the total costs of the registry so that it achieves what it needs to rather than running out of resources and having a half developed or not fit for purpose registry service.

7. Value for money when considering the development of a registry, as well as related systems (i.e., database, training, disclosure mechanisms) is an important aspect to keep into consideration and the decisions to develop a registry should be balanced against the existing evidence, strengths and gaps identified in your country and weighted in light of other priority actions in the frame of larger prevention schemes that would be needed to ensure the protection of children.

8. The effect of a registration system of imposing a lasting sentence and restriction after a person convicted of a sexual offence has been released, also needs to be considered in light of the human rights legislation in your country.
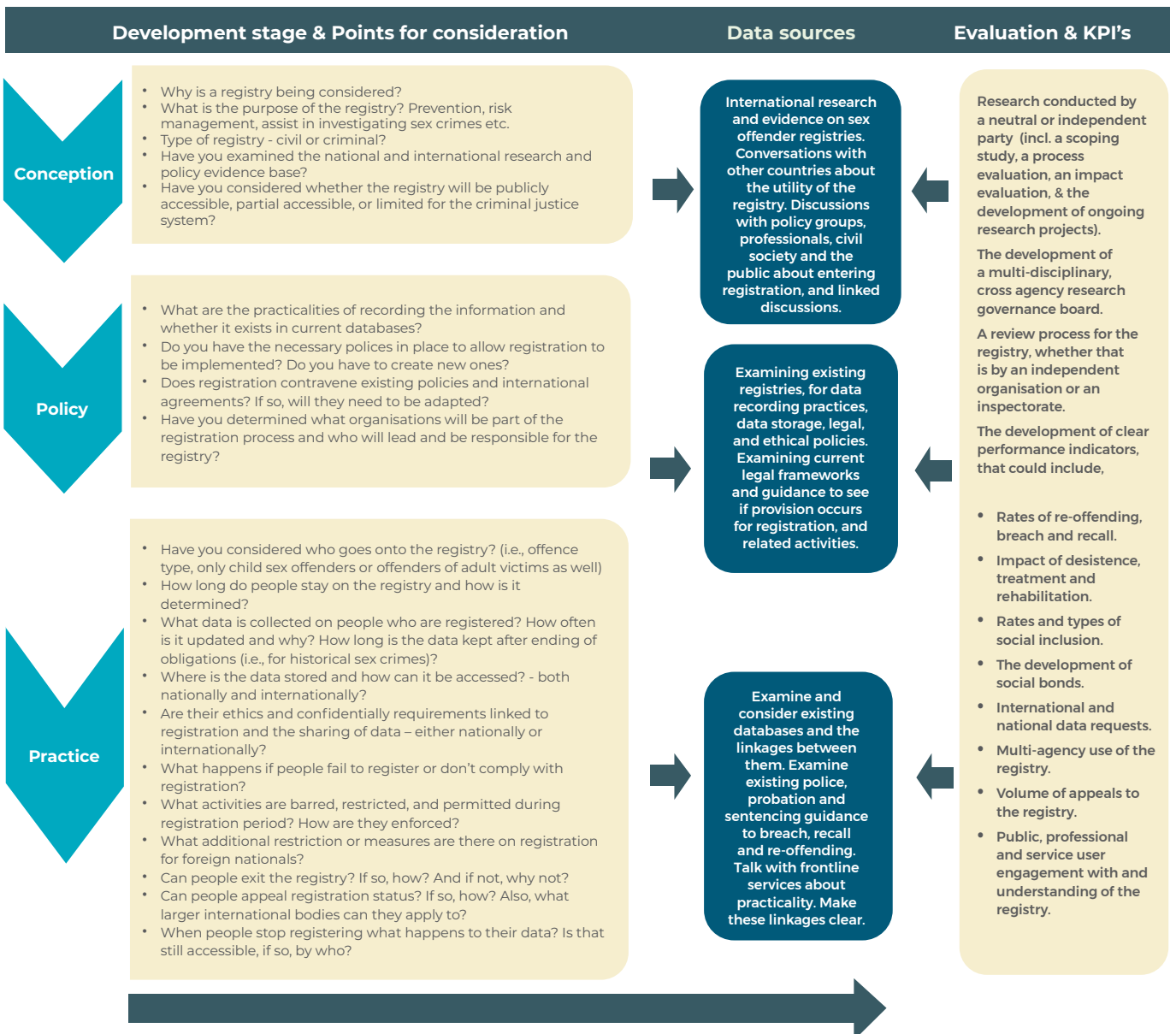
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3   Only Nigeria was identified in ECPAT's research as a country placing arraigned cases on a public database and this paper discourages placing persons who are not fully convicted to ensure justice processes are followed.

PLANNING

The aim of this technical consideration is to provide an overview of what needs to be taken into account when developing a sex offender registry. We would encourage countries to consider some of the learnings from the evidence and practices, compiled in the following model, and suggest a 12–18-month development period. It should be noted though that when starting the development of a registry, it is often helpful and necessary to move back a step in the criminal justice process and take inventory of how sexual offences are investigated/prosecuted, by whom, what sentences are common, whether you already have an existing criminal history record information system, etc. This will allow you to get a concrete idea for how many other agencies/offices will need to be involved in the process and the volume of offenders that may potentially exist. This preparatory work can be long depending on what you already have in place. The proposed timeframe of 12-18 months is estimated for countries with an already fairly well-developed criminal justice system but might need to be extended depending on how your system is organised.

Figure 2: Planning framework and process

Development stage & Points for consideration	Data sources	Evaluation & KPI's
Conception • Why is a registry being considered? • What is the purpose of the registry? Prevention, risk management, assist in investigating sex crimes etc. • Type of registry - civil or criminal? • Have you examined the national and international research and policy evidence base? • Have you considered whether the registry will be publicly accessible, partial accessible, or limited for the criminal justice system?	International research and evidence on sex offender registries. Conversations with other countries about the utility of the registry. Discussions with policy groups, professionals, civil society and the public about entering registration, and linked discussions.	Research conducted by a neutral or independent party (incl. a scoping study, a process evaluation, an impact evaluation, & the development of ongoing research projects). The development of a multi-disciplinary, cross agency research governance board. A review process for the registry, whether that is by an independent organisation or an inspectorate. The development of clear performance indicators, that could include, • Rates of re-offending, breach and recall. • Impact of desistence, treatment and rehabilitation. • Rates and types of social inclusion. • The development of social bonds. • International and national data requests. • Multi-agency use of the registry. • Volume of appeals to the registry. • Public, professional and service user engagement with and understanding of the registry.
Policy • What are the practicalities of recording the information and whether it exists in current databases? • Do you have the necessary polices in place to allow registration to be implemented? Do you have to create new ones? • Does registration contravene existing policies and international agreements? If so, will they need to be adapted? • Have you determined what organisations will be part of the registration process and who will lead and be responsible for the registry?	Examining existing registries, for data recording practices, data storage, legal, and ethical policies. Examining current legal frameworks and guidance to see if provision occurs for registration, and related activities.	
Practice • Have you considered who goes onto the registry? (i.e., offence type, only child sex offenders or offenders of adult victims as well) • How long do people stay on the registry and how is it determined? • What data is collected on people who are registered? How often is it updated and why? How long is the data kept after ending of obligations (i.e., for historical sex crimes)? • Where is the data stored and how can it be accessed? - both nationally and internationally? • Are their ethics and confidentially requirements linked to registration and the sharing of data – either nationally or internationally? • What happens if people fail to register or don't comply with registration? • What activities are barred, restricted, and permitted during registration period? How are they enforced? • What additional restriction or measures are there on registration for foreign nationals? • Can people exit the registry? If so, how? And if not, why not? • Can people appeal registration status? If so, how? Also, what larger international bodies can they apply to? • When people stop registering what happens to their data? Is that still accessible, if so, by who?	Examine and consider existing databases and the linkages between them. Examine existing police, probation and sentencing guidance to breach, recall and re-offending. Talk with frontline services about practicality. Make these linkages clear.	

