

<p>1 Monday, 11 February 2019 2 (10.00 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning, everyone. I am Alexis Jay and I'm 5 the chair of the Independent Inquiry into Child Sexual 6 Abuse. Sitting with me are the other members of 7 the panel: Professor Sir Malcolm Evans, Ivor Frank and 8 Drusilla Sharpling. 9 On behalf of the inquiry, I welcome you all to the 10 first day of the second substantive hearing in the 11 Children Outside the United Kingdom Investigation, and 12 this hearing, as you know, will run for five days, 13 finishing on Friday, 15 February. 14 As you know, the task of the chair and panel of 15 the inquiry is to investigate the extent to which 16 institutions and organisations based in England and 17 Wales have taken seriously their responsibilities to 18 protect children outside of the United Kingdom from 19 sexual abuse. In this phase, we will consider, firstly, 20 the use of Civil Orders to prevent and notify foreign 21 authorities of foreign travel by individuals known to 22 the UK authorities as posing a risk; secondly, the use 23 of section 72 of the Sexual Offences Act 2003, which 24 creates extra-territorial jurisdiction in respect of 25 child sex offences; and, thirdly, the operation of</p> <p style="text-align: center;">Page 1</p>	<p>1 the statutory disclosure and barring regime by 2 organisations recruiting individuals to work abroad. 3 This hearing is part of a full timetable of 4 substantive hearings in a number of the inquiry's 5 investigations. The scope of this investigation has 6 been published on the inquiry's website. 7 As part of this investigation, the inquiry has 8 received and reviewed evidence relating to sexual abuse 9 perpetrated overseas and institutional responses to it. 10 You will hear more detail on the evidence shortly from 11 counsel. 12 Before we hear from counsel, a couple of points on 13 the timing of the schedule this week. We will sit each 14 day from 10.00 am. Ordinarily, we will take a 15-minute 15 break at around 11.45 am. We will break for lunch at 16 1.00 pm, returning at 2.00 pm, and we intend to sit each 17 day until around 4.15 pm. 18 By way of an agenda, we rely on the hearing 19 timetable which sets out the order in which witnesses 20 will be called. The hearing transcript will be 21 published on the inquiry's website shortly after the 22 completion of the hearing, and any directions arising 23 from the day's hearing will also be published on the 24 website. 25 There are anonymity arrangements in place for</p> <p style="text-align: center;">Page 2</p>
<p>1 witnesses. Ciphering and redactions have also been used 2 in relation to the evidence in accordance with the 3 inquiry's redaction protocol and restriction order, both 4 of which are available on the website. If there is any 5 inadvertent breach of the restriction order, I will ask 6 that the simultaneous recording be stopped briefly so 7 that the issue can be addressed as appropriate. 8 I now invite the lead counsel to the inquiry for the 9 children outside the United Kingdom investigation, 10 Ms Henrietta Hill QC, to address us. Please go ahead, 11 Ms Hill. 12 Opening statement by MS HILL 13 MS HILL: Good morning, chair and panel. I appear today 14 with Julia Faure Walker and Antonia Benfield of counsel 15 instructed by the inquiry's legal team. As you have 16 indicated, chair, this is the second public hearing in 17 the Children Outside the UK Investigation which is 18 investigating the extent to which institutions and 19 organisations based in England and Wales have taken 20 seriously their responsibilities to protect children 21 outside the UK from sexual abuse. 22 As you have indicated, chair, this phase will focus 23 on three broad issues. Firstly, the civil law framework 24 for preventing and notifying foreign authorities of 25 travel by individuals known to the UK authorities as</p> <p style="text-align: center;">Page 3</p>	<p>1 posing a risk to children via the making of various 2 Civil Orders. 3 Second, the use of Sexual Offences Act 2003, 4 section 72, which creates an extra-territorial 5 jurisdiction in respect of child sexual abuse. 6 And, three, the operation of the statutory 7 disclosure and barring regime by organisations 8 recruiting individuals to work abroad. As will become 9 apparent, chair, the domestic statutory disclosure and 10 barring regime has limited application to individuals 11 working abroad and so this issue will be looked at more 12 widely to include the newer international child 13 protection certificate. 14 Chair, there are seven core participants in this 15 phase and I propose to introduce them and their counsel 16 to you now. 17 First, we have Every Child Protected Against 18 Trafficking UK, ECPAT UK, represented to my right by 19 Caoilfhionn Gallagher QC and Keina Yoshida. ECPAT is 20 a children's rights organisation which played an 21 important role in lobbying for legislative changes to 22 allow for the prosecution of British nationals for 23 abusing children abroad under what is now section 72 and 24 they continue to be active in campaigning for its 25 effective use. ECPAT UK has close links with</p> <p style="text-align: center;">Page 4</p>

