

EXECUTIVE SUMMARY

(CHILD) SEX OFFENDER REGISTRY



This analysis delves into the complexities surrounding child sex offender registries, questioning their efficacy in both crime prevention and child protection. While registries serve as invaluable tools for law enforcement, empirical evidence to substantiate their preventive impact is notably absent. Our reporting examines the moral quandaries of public versus restricted access, advocating for a risk-based, multi-agency approach over a system solely based on offences. Concluding with key recommendations, it emphasises the need for a balanced, evidence-based strategy that pairs enforcement with preventive education and global collaboration. The objective is to highlight that a singular focus on registries could divert attention from more comprehensive, evidence-based prevention and child protection measures.

KEY MESSAGES FOR COMMUNITY OF PRACTICE

- 1. Risk-Based Monitoring:** Emphasise a risk-assessment approach to registered offenders, focusing on the actual threat posed rather than the categorisation of their offences for more targeted community safety.
- 2. Multi-Agency Synergy:** The effective development and maintenance of a sex offender registry requires seamless collaboration between criminal justice and law enforcement agencies.
- 3. Balanced Approach:** A careful balance between public demands and evidence-based methods is crucial for registry policies that effectively reduce sexual offending.
- 4. Comprehensive Strategies:** The registry should be one element of a wider strategy, complemented by educational campaigns for children and caregivers and broader prevention efforts.
- 5. International Cooperation:** Prioritise cross-border data sharing to close gaps in tracking offenders internationally, ensuring better child protection across borders.

- 6. Resource and Focus Allocation:** Evaluate the financial and operational investment in registries against their effectiveness and in the context of broader prevention efforts, including education and public awareness.

KEY MESSAGES FOR THE GENERAL PUBLIC

- 1. Don't Rely Solely on Offender Lists for Safety:** While knowing the presence of a registered offender might seem reassuring, it does not necessarily equip communities to better protect children. Many instances of child sexual abuse occur within the child's circle of trust, so a registry should not create a false sense of safety.
- 2. Teamwork is Key:** A successful sex offender registry requires different agencies like the police and legal departments to work closely together.
- 3. A Balanced View:** It is important to match public expectations with what works in reducing sexual crimes, based on reliable evidence.
- 4. Education Matters:** The registry should be part of a bigger plan that includes educating children and parents on how to recognise and handle risks safely.
- 5. Cross-Border Safety:** Sharing information internationally can help in monitoring and restricting the movement of offenders, making communities safer across borders.
- 6. Focus on Prevention:** Investing in prevention methods can be more beneficial overall than solely focusing on monitoring known offenders.

KEY LEARNINGS – (CHILD) SEX OFFENDER REGISTRIES

Sex offender legislations, which can vary, play a significant role in protecting children and criminalising child sexual abuse and exploitation.

One of the forms of deterrence measures that have been increasingly adopted globally over the last few decades includes sex offender registries which allow for the tracking and monitoring of individuals convicted of sexual offences. Some of these databases are open to the public and some are accompanied by notification schemes.¹

Understandably, there is strong public support for robust criminal sanctions and defined social control of persons convicted of child sexual offences. These registries have often been developed as a result of a reaction to high-profile cases of violent child abductions and murders with legislation named after these cases in current criminal justice systems (e.g., the United States). By September 2022, 41 countries, territories or jurisdictions were identified as having adopted legislation governing sex offender registration systems. There are different variations of the sex offender registry particularly regarding the type of offences included, the database and its related monitoring system of the offenders' whereabouts, the restrictions placed on persons on the registry and the most controversial aspects of fully public or restricted disclosure of information on the registered persons.

There seems to be a growing interest to adopt such measures, but there is no one uniform model for the structure or function of the registries nor any specific guidance on that type of policy. ECPAT International's working paper and technical considerations have attempted to document the learnings on some of these mechanisms and offer food for thought to policy makers who want to adopt or review the sex offender registration system in their country.

A word of caution – ECPAT International recommends that children should not be treated as adults, and it is recommended that they are not placed on the registration system based on evidence of the ineffectiveness and harm of such policy to support the reintegration of children who have been convicted of sexual offences.

¹ Notification system is an added mechanism beyond registration that enables police-to-police cooperation either bilaterally or through networks such as INTERPOL and EUROPOL, or allows the general public access to information on the database (in some cases upon request, in others through open access).