In working through the plan above we suggest that you use the below table to structure your thinking on how to respond to/consider the development of a registry for people convicted of a sexual offence and related activities.

The below table should be used in the four key stages identified in the framework above (i.e., Conception, policy, practice, and evaluation) and it should be done in sequential fashion.

Table 1: Registry development structure

Activity	Example/definition	Outcomes
The identification of a registry type and related activities	*(Identify what the purpose and function of the registry and related activities is. This should include a rationale and a discussion of why a registry is needed)*	
What does the research, policy, and evidence-based practice say?	*(Conduct a literature review of policy, practice, and research on the area of registration that you are looking at)*	
Resources required to step up and run activity	*(What financial resources are needed to develop the infrastructure and practice implications for the lead organisation and partner organisation? This should include a financial figure and a plan on how to generate and maintain that sum annually)*	
Development of draft policy, process or practice	*(Develop a consultation paper on the topic of the registry that you are working on)*	
Changes to policy, practice and organisational working needed to implement change	*(Identify what changes will be carried out to current working practices – as well as the resources and time scale needed to do this – for the current task. This should also include a review of current staff training keeping in mind what needs to be changed or developed in light of registration and factor in an ongoing development programme to account for growth of the registry and turnover)*	
Cost-benefit analysis of implementation	*(Conduct a cost-benefit analysis on the impact of rolling out the area of the registry you are looking at)*	
Alternative processes that could be adopted	*(Consider other alternative approaches could be used instead of the proposed area of registration you are looking at, given your context, systems and structures)*	
Feedback from partners, and stakeholders	*(Develop a feedback loop from key partners, stakeholders and victim/survivor panels)*	
Considerations for rollout and implementation	*(Develop a plan for rollout and implementation, including a risk registry and response to key pinch points. This should also include a media/public engagement strategy)*	
Decision and next steps		

PUBLIC PERCEPTIONS, RATIONALE AND REALITY CHECK

The development of a registry for people convicted of a sexual offence is as much of public policy and community relations enterprise as it is a criminal justice intervention. This means that there needs to be consideration of how the policy and practice will sit in the public arena. It is important to consider the public, civil society sector and media response to the implementation of a registry and related activities, especially if you are also considering making your registry either fully or partially accessible by the public (more details on this below). Research has shown that registries for people convicted of a sexual offence can be publicly and politically sensitive, often resulting in debates around public safety, risk management, re-offending, public vigilantism, and threats to registrants,[4] as well as to their families and neighbours.

A recent study examined public perceptions regarding community management policies for individuals convicted of sexual offences to understand levels of support, misconceptions about the policies, and factors affecting the views of the public.[5] According to this meta-analysis, the public is highly supportive of these policies - 76% of the public supported them, 61% believed in their effectiveness, and 63% felt safer because of the policies.[6] Thirty-six percent accessed the registry, 38% took preventive actions, and 40% were aware/concerned about the collateral consequences such as offenders' rights to privacy and dignity, and risk of offenders being punished twice for the same crime, and subject to cruel and unusual punishment.[7] It is important when developing a registry to ensure appropriate education measures are in place about the registry, the reintegration of persons placed on the registry and how to keep children safe to avoid giving the public a false sense of safety.

Sexual offending is a high-profile media issue, and the creation of a registry and related activities will cause a media reaction; both in terms of traditional media (i.e., press, TV news, radio shows, etc) and social media (i.e., publicly oriented social media sites like Facebook, Twitter, etc). This means that it is important to recognise that the media reaction to discussions, rollout, implementation and evaluation of the registry will be significant. The media reaction will help to facilitate the introduction of the registry or hinder it. It is important not to think of the media engagement piece as an afterthought, and instead to think about ways and/or points in the process where the media can be included to highlight needs, development, and rollout.

The civil society sector, in particular non-governmental organisations, will play an important part with the media in the public framing of the registry. However, unlike the public and media reaction this sector can, and will be more nuanced in their response. The civil society sector is generally made up of public and political interest groups, as well as civil society organisations, each with their own agenda or cause, which means that each will have a different reaction to the registry. Across the civil society, some may be supportive of it (i.e., child neglect and abuse charities, rape crisis organisations, victim/survivor support organisations, community justice organisations) saying that it protects victim/survivors, keeps communities safer, reduces re-offending and reinforces social values; whereas others may not be supportive (i.e., other human rights-based organisations, organisations that support and work with people who have offended and their families, etc) saying that it contributes to social exclusion, that

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4   A registrant is a person placed on the register

5   Sánchez de Ribera, O., Christensen, L. S., Trajtenberg, N., et al. (2023, May). *Public Perceptions Toward Community Management Policies for Individuals Convicted of Sexual Offenses: A Systematic Review and Meta-Analysis.* Trauma, Violence, & Abuse.

6   Ibid.

7   Ibid.

it potentially affects victim/survivors of the registrants[8] and their families, that it contravenes human rights legislation, and that it does not support community reintegration. The different sides of this debate will be played out in public forums via the media, which, means it is important to recognise who the leading voices on both sides of the debate will be so that you best know how to respond.

The development and roll out of a registry and related activities should include doing some background research, including a public attitudes survey, a review of the most common causes of public disorder, a review of anti-social behaviour targeted towards people convicted of a sexual offence, a review of mainstream media content, and a debate on these issues. In doing this, you will have a cultural baseline to be able to deter the likelihood of social unrest that the creation of a registry might cause.

It would be recommended that, if you decide to progress forward with a registry, you develop and roll out an awareness-raising campaign so that members of the public and the press fully understand what the process, outcomes and limits of the registry are. Also, that they understand if there are any consequences for using the data inappropriately, illegally or in a vindictive way.

For example, in the UK, the Child Sex Offender Disclosure Scheme (CSODS) provides an example of collaboration between law enforcement and the public. Indeed, the scheme allows the public (including parents, carers and guardians) to formally ask the police if someone, who has contact with a child, has a record of child sexual offences or poses a risk to the child for some other reason.[9] This scheme focuses on the disclosure and risk management where the subject is identified as being convicted (including cautions, reprimands and final warnings) and alleged persons of convicted child sexual offences by providing guidance to the public about how to ask and use existing police powers to share information about persons convicted of sexual offences.[10]

As for campaigns and media, Stop it Now! UK & Ireland has been running a Deterrence campaign since 2015 which aims to prevent people from viewing and sharing sexual images of children online and having sexual conversations with under-16s online.[11] The campaign emphasises the personal and legal consequences for offenders and their families, including possible arrest, imprisonment, break up of family, and being put on the sex offender registry. The campaign has received support of the Home Office, police forces, other law enforcement agencies, local authorities and NHS partners and uses press engagement, workforce webinars, social media and print advertising to raise awareness among adults.

PLEASE SEE ! section 5 of the "**ECPAT International**. *Child sex offender registries.* **Working paper**" on Restricted or Public Access of Registries - for more information.