<p>1 organisations working on the ground to support child 2 victims of British sex offenders and it has expertise on 3 matters relating to British nationals offending abroad, 4 having published several research papers on the topic. 5 Secondly, Child Redress International, CRI, also 6 related by Ms Gallagher and Ms Yoshida. CRI is an 7 organisation which works with child victims who have 8 been abused recently or contemporaneously by 9 transnational sex offenders with a focus in South-East 10 Asia. It works with a large number of well-regarded 11 front-line local organisations seeking to address the 12 sexual exploitation of children in countries such as 13 Cambodia, Vietnam, the Philippines and Thailand. 14 The National Crime Agency, or the NCA, is 15 represented by Mr Sheldon, who sits behind me. The NCA 16 is the national lead for reducing the threat from 17 transnational child sex offenders, or, as you will hear, 18 chair, TCSOs. It hosts the Child Exploitation and 19 Online Protection Centre and the UK International Crime 20 Bureau. The NCA's work routinely relates to the use of 21 Civil Orders and section 72. 22 The Home Office, represented by Mr Griffin QC, who 23 sits behind me, is the government department with policy 24 responsibility for both Civil Orders and the statutory 25 disclosure and barring regime.</p> <p style="text-align: center;">Page 5</p>	<p>1 The British Council, represented by 2 Ms Weeraratne QC, to my right, is the UK's international 3 organisation for cultural relations and educational 4 opportunities, employing a large number of staff in 5 countries around the world. It has received reports of 6 child abuse relating to staff overseas and has special 7 knowledge of the Civil Orders regime and the disclosure 8 and barring regime, given the number of appointments it 9 handles. 10 The National Police Chiefs' Council, represented by 11 Mr Morley, who is behind me to my right, is the 12 organisation that represents the interests of 43 police 13 forces in England and Wales and those police forces, 14 chair, play an important part in the management of 15 registered sex offenders in England and Wales and 16 abroad, including the use and monitoring of 17 Civil Orders. 18 Finally, chair, the Crown Prosecution Service, 19 represented by Ms Johnson QC, who sits to my right, is 20 the principal prosecuting authority responsible for 21 prosecuting criminal cases investigated by police in 22 England and Wales, and so has a specific interest in the 23 use of section 72 and in prosecutions for breaches of 24 Civil Orders. 25 CPS prosecutors also apply for the Civil Orders on</p> <p style="text-align: center;">Page 6</p>
<p>1 conviction. 2 Chair, turning then to the broad issues for this 3 phase, which were set out at the last preliminary 4 hearing, they are set out for you in numerical order and 5 the core participants are aware of these issues. 6 Under the heading Civil Orders, we hope to explore 7 the following: in what circumstances can the 8 Civil Orders under consideration be made? What do they 9 seek to achieve? How often have they been used? What 10 is the practical impact of these orders on known 11 offenders when they are made? And a key issue, chair, 12 is, does this regime offer effective protection from 13 sexual abuse for children overseas? If not, how might 14 the regime be improved? 15 Secondly, under section 72, again, how often has 16 this section been used to prosecute alleged child sexual 17 abuse committed abroad in this country? If it has been 18 used relatively rarely, what are the reasons for that? 19 Are they justified? Again, overall, does section 72 20 offer effective protection from sexual abuse for 21 children overseas? If not, how might the regime be 22 improved? 23 Thirdly, under Disclosure and Barring, or D&amp;B as we 24 might come to call it, how does the statutory D&amp;B regime 25 operate within England and Wales? To what extent does</p> <p style="text-align: center;">Page 7</p>	<p>1 this regime take account of sexual abuse of children 2 overseas? To what extent does that regime, or another 3 regime, operate in respect of organisations based in 4 England and Wales which recruits and sends workers or 5 volunteers who have contact with children overseas? 6 Again, does this regime offer effective protection from 7 sexual abuse of children and, if not, how might the 8 regime be improved? Of course, overall, chair, you will 9 be concerned with whether any recommendations are 10 considered appropriate. 11 I turn now to some wider context and background, 12 chair. Although the focus of this hearing is on current 13 issues, the sexual abuse of children outside the UK, by 14 those with a link to England and Wales, is not a new 15 phenomenon. The inquiry has received several accounts 16 from complainants who describe sexual abuse overseas 17 some years ago. 18 I wish to adduce some of those for you now, chair. 19 OU-A1 attended a school in Germany for children of 20 British Armed Forces personnel. She describes regular 21 incidents of sexual abuse perpetrated by a male teacher, 22 OU-F3, in the early 1980s, increasing in seriousness, 23 and which to her became "normalised". When she was aged 24 8 or 9, OU-F3 continued to abuse her, even though she 25 had moved to a different class. She describes feeling</p> <p style="text-align: center;">Page 8</p>