History of Sex Offender Registration

- ✦ Sex offender registries have often been developed as a result of a reaction to high-profile cases of violent child abductions and murders with legislation named after these cases in current criminal justice systems (e.g., the United States); or calls from practitioners (e.g., Australia), or a reaction by governments to societal concerns surrounding sexual abuse networks (e.g., the United Kingdom).
- ✦ Sex offender registries are now quite widely adopted, notably by the United States in 1994, the United Kingdom in 1997, South Korea in 2000, Ireland in 2001, Canada and Australia in 2004, South Africa in 2007, New Zealand in 2016, India in 2018, Nigeria, Malaysia and Trinidad and Tobago in 2019 and more recently Albania in August 2022.

Key Learnings

- ✦ **Sex offender registries support law enforcement investigations.** An accurate, timely, and well-organised registry is intended to help clear crimes either through identifying a person on a registry as the actual offender, or by allowing police to rule out known sex offenders quickly and thus move on to other investigative strategies. Thus, we might expect registration to correspond to higher, faster, and more efficient clearance rates for sexual offences.⁷ There is empirical evidence that sex offender registries are a useful tool for law enforcement investigations and facilitate timely data sharing of detailed up-to-date information about persons convicted of child sexual offences between law enforcement agencies, including across borders. The notification system enables police-to-police cooperation either bilaterally or through networks such as INTERPOL and EUROPOL or allows the general public access to information on the database (in some cases upon request, in others through open access).

- ✦ **No clear evidence on the impact of registries in preventing child sexual abuse and exploitation** - 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. This represents only a portion of all child sexual offenders, due to reporting rates and low convictions. The impact of registries on preventing persons convicted of child sexual offence to sexually abuse again is not well demonstrated by research either. According to a meta-analysis conducted in the United States, the sex offender registry does not show a statistically significant impact on reducing recidivism.² It could be expected that through a closer monitoring by law enforcement of persons already convicted of child sexual offences, and with the restrictions imposed in regard to accessing certain jobs, or places where children are usually gathering like schools and parks and adding the role of social pressure in case of open access registry, this could potentially reduce opportunities for offending, but this is not clearly demonstrated and various informants argue that various other prevention mechanisms at community level could be more effective.

- ✦ **The purpose and expected results** from the implementation of a child sex offender registration mechanism can radically change the way they are set up and how they may (or not) effectively protect children. Indeed, implementing and maintaining registries can be expensive and challenging with information on sex offender registry databases easily becoming outdated or inaccurate. They take time, effort, and money to be designed and managed properly and effectively and large registration systems can be hugely challenging to update and monitor.³

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

3 Australian Institute of Criminology. (2018). [What impact do public sex offender registries have on community safety?](#)

👉 **Travel notifications and transnational sharing of information** - Sex offender registries can potentially play a role in reducing the risk of convicted child sexual offenders from re-offending abroad. Some countries have integrated this through a notification of travel obligation when a registered offender intends to travel in-country or abroad. Some countries operate an actual travel ban when a high risk of re-offending is assessed (e.g., Australia) while others notify the destination country of the arrival on their territory of a registered offender, for them to decide to allow or restrict entry. This is facilitated directly through bilateral agreements between countries or through the INTERPOL 'Notice' system. However, it is reported that international information exchange can be challenging and does not appear to be systematic or very efficient, despite some examples of countries refusing access to their territory based on notification.

👉 **Restrictions placed on the registered convicted offender and impact on safe reintegration** - Most sex offender registries include various requirements for the persons placed on the registry to notify changes in their lives and impose limitations on the type of work, places to live and habits to better manage risks of re-offending. This would be expected to reduce opportunities for offending. However, these obligations impose severe restrictions which have also been assessed as counter-productive at times to support their safe reintegration into the community, due to the social isolation and marginalisation that they result in for convicted offenders. Some research has shown that community notification systems in the US have led to an increase in recidivism.⁴ The registration system in

New Zealand, exclusively focusing on persons convicted of child sexual offences is supporting reintegration through a strength-based approach.

👉 **Restricted or public access to information on registered offenders and its effect on keeping children safe:** One of the most significant differences in how sex offender registries have been established and implemented around the world and an important and debated feature is whether or not the registry allows for closed, restricted or public disclosure of information regarding the persons placed on the registry. The public may support the notification to the community of the presence of a convicted child sexual offender and may feel reassured to have public access on those convicted. That is because it is assumed that knowing about the presence of a convicted of child sexual offender in the community would help keep children safe. However, this is not backed by evidence, as parents are often ill-equipped to implement effective prevention measures, notwithstanding the fact that a large part of child sexual offenders are in the 'circle of trust' of the child victim. There are concerns that a sex offender registration policy may reinforce these inexact ideas about who are the persons sexually abusing children, and create a false sense of safety that the police (or the community) will be monitoring them, without the necessary prevention efforts to support children, caregivers, and communities to identify and mitigate risks effectively. The United Kingdom initially rejected full public disclosure on protection grounds with fears of those convicted of a sexual offence 'going underground'.⁵

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

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

👉 **Various offences are included in sex offender registries, broadening the scope but also making the system heavier to manage** - 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. Very few registries are exclusively focused on sexual crimes against children such as in New Zealand, and many extend to various sexual offences, and other violent acts against children. Registration systems are usually classified by categories of offences and severity of the penalty which in turn determines the requirements placed on the person concerned.