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8   In case of intrafamilial sexual abuse for instance.
9   Metropolitan Police. *Sarah's Law (Child Sex Offender Disclosure Scheme).*
10   Government of the United Kingdom. (2013, Mar). *Find out if a person has a record for child sexual offences.*
11   Stop it Now! UK & Ireland. *Deterrence campaign.*

JUSTIFYING AND RATIONALISING THE REGISTRY

The development and roll out of a registry, as well as related activities (i.e., travel restrictions, disclosures, criminal barring services, etc) need to be clearly thought through and evidence-based. Therefore, the first place to start is to examine the existing evidence base. The evidence on the registration of people convicted of a sexual offence is a mixture of policy, practice, and research. Although registrations are growing in interest internationally, a lot of the research is based on work done in the northern hemisphere, namely Anglophone countries including the United States, Canada, the United Kingdom and Australia.

It is important to state that there may not be bespoke culturally or socially relevant material for you to access and this means that you will have to provide your own lens through which to understand the data, policies, procedures, and recommendations. It is important to look at the full view of the academic and policy literature which means that you may have to request information or material, for countries may have developed and rolled out registries and done research on their effectiveness but they may not be in the public domain or might be confidential. One way of accessing this material, if not freely given, might be to do some scoping interviews with professionals, policy makers, and researchers about the practicability and effectiveness of the registry, and related activities. Although this may not always be possible, you may want to look at registries from equivalent countries or with similar cultural and heritage backgrounds; to see what would work and what would not.

The US Library of Congress has conducted a thorough review of all registries around the world which was published in 2022.[12] According to the US Library of Congress, there were 41 identified countries, territories or jurisdictions which had adopted legislation governing sex offender registration systems at the time. This US Federal Research Division report may allow you to identify countries that have developed registries and may share their practices and experiences. You could also consider approaching ICSOR, the International Committee on Sex Offender Registry (lori.mcpherson2@usdoj.gov) to share experiences.

Your decision-making process should be well considered and informed, meaning that there should be a documented procedure that clearly weighs the opportunities and challenges of having a registry given your context, systems, structures and capabilities. This will help in the justification and articulation of a registry and allow you to understand the criticisms as well as downfalls in previous iterations so that you can build a more bespoke model.

PLEASE SEE the **"ECPAT International Child sex offender registries. Working paper"** on Restricted or Public Access of Registries - for more information.

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

FRAMING OF THE REGISTRY

The development, rollout, and maintenance of a registry for people convicted of a sexual offence is not a cheap or easy option; therefore, there needs to be a clear rationale for its development. This rationale should consider whether the tools used to monitor people convicted of a sexual offence are fit for purpose, or when they are found to be lacking, if they can be developed more effectively. Historically, registries were created from calls from professionals, from central government, or from reactions to high profile cases. Therefore, the creation of a registry must fill a risk management and public protection need, not a political desire or reaction to an individual case. What is the framing of your registry:

- Public protection
- Risk management
- Rehabilitation and reintegration
- An extension of state punitiveness
- Public health
- Prevention
- Discourage illegal sexual behaviour.
- A law enforcement investigative tool
- A data analysis tool

New Zealand is a unique case that uses a strength-based approach for the management of persons convicted of sexual offences. The registry approach is based on risk-need-responsivity model. This approach aligns well with an increasing movement amongst professionals, practitioners, and policymakers to consider sexual abuse more as a public health issue rather than focusing only on criminal justice.[13] According to a 2021 study, adopting a public health-orientated approach which is trauma-informed can reduce re-offending and promote desistance in the population.[14]

In the United Kingdom, the Child Sex Offender Disclosure Scheme (CSODS) is framed as a public protection tool. It is an additional part of the UK sex offender registration management whereby the sex offender registry is not available to the public. Parents, carers and guardians can request a police officer to check if someone they want information on, has a record of child sexual offences in England and Wales.[15] There are also similar schemes in Scotland and Northern Ireland. In the United Kingdom, 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 consider a risk assessment and whether disclosing this information would assist in protecting the community.[16] 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.[17] The disclosure scheme was developed to improve access to information and is an additional tool that police use to keep children safe.

13   McCartan, K., & Laws, M. (2018, Dec). *Risk assessment and management of perpetrators of sexual abuse in New Zealand*.

14   McCartan, K., Richards, K. (2021, Jul). *The Integration of People Convicted of a Sexual Offence Into the Community and Their (Risk) Management. Curr Psychiatry Rep 23, 52*.

15   Government of the United Kingdom. (2021, Sep). *Find out if a person has a record for child sexual offences*.

16   McPherson, L. (2022, May). *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.

17   MAPPA. *Child Sex Offender Disclosure Scheme*.

KEY STAKEHOLDERS
(INCLUDING VICTIM/SURVIVORS)

In developing the registry and related activities it is important to involve or at least get feedback from key stakeholders on the concept, framing, planning, roll out and maintenance of it. Although registries are generally owned and implemented by one organisation, mainly the police, they are a multi-agency endeavour and often feed into multi-agency and multi-disciplinary working. This means that it is important to identify your core partner organisations early on and work with them in developing the policy and practice practicalities of registration, what may work and what may not work.

These organisations will mainly be state organisations (i.e., probation, welfare, social work, social care, etc) and third sector organisations (i.e., civil society organisations, housing charities, prisoner reform charities as well), but it is important to engage and work with victim/survivor charities as well. Victim/survivor organisations have an important role to play in understanding and implementing the registry and related activities, as the need for registration comes from a prosecution and sentence relating to a case brought forward by them either directly or indirectly. Victim/survivors often feel unseen and unheard in the criminal justice system, especially in respect to sexual abuse cases; therefore, it is important to engage with them so that their voices are heard and respected.

It is important to recognise that sexual abuse cases are often complex, especially when children are involved, as there may be family members or trusted peers involved in the abuse or exploitation. This adds an extra dimension to the reporting of the abuse, the victim/survivor's recovery from it, and their life [post-conviction] as they may still have contact with the person who harmed them, or facilitated the harm, or people close to them. This means that hearing the victim/survivors voice the practicalities and real world lived experiences of registration is essential in building a fit for purpose registry. This would obviously require strong safeguard and ethical practices. Many guidance exists in this domain, and you can consult ECPAT's work with survivors of child sexual exploitation and abuse at ECPAT International Survivors' Perspectives.

It is therefore recommended that in developing the registry you put together two panels, a stakeholder panel and a victim/survivor panel so that you can develop it around the views of the practicalities, challenges, and complexities of registrant, and you build a mechanism that is inclusive and fit for purpose.

PLEASE SEE the **"ECPAT International *Child sex offender registries. Working paper"* -** for more information.

FINANCING AND COSTING THE REGISTRY

The financial side of the development and roll out of a registry is significant. It is important to complete a full financial costing as well as a cost-benefit analysis. In considering the financial implications involved in the development, rollout, and maintenance of a registry, it is essential to consider what the cost is, how much you must spend, and what is achievable within that resource. When considering the cost and resource investment needed to successfully maintain a fit for purpose registry, it is important to examine:

- In the development of the registry, is there new legislation and policy that needs to be developed? If so, how long will that take and at what cost? Are there third-party costs such as legal opinions, legal challenges, court costs for appeals, education for prosecutors etc., that need to be considered?

- What is the resource needed to build, implement, maintain and sustain a potentially exponential growth of the registry?

- What is the current data holding and processing infrastructure like for information relating to people convicted of a sexual offence? Is it fit for purpose? Does it need to be developed and adapted? If so, what is the cost of this digital and data sharing upgrade? How long will it take to develop?

- Who is funding the registry? Which government department is responsible, and do they have the space in their annual budget to support it?

- What funding is required to train people in the running and maintenance of all registry functions, including research? This includes training of staff to manage legal and compliance aspect, as well as training and ongoing professional development for specialist staff if you deploy a risk management system.