<p>1 frightened and knowing that it was wrong. She said that                  2 he touched her and that she was made to touch him. She                  3 said it was worse when he touched her, because she felt                  4 dirty all of the time. But when she was made to touch                  5 him, she would scrub her hands clean afterwards. OU-F3                  6 gave her special treatment and threatened her that if                  7 anyone found out, her father would lose his job and she                  8 would "lose" her sister, another one of her siblings                  9 having died.                  10 OU-A1 later disclosed the abuse to a boyfriend and                  11 her mother, as well as to a counsellor in 1992, who                  12 drafted a statement for her which she understood had                  13 been passed to the Royal Military Police. But she was                  14 not contacted by any police officer. She later                  15 discovered that OU-F3 had become a head teacher in Wales                  16 and she contacted the police herself. She describes                  17 a hearing in November 2005 during which she gave                  18 evidence for several hours, but was later told that the                  19 investigation would not be proceeding further. She                  20 settled a civil claim against the Ministry of Defence                  21 without any admission of liability. OU-A1 is concerned                  22 that, according to her internet research, OU-F3 has sat                  23 on a Child Protection Committee in an educational                  24 setting and that, once retired, became a director of                  25 a charity which may involve travel to Africa and access</p> <p style="text-align: center;">Page 9</p>	<p>1 to children. She suggests that the civil order regime                  2 is not effective because, despite police being aware of                  3 her allegations, as far as she is aware, OU-F3 was still                  4 able to travel abroad.                  5 The inquiry has received several accounts, chair, of                  6 child sexual abuse perpetrated in Uganda by an                  7 individual known for our purposes as OU-F2. He was                  8 a member of a UK-based religious charity which engaged                  9 in various activities including missionary, educational                  10 and pastoral work, with disadvantaged youth in Africa.                  11 It is understood that he travelled between the UK and                  12 Uganda from the 1980s to 2007.                  13 OU-A2 grew up in Uganda. She describes encountering                  14 OU-F2 at a youth group which he ran. When she was aged                  15 15, in the mid 1990s, he sponsored her education. On                  16 one occasion, after accusing her and other students of                  17 stealing his sweets, he drove them to his workshop and                  18 took them to his bedroom one by one. When it was her                  19 turn, he made her remove her top and lean over a sink                  20 and he hit her on the buttocks. Her father told her she                  21 had to forgive OU-F2 because he was paying her school                  22 fees. For this reason, she felt completely at his                  23 mercy. She described being sexually harassed by another                  24 student around 4 years later. The charity KISS were                  25 helpful and put her in touch with British lawyers but</p> <p style="text-align: center;">Page 10</p>
<p>1 she has not spoken about her abuse to Ugandan or British                  2 police.                  3 OU-A3 also described abuse in Uganda in around 2001                  4 by OU-F2. OU-A3 states that he was blamed for                  5 misbehaviour and taken to OU-F2's bedroom where OU-F2                  6 removed his trousers and underwear, made him bend over                  7 and hit his bottom with a ruler, causing serious pain.                  8 He also felt unable to complain because OU-F2 was paying                  9 his school fees. He was beaten for a second time, this                  10 time with OU-F2 using his bare hands. The abuser was                  11 known to have done the same to other children. OU-A3                  12 says he did not go to the police due to cultural                  13 barriers, but says that, although he does not know about                  14 the Civil Orders regime in England and Wales, he                  15 understands that the law is taken seriously unlike in                  16 other countries.                  17 Finally, OU-A5 also describes abuse in Uganda by                  18 OU-F2, again after he agreed to pay for OU-A5's                  19 schooling. OU-A5 had met him at the youth group which                  20 he attended from the early 1990s. OU-A5 describes three                  21 incidents of abuse: on two of the occasions the abuser                  22 beat his bottom with his bare hands and a metal brush.                  