👉 **Determining the restrictions placed on the registered offender based on risks rather than on the offence itself** - While the classification of offences provides for an efficient process of registration, experts report that the prevention of re-offending would be likely more effective if persons convicted of a sexual offence were monitored based on the risks they are assessed to pose to children. Beyond the committed crime, aspects such as the history of offending or other dynamic characteristics of the offender may be more accurate predictors of a potential risks of re-offending and would enable a more discretionary and targeted approach to monitoring and supervision mechanisms attached to the registration.

👉 **Registration Processes & Practice:** The court usually gives an order detailing the registration process and obligations linked to registration. The diversity of sex offender registries is not only linked to the functions they have, but also to the national legal framework that governs the offences included in the registration process. Sex offender registry databases can be very detailed, but usually include at the minimum key information related to the convicted person, from their identity numbers to physical characteristics. The

benefit of the registry, in comparison to a usual criminal database, is to store all this additional information and to timely and regularly update it thanks to the monitoring system in place. While sex offender registries are useful in storing information, the onus is on the registered person to comply. If the registered person does not comply, this is considered a breach and can constitute an offence. Many countries are investing in sophisticated digital databases to upgrade efficiency. Creating a registry is complex, expensive and requires a robust strategy and monitoring mechanism. The cost of establishing and maintaining a registry needs to be considered in light of the resources available and the development of 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 surrounding structures and systems are (i.e., police, probation, and charitable sector).

Key Recommendations for Consideration when Developing a Sex Offender Registration System

- 👉 ECPAT International **recommends that children should not be subject to registration** and should receive adapted treatment and support.
- 👉 **Clear Purpose and Context of the Registry:** The decision to create a registry must be well-informed, weighing up the opportunities and challenges given the context, systems, structures, and capabilities of the country.
- 👉 **Multi-agency approach:** To develop and roll out a registry, a well-developed multi-agency approach and collaboration between criminal justice officials and law enforcement agencies is needed.
- 👉 **Balancing the approach:** The balance between a resource-intensive approach to persons convicted of child sexual offences and a preventative approach must be

carefully considered, based on evidence. Policymakers must balance the public demands with principles of what works in reducing sexual and other criminal offending and what can be appropriate and effective in their countries, given their existing systems and structures.

👉 **Establishing Complementary Strategies with Educational Campaign:** It is essential to consider evidence-based prevention programmes educating children on understanding risks, seeking support and for caregivers and community members to better know how to keep children safe in the community. This should be coupled with adequate sex offender management strategies to complement the registration system. Strength-based treatment and community-based programmes should be made more widely available.

👉 **Collaborative Travel Notifications:** There is a need for more effective cross-border data sharing mechanisms to reduce opportunities for convicted offenders to travel in relative anonymity and sexually abuse and exploit children. It is important to consider the role of the receiving countries and the contexts in which travel notifications are made and whether they have the necessary policies, processes, and practices in place to receive and respond to the data that is acquired, and the ability to effectively respond to the information that is provided.

👉 **Consequences of Restricted/Public Access to information on registered offenders:** 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.

Primary Focus on Child Protection Prevention

Efforts: In a context of increasing pressure on law enforcement and criminalised approaches to public protection, it is important to clarify what approaches should underpin the protection of children through the management of potential offenders. The best way to stop child sexual abuse and exploitation is to prevent it before it happens. Research has also shown that approximately 95% of prosecuted sexual crimes are committed by first time offenders; this means that an inordinate number of resources and funding are focused on the 5% of known and convicted offenders rather than on the primary prevention of child sexual abuse.⁶ Tertiary prevention should be integrated in child protection efforts alongside primary prevention programmes and public education as well as interventions targeted at potential offenders who have not yet offended but who are sexually attracted to children.

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

Suggested citation:

ECPAT International. (2023)
Child Sex Offender Registries.
Bangkok: ECPAT International.
© ECPAT International, 2023.

This work was made possible thanks to the generous support of the Interfaith Alliance for Safer Communities. The views expressed herein are solely those of ECPAT International. Support does not constitute endorsement of the opinions expressed.

Design and layout by: Manida Naebklang.



328/1 Phaya Thai Road,
Ratchathewi, Bangkok,
10400, Thailand

Telephone: +662 215 3388
Email: info@ecpat.org
Website: www.ecpat.org

For more information :