- Which framework is the holding organisation, and do they have the capacity to develop and run the registry, or do they need more resources?

- Who are the partner organisations and external stakeholders? What are their requirements and responsibilities? Do they need to cover any costs (either in practice or infrastructure), is there a cost associated with verifying a potential registrant, and if so, who is responsible for that cost?

- Is the registration and all linked activities run by the State or will it need to be commissioned? If it is commissioned, what are the costs involved?

- Is there a medium to long-term costing plan developed across three, five and ten years?

- Is there an understanding of what is being funded (i.e., a scoping study, the building or pooling of data bases, the ongoing training of people to manage and run the registry)? (Especially if the number of registrants increases over the lifetime of the registry)

- Who is going on the registry and for how long? The more people that you put on the registry, the broader the range of offences and length of time on the registry will also increase its costs.

- Is there physical infrastructure in place to house the data? A secure facility with secure servers and IT experts to manage it? What are the costs associated with the digital infrastructure, including computer hardware, database application and yearly maintenance, costs of registration (paper or electronic for information collected from the person placed on the registry), and any third-party costs like registration sites, human recourses, cameras, computers, etc?

- Is there a mechanism for people to come off the registry? If so, how much does that cost and who will be financing it?

- If the registry is public facing, who will create and maintain the relevant platform?

The cost of creating and running a registry is important because if it is not covered properly, it will unlikely run effectively and might quickly get overwhelmed.

The cost of establishing and maintaining a registry needs to be considered in light of the resources available in your country and the development of your institutions, not only in terms of the financial and human resources, and continuous training and upskilling capacities needed for turnover but also in terms of how effective the surrounding structures and systems are (i.e., police, probation, and charitable sector).

Implementation costs of a registry

The cost of implementing and maintaining sexual offences registries is frequently overlooked in the debates about their effectiveness but requires specific consideration. Whilst costs will obviously vary across different jurisdictions, expenditure includes personnel and ongoing 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.[18]

But how to put a cost value on the protection of children? 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.[19]

To nuance these results, 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 particularly if it may not be more effective to invest in other measures along a continuum of prevention and rehabilitative services.

PLEASE SEE section 9 of the **"ECPAT International *Child sex offender registries. Working paper"*** on Maintenance of the Sex Offender Registration System - for more information.

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18   Australian Institute of Criminology. (2018, May). *What impact do public sex offender registries have on community safety?*
19   Bierie, D. (2009, Dec). *Cost matters: a randomized experiment comparing recidivism between two styles of prisons.* Journal of Experimental Criminology, 5(4): 371-397.

WHO GOES ONTO THE REGISTRY?

Sexual offending is a broad and varied field with a lot of different offences that can change country by country, with not all countries having the same scope and scale of offences on the registry. It is therefore important to have a clearly defined position over what type of offence will lead to registration and why. In considering and building the justification of the registry, thought must be given to the purpose of the registry and therefore who will be on it, be responsible for it, and pay for it. Traditional registries have been used as investigative tools and risk management mechanisms to keep an eye on known and convicted offenders, therefore meaning that they are rooted in public protection, risk mitigation, and are run by law enforcement. However, we are starting to see newer, more adaptive versions of registration, like in New Zealand, that are rooted in desistance, focusing on promoting positive external changes linked to the environment and internal changes using a strengths-based approach in a pro-social fashion. The development of the purpose of the registry often depends on who creates and runs the registry, whether it was created to fill a need or in response to a series of high-profile cases. The registry itself is only a law enforcement tool if used correctly, which means that the responsible authority needs to understand its creation and purpose.

In some countries, registries only focus on one type of sexual offence, while in other countries they focus on multiple, and in others it is not just sexual crimes but also other forms of violence and anti-social behaviour, or on the type of victims with a special focus on children as in New Zealand. Are you going to include all people convicted of a sexual offence, or only some? Will your registry only focus on sexual crimes against children whereby people who commit sexual offences against adults are not going on the registry? Will offenders convicted abroad and staying on your territory be integrated in your registry? Should people who download and view child sexual abuse material be placed on the registry? How long will someone be on the registry for, will there be a mechanism for removal? Will this be related to risks or to the offence? The reality is that the type of offences that you put on the registry impacts the cost and quality of the registry, with larger registries being harder and more expensive to manage than smaller ones.

It is important to go back to your justification to understand why you are creating the registry, which should help you in your decision-making i.e., if you are building a registry based on child protection issues then you may only be looking at adding people who have convictions against children, etc. In developing a fit for purpose registry with a clear remit, it means that you can fund and resource it appropriately, as well as regulate and monitor those people on it more effectively. This is a challenging and difficult element to consider, that also depends on the existing systems in place and available, like the recording system for instance. There may be an argument that all sexual offences should be included. It should be foreseen that this would be an extensive, time-consuming activity. There are considerations linked to the remit of the registry as well, i.e., will the registry be only prospective or, if not, how far back will the registry look to integrate persons already convicted? In the United States for instance, some states have taken an approach to be prospective, but to also include any offender who was incarcerated or on supervision as a result of their conviction for a sexual offence at the time of the implementation of the registration system.

It is important to consider the context and the justification present in the creation of the registry, what its purpose is and what you are trying to prevent or respond to.

In considering who should go onto the registry, it is important to recognise the scale and nature of sexual abuse in your country, the type of offences that occur and the current responses available to said individuals in respect to gender, age, race, culture, mental health, and neurodiversity. ECPAT International recommends that children (under 18) should not be subject to registration and should receive different and adapted treatment and support.

This position builds on the findings from Human Rights Watch 2013 report which investigated 517 cases of individuals who committed sexual offences as children across 20 states in the United States and 281 in-person interviews with concerned children. The report highlights the significant and ongoing harm created by placing children on the registry[20] and on various other studies[21] calling for the removal of juveniles from registries, stating that "Juveniles should not be labelled and defined for life by the single worst decision they might have made as a teenager".[22]

PLEASE SEE section 6 of **"ECPAT International *Child sex offender registries. Working paper"*** on Classification of offenders in the sex offender registration system - for more information.

20   Human Rights Watch. (2013, May). *Raised on the Registry – the Irreparable Harm of Placing Children on Sex Offender Registries in the US*.
21   Pickett M., Satifka E., Saha Shah R. with Wiener V. (2020, Aug). *Labeled for life. A Review of Youth Sex Offender Registration Laws*. Juvenile Law Center.
22   Levenson J. S. (2018, Mar). *Sex Offender Management Policies and Evidence-Based Recommendations for Registry Reform*. Current psychiatry reports, 20(3), 21.

INTERSECTIONALITY, TRAUMA-INFORMED PRACTICE AND THE REGISTRY

It is critical to recognise the importance of intersectionality, trauma and past histories of people going on to the registry as well as people impacted by the registry (i.e., victim/survivors, their family members, and the family members of registrants). Research has shown that past trauma, either through direct or indirect victim/survivors, impacts people who experience sexual abuse as victim/survivors and perpetrators, which means that both can have previous trauma and abuse histories that make recovery and desistence more challenging. The role of the registry should not be to make the recovery for victim/survivors and desistence for people who have sexually harmed more difficult, therefore the registry needs to be developed in an inclusive, trauma-informed way which takes into account these challenges and adapts to resolve them.