23 OU-A5's grandmother knew about the abuse but said that                  24 nothing could be done because OU-F2 was paying the                  25 school fees. OU-A5 disclosed the abuse to friends and</p> <p style="text-align: center;">Page 11</p>	<p>1 family and to a KISS representative after OU-F2 had                  2 returned to England in around 2008. The witness never                  3 spoke to the Ugandan or British police, believing to                  4 that to do so would lead OU-F2 to withdraw financial                  5 support.                  6 The evidence obtained by the inquiry which you will                  7 hear over the coming week demonstrates that many, many                  8 vulnerable children are being sexually abused and                  9 exploited by British and other foreign nationals                  10 overseas.                  11 There have been a number, chair, of high-profile                  12 cases where individuals have travelled overseas and                  13 sexually abused children.                  14 Paul Gadd, Gary Glitter, was placed on a sex                  15 offenders' register in 1999 following sentencing for                  16 downloading child pornography. He was acquitted of                  17 charges of child sexual offences predating that                  18 conviction but allegations were known to the                  19 authorities. He then went on to travel to Cambodia,                  20 Thailand and Vietnam before being convicted of sexual                  21 offences against children in Vietnam. On return to the                  22 UK, he was placed on the sex offenders register for life                  23 and in 2015 was convicted of attempted rape and sexual                  24 assault in relation to historic offences.                  25 The case of Richard Huckle received widespread media</p> <p style="text-align: center;">Page 12</p>

<p>1 attention owing to the scale of abuse he had                  2 perpetrated. He was investigated by the NCA following                  3 the receipt of intelligence from the Australian                  4 authorities. After extensive collaboration with the                  5 Australian and Malaysian authorities, he was charged                  6 with 91 offences against 25 children aged between                  7 0 and 13 years of age over an 8-year period. In 2016,                  8 Mr Huckle pleaded guilty to 71 of those counts. He was                  9 sentenced to 22 life sentences and ordered to serve                  10 a minimum term of 25 years' imprisonment.</p> <p>11 You will hear evidence, chair, of child sexual abuse                  12 and exploitation being committed by British and other                  13 foreign nationals in a range of countries, including                  14 Kenya, Malaysia, India, the Philippines, Cambodia,                  15 Indonesia, Thailand and Myanmar.</p> <p>16 Poverty and corruption leaves children vulnerable.                  17 Travel and tourism poses a high level of risk to them                  18 and trafficking of children and the use of                  19 the internet -- you will hear, chair, about cyber sex                  20 dens -- adds to those risks. Evidence that will be read                  21 to you from the Voice of the Free organisation is to the                  22 effect that there are at least 100,000 children in the                  23 sex industry in the Philippines alone. You will hear                  24 evidence of the work done by various organisations to                  25 assist these children and support them in recovery from</p> <p style="text-align: center;">Page 13</p>	<p>1 trauma.</p> <p>2 Turning then, chair, to the central issues of how                  3 effective are the Civil Orders, section 72 and D&amp;B                  4 regimes in protecting these children. By way of                  5 overview, the NCA will provide evidence about the                  6 increase in Civil Orders being applied for since the                  7 change of regime in 2015. This is supported by evidence                  8 received from the Home Office: the NPCC further reports                  9 that Civil Orders are an effective and efficient way to                  10 manage offenders or prospective offenders.</p> <p>11 You will also hear about several prosecutions that                  12 have been brought effectively under section 72 and the                  13 NCA's view is that this is a very effective tool in                  14 enabling the prosecution of high-risk offenders                  15 committing offences abroad.</p> <p>16 You will hear evidence about the ways in which the                  17 domestic D&amp;B regime applies to offending abroad and                  18 about the development of the international certificate.                  19 The British Council will give evidence of effective                  20 information sharing about individuals considered to be                  21 a risk to children with, for example, China, Spain and                  22 Vietnam.</p> <p>23 However, many witnesses have expressed concerns that                  24 these systems are not fully effective and that there is                  25 a need for reform. For example, you will hear by way of</p> <p style="text-align: center;">Page 14</p>
<p>1 a high level, chair, evidence to this effect: that gaps                  2 in information sharing between jurisdictions and the                  3 failure to make use of the mechanisms in place mean that                  4 known offenders who have been convicted in one or more                  5 jurisdictions are still able to travel to other                  6 countries and re-offend. That is the evidence you will                  7 hear from Bharti Patel. She has also said responses by                  8 the UK authorities have been hampered by a failure of                  9 collective action, meagre resources and a chronic lack                  10 of robust evidence and comparable data that, taken                  11 together, she says, allow offenders to commit their                  12 offences with impunity.</p> <p>13 You will hear evidence from Glen Hulley to the                  14 effect that the gaps in the UK system are too wide; that                  15 the current system shifts the burden of what is                  16 effectively Britain's duty of care to other countries                  17 and that, overall, it is inadequate to stop people from                  18 travelling, to monitor them when abroad and to bring                  19 them to justice for offending.</p> <p>20 You will hear some evidence, chair, that the                  21 underutilisation of section 72 amounts to a form of                  22 discriminatory treatment of child victims on the part of                  23 the state. That's the view expressed by                  24 Professor Binford from whom you will hear later this                  25 week.</p> <p style="text-align: center;">Page 15</p>	<p>1 The witnesses have given much more granular evidence                  2 of their concerns about these systems and how they might                  3 be improved which we have distilled to a document called                  4 a list of key concerns and proposed reforms. We make it                  5 clear, chair, that that document is distilled entirely                  6 from the witness evidence we have received, but we hope                  7 it assists in coalescing the issues and we hope it                  8 assists in focusing the witness evidence on what we                  9 would submit to you are the two key issues, which are                  10 efficacy and reform of each of the three areas in                  11 question.</p> <p>12 I turn now to a little detail on each of the three                  13 frameworks.</p> <p>14 First, Civil Orders. The Sexual Offences Act 2003,                  15 which came into force on 1 May 2004, created three new                  16 types of civil order. In brief, a sexual offences                  17 prevention order, which could be made on conviction or                  18 on certain other findings by a criminal court or on                  19 application by the police afterwards, where necessary,                  20 to prevent serious sexual harm by the defendant.</p> <p>21 Second, a Foreign Travel Order, which could be made                  22 on conviction or on other relevant finding or by                  23 application. In particular, where it was necessary to                  24 protect persons under the age of 18 from serious sexual                  25 harm by the defendant. The order prohibited an</p> <p style="text-align: center;">Page 16</p>

<p>1 individual from travelling outside the UK to specified 2 or non-specified countries or travelling outside of 3 the UK at all. 4 Thirdly, a Risk of Sexual Harm Order, which, again, 5 could be made on application, no conviction or other 6 finding being necessary for this kind of order, against 7 a person living in a police area or believed to be 8 coming into that area, who had previously engaged in 9 sexual activity with a child on at least two occasions, 10 where the court was satisfied that it was necessary to 11 make the order for the purpose of protecting children 12 generally or a particular child from harm. The RSHO 13 could prohibit the defendant from doing anything 14 described in the order for a fixed period of not less 15 than two years. 16 It was recognised, chair, that the Civil Orders 17 regime needed to be improved and extended to a wider 18 range of circumstances. The changes came into effect 19 in March 2015, and remain in place today. Those three 20 orders I just referred to can no longer be made, 21 although some Risk of Sexual Harm Orders remain in force 22 and can be varied under their current terms. Instead, 23 the two new types of order were a Sexual Harm Prevention 24 Order which replaced SOPOs. They can be made on 25 conviction or caution or other relevant finding by</p> <p style="text-align: center;">Page 17</p>	<p>1 a criminal court, including against a person who was 2 convicted before the 2003 Act came into force, or an 3 application by the police or NCA. The court must be 4 satisfied that the person presents a risk of sexual 5 harm, no longer serious sexual harm, to the public and 6 that the order is necessary to protect against the risk. 7 SHPOs can only impose negative prohibitions and such 8 prohibitions which are necessary for the purpose of 9 protecting the public from sexual harm. They can be 10 wide ranging, such as prohibition on undertaking certain 11 forms of employment, engaging in particular activities 12 on the internet or foreign travel to all or to specified 13 countries. A SHPO lasts for a minimum of five years 14 with no maximum duration with the exception of foreign 15 travel restrictions, which, if imposed, must be renewed 16 or reconsidered after five years. 