This is particularly important regarding issues surrounding race, gender, sexuality, culture, mental health and neurodiversity where more reflection and better adapted services are needed. For instance, in cases of race does the addition of becoming a registrant add to already existing cultural bias and disadvantage within the system. If it does then is there a culturally sensitive, strengths-based alternative or adapted approach to registration that produces an equitable risk management and community integration strategy? Additionally, given aspects of intersectionality, like socio-economic class, culture, race, sexuality, and gender may mean that the registrant has a challenging relationship with the criminal justice system, police, or authorities then the process of engaging in registration may be challenging for them, and may result in less compliance with the registration system.

The need to build a registry that is rooted in understanding trauma and intersectionality is vital, which means that it is important to understand your reason and community population who are convicted of a sexual offence to see their cultural, social and demographic makeup and understand their risks and needs so that the registry can best respond to those. It is important in developing registration and related activities to understand the challenges that the activity will have for different populations and to see if there is an appropriate alternative or adaption that could be used with them instead. Disaggregated data integrated in the registration system according to these factors of discrimination may contribute to opportunities to adapt and reduce stigma.

PLEASE SEE

"ECPAT International Child sex offender registries. Working paper" - for more information.

TYPE OF REGISTRY

Building on this you need to consider what type of registry you are developing: will it be criminal or civil in nature? A civil registration system is non-punitive. Even though the requirement to register is triggered by a criminal conviction, the requirement to register is not part of the punishment. This is an important determination as it governs who gives the order for registration, how the data is collected, by whom, and when.

Additionally, depending on if it is criminal or civil, this will have different consequences for the person being registered. However, it is important to note that this decision may be taken out of your hands based upon the legal structures in your country or the state service that is building and developing the registry.

PLEASE SEE section 7 of **"ECPAT International *Child sex offender registries. Working paper"*** on Processes and Practices in registration - for more information.

DATA COLLECTED THROUGH REGISTRATION

The registry is a legal document - a tool that can be used by law enforcement and related organisations to facilitate sharing of detailed updated information for investigative purposes, reduce re-offending through monitoring, and promote community safety. It is important to understand what the registry and its remits are, and what additional tools and resources can be added onto the registry. In its purest form, the registry should consist of:

- Full name;

- Home address;

- Date of birth;

- National Insurance number;

- Bank details;

- Passport details (if held);

- Employer's name and address;

- Internet Service Provider details;

- Car registration;

- Telephone number(s);

- History of offending and index offence;

- Conviction information - date of offence, conviction date, sentence, victim information (gender, age);

- Risk Assessments;

- Risk Management Plans.

Additional information often kept includes email, physical description (tattoos, marks, scars), drivers' licence, citizenship, photos of the offender, alias, all addresses, custody information, contact of medical professionals involved with the subject, like therapists for instance.

These details must be kept updated, generally on an annual basis or a needs basis. However, there are other linked activities that are not part of the registry itself, but rather a bolt-on that needs to be considered at time of planning and adoption, as they have an impact on the viability, resourcing, and politics of the registry (i.e., Disclosure & notification status; Foreign travel orders; Access to technology restrictions).

PLEASE SEE section 8 of **"ECPAT International *Child sex offender registries. Working paper"*** on Information recorded and stored in the registry database - for more information.

ACCESSIBILITY OF THE REGISTRY

The accessibility of the registry to third parties, whether it be the public through limited or free access, or to professionals, needs to be carefully considered. The registry will be a database that holds information on the person in question but making that database open access will mean considering how that is accessed, what information is available (only limited data available to the public or more detailed like specific addresses, etc), the impact on confidentiality and data protection, and what the public/professional site looks like. Although information about convictions is usually public domain and can be accessed by any member of the public, the registries may display subsequent information that needs consideration. Additionally, consideration needs to be given to support wellbeing structures linked to accessibility for people registered, their family and victim/survivors, as well as the people accessing the resources themselves.

Different forms of accessibility

- **Open access:** This is a publicly available and accessible registry, whereby members of the public can access some information on persons placed on the registry normally via the Internet. Open access registries are usually quite freely available. There are risks when such information is shared publicly in particular when third parties can download the registry data and make it available on tracking apps for instance. You will find below some evidence on the consequences of open access of the registry information.

- **Limited access:** A semi-closed registry, whereby the public can access through a gate keeper who will determine what is accessed and by whom.

- **Reduced access:** Information only on those offenders deemed to be high-risk is made public.

- **Closed access:** This is closed to the public and only accessible to professionals.

Public support for open access to the sex offender registry can be high. Although widely debated, the United Kingdom wanted to consider these measures of public disclosure of information.[23] An evaluation of the scheme, in England and Scotland, suggested that controlled disclosure to fewer members of the community had a more positive impact than blanket disclosure. Evaluations of the UK pilots 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.[24] 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 system as implemented 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.'[25]

Each option has its own challenges, but it is essential to note that open access is not a requirement of the registry but rather an additional tool and resource that has been integrated to the registration system, but one that can have a significant impact on all those involved with the registry and therefore needs to be carefully considered.

23   Whitting L, Day A, Powell M. (2016, Dec). *An Evaluation of the Impact of Australia's First Community Notification Scheme.* Psychiatr Psychol Law.

24   Whitting, L., Day, A., & Powell, M. (2014, Mar). *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.

25   McCartan, K., Kemshall, H., & Hoggett, J. (2017, Dec). *Reframing the sex offender register and disclosure: From monitoring and control to desistence and prevention.* In H. Kemshall, & K. McCartan (Eds.), Contemporary Sex Offender Risk Management, Volume II (205-230). London: Palgrave Macmillan.

These consequences can include registered people, their families and victim/survivors being targeted in the community, and registrants going underground, not complying to their obligations or vanishing. There are various implications on the success and impact of treatment and desistance, and people with similar looks and identities being targeted, among other consequences. These consequences can come with an increased drain on the police and social work services, and possibly reducing the overall effectiveness in preventing future crimes. The reality is that making registry information public has greater negative consequences for community safety (i.e., targeting and attaching people on the registry as well as family members and neighbours) than keeping it limited or restricted, which means that more financial and operational resources will be needed to manage this.

An important concern of collateral damage is the risk for public vigilantism that threatens the physical safety of persons convicted of sexual offences; a real risk in light of the obvious negative public attitude towards persons who have sexually abused children. This is documented by various studies where, under the public notification scheme, persons registered on sex offender registries and their families have reported threats and harassment from neighbours and/or had their property damaged.[26] Family members of persons convicted of sexual offences have been found to suffer from chronic hopelessness, ostracism, threats and depression and that any continued association with a registered person convicted of sexual offences. This results in fears over safety for their families with children of publicly registered persons of sexual offences particularly suffering from being treated differently by friends and teachers or ridiculed by their peers.[27]

Some reflections on accessibility should include:

- What is the purpose and strategy underpinning your decision regarding accessibility of the registration information? Informing about all types of offenders, or only high-risk ones, or child sex offenders, etc? This decision has to be well planned and informed.

- What information should be publicly available?

- Could the access to the registry be limited or have vetted access?

- How should people access the registry (i.e., through a public facing website that is open access or through request to local police or a third party, etc)?

- What additional information (i.e., support schemes and contextual information) is provided at time of access?

- Can informing and protecting the public be done in other ways?

- What are the implications for law enforcement, and related organisations of public disclosure? Especially regarding risk management and public protection?

- What are the financial and structural consequences for frontline organisations?

There have been examples from the United States and Canada, amongst others, of people being targeted as a result of mistaken identity (i.e., that they looked like the published photo of the convicted person) or because they shared the same name as them.

26   Lasher, M.P. & McGrath, R.J. (2012, Feb). *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.
27   Tewksbury, R. & Levenson, J. (2009, Jul). *Stress experiences of family members of registered sex offenders.* Behavioural Sciences and the Law, 47(611).