17 Secondly, Sexual Risk Orders, or SROs, which 18 replaced RSHOs. They can be made against a person who 19 has not been convicted or cautioned of a relevant sexual 20 offence but who is thought to pose a risk of harm to the 21 public in the UK and/or to children or vulnerable adults 22 abroad. The order may be made where it is believed the 23 individual has done an act of a sexual nature as 24 a result of which there is reasonable cause to believe 25 that the person poses a risk of harm. There is no</p> <p style="text-align: center;">Page 18</p>
<p>1 longer a requirement for two acts to be found. As with 2 the SHPOs, SROs can only impose negative prohibitions 3 and can include those which are necessary for the 4 purpose of protecting the public from sexual harm. An 5 SRO lasts for a minimum of two years with no maximum 6 duration, again with the exception of the foreign travel 7 restrictions, which, if imposed, must be renewed or 8 reconsidered after five years. 9 Accordingly, chair, there is now no separate order 10 specifically focused on restricting foreign travel but 11 rather a prohibition on travel to specified countries or 12 a prohibition on foreign travel and the surrender of 13 the defendant's passport may be made as part of an SHPO 14 or an SRO. 15 The offenders subject to these orders are also 16 required to engage with notification requirements under 17 which they must notify the police of details of any 18 foreign travel. Failure to do so is an offence and, 19 indeed, a breach of either of those orders is itself an 20 offence punishable with up to five years in prison. 21 The most up-to-date statistics provided to the 22 inquiry indicate that from January 2014 until 23 31 December 2018, 18,792 Sexual Harm Prevention Orders 24 had been made, of which 18,480 were full orders and 312 25 were interim orders. As at 31 December 2018, 455 Sexual</p> <p style="text-align: center;">Page 19</p>	<p>1 Risk Orders had been made, of which 275 were full and 2 180 were interim orders. 3 Chair, you will hear further detail about these 4 statistics from the NCA, from six individual police 5 forces and from others, which will include, as far as it 6 has been possible to ascertain, the number of those 7 orders which contain foreign travel restrictions. 8 However, ECPAT UK have highlighted their view that low 9 numbers of Foreign Travel Orders were imposed and have 10 suggested that in 2016/17 only four out of 5,931 SHPOs 11 imposed had foreign travel restrictions. 12 There may be questions raised as to why Civil Orders 13 were not applied in particular cases. 14 Christine Beddoe, from whom you will hear later today, 15 for example, is expected to refer to a case in which 16 a person convicted in India of a sexual offence against 17 children was not made the subject of a Civil Order 18 preventing foreign travel on his return to the UK, 19 despite a person in similar circumstances being made 20 subject to a Civil Order, among other cases. 21 Accordingly, chair, you will see that the first 22 concern about Civil Orders that is indicated on page 2 23 of your "Concerns and Reforms" document is in fact 24 whether they contain foreign travel restrictions often 25 enough. There are also issues around the ways in which</p> <p style="text-align: center;">Page 20</p>

<p>1 orders are applied for and enforced and about the                  2 efficacy of other systems for notifying authorities of                  3 the movements of known sex offenders. The witnesses                  4 have proposed various reforms at an international,                  5 national and local level, which I hope, chair, you can                  6 see reflected through paragraphs 1 to 19 of this                  7 document, and you will see that they include proposals                  8 in relation to international and national leadership,                  9 proposed changes to the notification systems and                  10 a question over whether more robust travel bans or                  11 restrictions along the lines of the Australian or                  12 American systems are required.</p> <p>13 Turning now to section 72, chair, since                  14 1 September 1997, the law in England and Wales has                  15 allowed prosecutions to be brought against British                  16 citizens for certain sexual offences committed entirely                  17 abroad if the relevant conduct was also a crime in the                  18 country where it happened. This was provided for in the                  19 Sexual Offences Act 1997.</p> <p>20 The Sexual Offences Act 2003, section 72, as                  21 originally enacted, allowed for the prosecution of                  22 a British national or UK resident for sexual offences                  23 against children under the age of 16 committed abroad                  24 provided that the offence constituted an offence under                  25 the law in force in that country.