DEVELOPING
THE DATABASE

As the registry is a database, one of the main issues that needs to be considered is what the database looks like, how it functions (including stability, security, resilience), who has access to it and who oversees its maintenance as well as policing. In the modern age, we collect a lot of information on our citizens from several sources (i.e., health, criminal justice, social work, employment, education, etc). Therefore, is creating a new database the most effective use of time and resources? Is there an argument that this data already exists in the system, and it is a case of pulling existing databases together in a more functional and streamlined purpose? In order to understand whether

a new database is appropriate, we would recommend a review of existing databases and data-sharing agreements to understand what is currently available, and which organisation holds the material/data that is required.

Regarding streamlining and rationalising databases, it is important to recognise that similar data is recorded under different headings and that the same data may be called different things. Therefore, it is important to create a lexicon of terminology used across partnership organisations so that everyone understands what the different databases are saying, what the data is and how it can be used.

Terminology Guidelines[28]

Despite the existence of legal definitions for a number of sexual crimes against children, there is still considerable confusion surrounding the use of different terminology related to the sexual exploitation and sexual abuse of children. This has created significant challenges for policy development and programming, development of legislation, and data collection, leading to flawed responses and limited and ineffective methods of measuring impact or setting targets. In the context of international/cross-border child sexual exploitation and abuse, these difficulties are magnified. The absence of consensus at the international level on several terms or language that should be employed has had an impact on global efforts at data collection and identification of different modalities of sexual exploitation and sexual abuse of children.

At the initiative of ECPAT International, and developed through an Interagency Working Group, Terminology guidelines were adopted in 2014. These terminology guidelines, also known as the Luxembourg guidelines, are available in multiple languages and will be reviewed and updated from 2023.

If you will create a new database, you need a clear rational for why this is necessary and why and how you are holding this in the format

that you are proposing, as there might be human rights and data processing challenges depending on where you are based.

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28   Interagency Working Group on Sexual Exploitation of Children (2016, Jun). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse.*

In a three-year evaluation report of the New Zealand Child Sex Offender Register & Risk Management Framework published in August 2022, findings suggest that the success of interagency relationships and information sharing are highly dependent on individuals involved and may benefit from high-level consideration in order to be more effective.[29] It was also recommended that quality assurance processes (e.g., national training development, oversight and delivery) are developed as well as amending legislation to better support the operations of the registry and Risk Management Framework.

One important thing to consider, when integrating the existing databases and in considering either their rationalisation or the creation of a new one, is to seek professional advice on General Data Protection Regulations (GDPR for EU), data sharing, and management. These are all things that are important to consider in the early stages as they might come up on appeal, in terms of international data sharing or regarding data breaches.

PLEASE SEE section 2 of **"ECPAT International *Child sex offender registries. Working paper"*** on Main purposes of sex offender registries - for more information.

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29   New Zealand Police. (2022, Aug). *Child Sex Offender Register & Risk Management Framework: Findings from a 3 year evaluation.*

WHO RUNS THE REGISTRY
(LEAD AUTHORITY)

Whether you are building a new database or pulling current databases together, this process involves having a clear lead organisation. It is important to fully consider who is the most effective lead organisation, not only in terms of their access to data but their ability also to process and hold it, secure it, as well as work with partners around it. Additionally, you need to consider the role and responsibility of the holding organisation with respect to whether the registry is open, limited, or closed access. Different organisations have different relationships with the community and partner organisations, so while it may seem appropriate to make the police the holding organisation, this may not be the best in practice.

In federal states like in the United States, each state runs their own registry, but the federal government issues federal standards but which are not mandatory.

In Scotland, when the police were responsible for administrating the registry and engaging with the public around it, there was poor take up, but when Stop It Now Scotland, a civil society organisation, took over the disclosure scheme, the public engagement aspect of the registry community engagement improved, as the community perceived the organisation as more accessible than the police.

It is important to recognise that countries that have registries often devolve registration implementation and data collection and storage to a regional level (i.e., states., territories, and/or counties) meaning that there can be regional differences that can nationally impact data collection, data sets and a realistic view of the success of national registries. It is important to seriously consider whether you want a central, aligned national database that all regional areas align to.

In making someone the holding organisation, it is important to keep the following considerations in mind:

- What is the capacity of the holding organisation to create, process and manage the registry?

- Does the holding organisation have the technological and computer data resources to securely hold the information?

- Does the holding organisation have the staff skill sets, resources, or capability to hold and run the registry?

- Does the holding organisation have a good reputation in partnership working with other lead or significant organisations?

- Does the holding organisation have the public and community trust to engage with them in instances where the registry is limited or open access?

It is important to have the correct holding organisation in the development, maintenance, and management of the registry; therefore, we would strongly argue that this is an informed decision that needs to have been clearly rationalised and consulted on.

PLEASE SEE

"ECPAT International Child sex offender registries. Working paper" - for more information.

USING EXISTING OR DEVELOPING NEW LEGISLATION

Building on the existence of current databases, do you have the current policies and legislation in place to allow for the collection, storage, and sharing of information, either nationally or internationally, of people convicted of a sexual offence? It is important to look at current legislation around data collection, storage, and sharing, as you might have to create a new policy and/or pass legislation that allows this to happen. The creation of a new policy within an existing legal framework is one challenge, but the creation of new legislation, that needs parliamentary (or equivalent) approval is another factor. Therefore, it is important to understand your proposed registry in the context of your existing legal framework and work with lawyers and policy makers around what is achievable currently, as well as what would need to be changed and the process and timeframe to do that.

PLEASE SEE section 6 of **"ECPAT International *Child sex offender registries. Working paper"*** on Classification of offences in the sex offender registration system - for more information.

REGISTRATION LENGTH AND STATUS

Once you have decided who goes on the registry, you must consider the length of time that people go on the registry for. There are usually different types of considerations:

- How long do the obligations of the person placed on the registry last? Usually, this is based on the sentence the person is convicted of or the seriousness of the offence of conviction. Some countries add some risk management system to refine the types or length of obligations and while this is considered a good practice to

be promoted, it requires the availability of scientifically validated risk assessment tools and in particular a well capacitated workforce.

- When do the obligations start? From the time of sentencing or when the offender is released from detention?
- How long is the information on the registrant kept? This may be independent from the obligations and restrictions placed on the registrant.

Measuring the risk of re-offending

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 the use of risk assessment instruments can be needed and recommended to increase effectiveness. 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".[30] It is reported that other aspects than the crime itself, such as the history of the offender or other dynamic characteristics may be a more accurate predictor of a potential threat posed to children and would enable a more discretionary and targeted approach to placement on the registry and particularly to the subsequent monitoring and supervision that is attached to the registration. Countries that store the criminal history of the offender in the registry are few.

When you plan the registration process, there are two aspects to consider, the first is at what point people go onto the registry and the second is at what point they come off the registry.

Regarding people going onto the registry, most registries provide for the obligations to register to start from the moment of conviction or after release from custody. In Nigeria for instance, persons who are arraigned are placed on the

registry, but this should not be promoted, based on basic rule of law principles.

In addition, it is essential to have a clear rationale about whether your registry is historical or contemporary. Historical registries state that all people will go onto the registry, regardless of when their offence was, whether their sentence has ended, or whether they have been rehabilitated or reintegrated. This means that all living people with any sexual offences will go onto the registry and remain on it.

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

This is very expensive and challenging to undertake. It means that from the start date of your registration process, you will also have to review and add all historical cases, unless there is an expiry of the obligations placed on the person convicted or a pardon. In doing this, it is important to recognise that there may be related human rights, legal protections, and data protection sensitivities. If you decide to develop and rollout a contemporary registry, this would not be backdated and would only involve people who are currently in the system. This would likely be a cheaper and more resource-effective model, as well as being more in line with human rights and rehabilitation principles.

In addition to the criteria of going onto the registry in terms of offence and starting point (historical or contemporary), it is important to understand how long people will go onto the registry for? Do all sexual offences require the same length for registration? If not, how long do different offences require registration for? Is this based on the index offence? Is this based on the risk of re-offending? Is that risk based on static or dynamic factors? Is this based on professional judgment? It is very important to have a clear rationale for this.

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[31] 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 10-15 years with no new sexual offences. However, the study did not seem to explore specifically persons who sexually abused children.

If registration is about public protection and effective risk management, then it would likely be more effective to adjust the length a person stays on a registry based on a professional assessment to a current risk to the public or broader society. However, risk assessing persons on the registry is an expensive and time-consuming approach which requires tools and trained human resources. Often a more straightforward approach adopted by countries, is to calculate the length of time that people are on the registry based on the severity of the index offence, or on the volume and scope of the offences that they are convicted of.

In this context, it is important to understand the role of registration, is it parallel to criminal justice responses or a separate entity? Should the registration process end when the individual engagement with the criminal justice system does, or should it be lifelong, or at least longer than their sentence? Ongoing registration challenges ideas of rehabilitation and desistance and raises human rights and duty of care issues.

Consider how people leave the registry at the end of their registration status if they do not have lifetime registration. What does the ending of registration look like? Do all registrants have an exit interview that discusses their status, what happens with their data (especially if it has been made publicly available), what (if any) ongoing restrictions or impacts exist for them, as well as considering the status of their treatment and rehabilitation? This can be an opportunity to reinforce the importance of desistance and effective risk management. We would suggest that this is also an opportunity to inform people what additional support resources there are in your country to support them. We would not suggest that registration ends with no professional engagement, as it is important that registrants understand how their rights and responsibilities have changed.

Building on this, it is important to consider what happens with registrant's data after their registration period has ended.

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31   Hanson, R. K., Harris, A. J. R., Letourneau, E., Helmus, et al. (2017, Oct). *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.

There are several ways of thinking about what to do with the data:

- Destroy all data on the registrant. This may happen after the person comes off the registry, after pardon or within a period of time after their death.

- Lock all data on the registrant, so that it can be opened and accessed in the future, if need be.

- Keep the information live but do not update it.

All these options have data protection and human rights implications for the registrant. This may be guided by privacy laws and their link to the registration law (i.e., if registration law supersedes the privacy enactments).

It is important to clearly review and consider the implications of your selection both for the lead authority and the ex-registrant. It is important to consider the responsibility of holding out-of-date and incorrect data, that may eventually be shared with other partners or the public. In considering these issues, it is also important to understand the implications on the ex-registrant, if your registry is public facing. When someone comes off the registry, it is important that their data and information is removed from the public facing sites. This is especially a concern if registered data has been publicly available for bulk downloading. If it is a limited access registry, it is important that information is not passed out anymore as a response to public requests. Removal from the registry must mean that the person in question, and their data, is not shared in inappropriate ways.

PLEASE SEE

section 7 of **"ECPAT International *Child sex offender registries. Working paper"*** on Processes and practices in registration - for more information.

RESTRICTIONS AND COMPLIANCE

One of the ongoing challenges of registration is making sure that people register and comply with the terms of their registration. The first issue that needs to be considered is: do all individuals report in and update their information at the same points, maybe once a year, or do certain types of offences or risk levels mean that you register more frequently? Each time a person registers, you need to consider what data do they provide? Is it only new data, changed data or all data? How is this verified by the system? It will take the lead organisation time to enter, check and process registrants' data. This time and resources will increase depending on the volume of people on the registry. Therefore, it is very important to have a clear understanding of why you are requiring people to register, how often they must do it and for how long.

If people who are due to register, but do not register or give false information then what are the consequences of doing this? If they are still under the care of probation, or a related organisation, does this count as a breach and a possible recall to prison? Does this count as an opportunity to intervene by the police or the authorities? If the person is still registering after their time in the criminal justice system

(i.e., they are on a lifetime registration, but they have completed their probation) then does this count as a new offence?

It is important to clearly set out the criteria for failure to register or comply, especially if you have a large and a public registry as these failures would be more common in both cases. Additionally, failure to comply would also result in additional costs to the system if a person is returned to prison or prosecuted. Is it worth considering failure to comply as an intervention point rather than a prosecution point? In many cases, this might be acceptable (e.g., forgot to register or incorrect updated material/information) but in other cases (e.g., failure to notify of travel or leaving the country, purchase of a new computer or related technology) then this might be an increase in risk.

It is important to have clear guidance on the consequences of failure to notify and comply, and we would argue that this should be based on risk rather than administrative process and would always result in an in-person investigation.

PLEASE SEE section 3 of **"ECPAT International *Child sex offender registries. Working paper"*** on Requirements imposed on persons placed on the registry - for more information.

REGISTRATION AND TRAVEL RESTRICTIONS

Some registries have travel notifications (i.e., requirement that the registrant informs about their travel both within and between countries) and some also have travel restrictions tied to them. These registries indicate that individuals on the registry need to notify the responsible authority if they are leaving their home for a period of time and provide information of where they are going, where they are staying and for how long. Across the different registries, there is a great variation in the requirement to tell the responsible authority of the travel movements of the registrant based on the length of time that the registrant will be away from home for, as well as distance travelled; there is no consistent agreement. Therefore, it is important that the geography and socio-political climate of your country is considered in doing this, i.e., consider geography, population, transport infrastructure, and police resources in developing this.

Different countries have different approaches to international travel with some requiring notification of intention to travel abroad (e.g., the United Kingdom, the United States or Canada) and others may decide to ban the registrant from international travel in case of high risk assessed (e.g., Australia). Again, there is no consistent approach to this. The banning of international travel for registrants works as a risk management and public protection tool for the country of origin whereas notification places the responsibility for public protection onto the country of destination by informing them of at-risk convicted people travelling to their counties. It is important to note that the notification (and not banning), relies on international information sharing and international cooperation. If you are going to take this approach, it is important to review and consider your international agreements and data sharing agreements.

Additionally, it is important to consider your role as a receiving country. Do you have the necessary policies, processes, and practices in place to receive and respond to the data that you acquire, and the ability to effectively respond to the information that you are provided with in case of notifications? Do you have specialist police, or equivalent staff, to respond to these notifications when they come in? It is relevant to consider what you expect people to do with any information that you may send to other countries and then embody these practices in your own work.

TRANSNATIONAL DATA SHARING

One aspect of particular relevance for looking at and discussing registries for ECPAT International is regarding the travel of known persons convicted of child sexual offences from one country to another to offend. This means that it is not only about your country having and accessing your own registry but allowing other countries, international organisations, and related groups to access it as well. This can be a challenge. It is important to consider what international data sharing agreements already exist, what you would be willing to share with foreign nations about your citizens (considering the impact that this may have on their case, the investigation, and their time in that country) and the best way to access that. If you have a fully open access registry then foreign police forces and organisations can easily access that, but if you have a limited access registry or closed access registry, how would international organisations access this information?

INTERPOL Notice System

One of the functions of INTERPOL is to share critical crime-related information using international notices.[32] 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. The INTERPOL Green Notices is a global system to track persons with a criminal history with a main challenge of data sharing, particularly as the notice system shares instantly the information about the person to all INTERPOL members' offices. Many governments are reluctant to use this broad system and prefer to rely on bilateral agreement for data sharing. Some countries refuse to share information due to legal challenges including potential privacy breaches or even suspicions of government 'snooping'.[33]

It is important to think back to the justification for registration, whether the development of your registry is to understand the whereabouts and activities of people convicted of a sexual offence in your country who are your own citizens or have residence status. However, if the purpose of the registry is about knowing the offending histories of foreign nationals visiting your country, then that is more an extension of existing international registries rather than the development of a home registry. In this instance, it is important to consider the role of transnational organisations (i.e., INTERPOL, Europol, the UN, etc) as a brokering or safe organisation.

In any case, the safety of the person registered also needs to be considered when sharing information with third countries which may have limited human rights policies or allow for death penalty for instance.

PLEASE SEE ! section 4 of **"ECPAT International *Child sex offender registries. Working paper"*** on Notifications and Restrictions to travel for persons under the registry - for more information.

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32   INTERPOL. *About Notices.*
33   Peachy, P. (2014, Nov). *Green Notice: Interpol's paedophile tracking system 'compromised by privacy concerns' following Edward Snowden spying revelations.* The Independent.

APPEALING REGISTRATION

It is important to consider routes for appeal for people placed on the registry. Registrants have to be able to challenge their registration status, especially if registration is based on risk assessments, if registration is lifetime, and if it is public facing. Therefore, it is important to have appeals process in place and have clear signposts so that registrants can understand what it is and how to use it. Additionally, appeals also need to be considered in terms of the context of your registry, whether it is criminal or civil as the appeals processes would be different and requires more investment and resources. Appeals can concern and lead to a termination of obligations under the registration system, shortening of the duration of the obligations or deletion of data of the registrant for instance. We would strongly recommend that you look at appeals processes within your current criminal justice system to make sure that your process for people on the registry is compliant and then compare that your proposed appeals process aligns with other registries in your region or across the world. The inclusion of an appeals process also reinforces the importance of human rights, rehabilitation, treatment, and desistence for the registrant.

RESEARCH AND EVALUATION

Research and evaluation are essential in developing good practice, especially in challenging and, often, controversial areas like the registry. Research will help you understand if your registration process is working, whether it is fit for purpose, value for money and whether it is meeting its Key Performance Indicators (KPIs). We would suggest that you develop and run several research evaluations throughout the course of developing, rolling out and maintaining a registry. This would include:

▶ **A scoping study:** This is a study to understand the roles, responsibilities and actions that are needed to set up a registry which would involve research into policy, practice, and funding activities. It is important to have a fully costed study to understand the realistic timeframes, opportunities, and challenges necessary to set up a functional registry. Additionally, it is important to consider alternative uses for the funds and resources that would be spent on the development and rollout of a registry and where else they could be used for instead (for example, better development of prevention approaches, improved treatment/rehabilitation models for perpetrators, improved support services for victim/survivor etc) and if these would be better value for money. We would recommend that you conduct a policy review, a review of the international research, research with international experts and national leads, a cost-benefit analysis, and a social return on investment analysis. We would recommend that this is conducted by a neutral or independent party.

▶ **A process evaluation**: This is a study that can be conducted within the first three to five years of the implementation of the registry to make sure that the registry is running the way that it is meant to and that it is structurally and procedurally fit for purpose.

▶ **An impact evaluation:** This is a study that can be conducted within the first 5 - 10 years of the implementation of the registry to understand the impact that registration, and related activities, has on practical risk management, public protection, and safeguarding. This would examine the impact of the registry on reducing re-offending, behaviour change and desistance.

▶ **The development of ongoing research projects:** It is important that registration is fit for purpose and evidence-based. Therefore, ongoing reviews should present new ideas and opportunities for research to better inform practice moving forward. Research and data from the registry may also contribute to intelligence analysis for law enforcement, data visualisation, compliance audits, etc.

It is important to consider what good practice and good outcomes look like, therefore what are your Key Performance Indicators?

In the United Kingdom, the National Offender Management Service introduced a system of monitoring through Key Performance Indicators. This is related to cases being reviewed within defined frequencies, disclosures having been considered and decisions recorded, and agencies appropriately attending meetings as a suitable means of accounting for behaviours and action.[34]

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34   Government of the United Kingdom. (2015, Oct). *A follow-up inspection of Multi-Agency Public Protection Arrangements.* HM Inspectorate of Probation and HM Inspectorate of Constabulary.

We would strongly suggest that as well as developing your own in-country Key Performance Indicators, it is also important to look at the international evidence to determine what can be adapted and used within your country. Some starting points would be:

- Rates of re-offending, breach, and recall

- Impact of desistance, treatment, and rehabilitation

- Rates and types of social inclusion

- International and national data requests and processing

- Multi-agency use of the registry

- Number of successful appeals to leave the registry

- Public, professional, and service user engagement with and understanding of the registry

We would suggest that you develop a multi-disciplinary, multi-agency research governance board that can inform and support ongoing research, so that the registry is truly practice and policy informed.

It is important that there is a review process for the registry, whether that is by an independent organisation or an inspectorate. The lead organisation should not be solely responsible in determining whether their working practices and the role, function and impact of registration is fit for purpose. One argument is the development of a transnational registration inspection body, which may be policed by INTERPOL or the UN, as well as an in-country one.

CONCLUSIONS

The process of developing a registry for people convicted of a sexual offence is a complex and nuanced piece and needs to be carefully considered. The aim of this paper is not to condone or promote registration as a policy, but rather to make countries consider the reality, implications and impact of registration. It is essential that the registry is framed as a public policy and community relations issue within a criminal justice sector that is fit for purpose. There are concerns that countries will develop registries for the wrong reasons and create a resource intensive registry which has little impact on what it was initially set out to do. Creating a registry is complex, expensive and requires a robust strategy and monitoring mechanism. Key questions about creating a registry include: what is the justification for creating the registry - Is it about understanding the impact of registered individuals travelling to your country to sexually offend children, or is it about monitoring people convicted of a sexual offence within your own country? Or supporting coordination between different law enforcement agencies internationally for investigative purposes? All are very different uses and purposes of a registry and all of which require a different approach and a different framework.

It is also important to think about what the relevance of the registry for this country at this particular point in time. Is the registry necessary and will it fulfil a risk management and public protection need? The decision to create a registry must be well informed, weighing up the opportunities and challenges given your context, systems, structures and capabilities. While there is plenty of research based on work done in the northern hemisphere, there might not be culturally or socially relevant materials to understand the data, policies, procedures and recommendations in creating a suitable registry for your country. With regard to various types of intersectionality (race, gender, sexuality, culture, mental health and neurodiversity), it is important to consider that the registry is a culturally sensitive, strengths-based alternative or adapted approach to registration that produces an equitable risk management and community integration strategy.

Keeping in mind that most registries are primarily a tool to support law enforcement investigations, there are key issues to take into account before creating a registry such as which information will be stored, existing data-sharing agreements, decisions on the accessibility to the registry (limited, free access, only for professionals?), who will be responsible for maintaining the registry and is there significant investment in human, technical and financial resources to create and maintain one? A multi-agency approach is needed for risk management and community protection with different regions, sectors and teams working together on developing and rolling out a registry. While most of the organisations that will be working on this are state organisations (e.g., probation, social work) and third sector organisations (e.g., civil society organisations, prison reform charities), it is necessary to also engage and work with victim and survivor charities as well to build a registry that is inclusive and incorporates all the complexities of a registrant.

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