</p> <p style="text-align: center;">Page 21</p>	<p>1 The current version of section 72, which has been in                  2 effect since 14 July 2008, applies to a wider range of                  3 circumstances. The offence need not have been an                  4 offence in the country in which the relevant acts took                  5 place if the defendant is a British national. Further,                  6 the victims no longer need to be under 16 but may be                  7 under 18, unless the offence under the law of England                  8 and Wales can only be committed against a person under                  9 16.</p> <p>10 To be convicted under the current version of                  11 section 72 the person need not have been a UK national                  12 or resident at the time of the offence as long as the                  13 conduct was an offence both in England and Wales and in                  14 the country where it took place and the person had                  15 acquired the relevant status by the time proceedings                  16 were brought.</p> <p>17 Section 72, as with the previous provisions under                  18 the 1997 Act, does not apply to offences committed                  19 before the provisions came into force. Therefore,                  20 sexual offences against children committed entirely                  21 abroad before 1997 cannot be prosecuted in England and                  22 Wales.</p> <p>23 It is difficult, chair, to be precise about how                  24 frequently section 72 has been used because the                  25 statistics are generally kept by reference to the</p> <p style="text-align: center;">Page 22</p>
<p>1 substantive offence that is charged rather than by                  2 section 72 itself. ECPAT UK are aware of only five                  3 cases since May 2004 in which section 72 has been used,                  4 but the NCA has provided evidence in relation to the use                  5 of it in six cases. These relate to offences committed                  6 in Thailand, Malaysia, Cambodia, Kenya and the                  7 Philippines.</p> <p>8 One operation related to the prosecution of                  9 Mark Frost. He had a history of relevant convictions                  10 and was under investigation for sexual abuse in                  11 Thailand. However, he fled prosecution and was later                  12 found to be living in Spain before being extradited to                  13 the UK. He was charged in 2016, using section 72, with                  14 22 offences, including sexual abuse of boys between                  15 10 and 14 years of age in Thailand. After an NCA                  16 operational team comprising specialist officers, child                  17 protection officers and a CPS prosecutor travelled to                  18 Thailand to collaborate with the Thai authorities,                  19 a further 67 charges were brought. Mr Frost pleaded                  20 guilty to 23 of those charges in addition to pleading                  21 guilty to all of the original counts and was sentenced                  22 to 13 life sentences.</p> <p>23 A further operation involved Keith Morris who                  24 sexually abused vulnerable children in Kenya. He had                  25 also attempted to pervert the course of justice by</p> <p style="text-align: center;">Page 23</p>	<p>1 seeking to pay money to individuals in Kenya to clear                  2 his name and contacting victims asking them to drop                  3 their claims against him.</p> <p>4 There was an investigation into Trevor Monk, who                  5 sexually abused children in the Philippines and paid for                  6 live streaming of sexual abuse.</p> <p>7 A further operation involved David Graham who                  8 sexually abused children in Cambodia, was extradited                  9 from France and prosecuted in the UK. Evidence has been                  10 given about the other two operations, all of which                  11 resulted in successful convictions, and the NCA has                  12 described the effective collaboration with local law                  13 enforcement agencies in those cases. The NCA has also                  14 given evidence about an ongoing operation relating to                  15 a female British national perpetrator, who was charged                  16 under section 72 and pleaded guilty to a number of                  17 sexual offences against children committed while                  18 resident in Cyprus.</p> <p>19 However, you will hear evidence, chair, illustrating                  20 the challenges in prosecuting offences committed abroad.                  21 For example, Patrick Matthews was prosecuted at Bristol                  22 Crown Court for alleged offences of child sexual abuse                  23 in India where the witnesses were based. It is                  24 suggested to you on the evidence that due to the delays                  25 in making formal requests to enable the witnesses to</p> <p style="text-align: center;">Page 24</p>

<p>1 give evidence via videolink, the case was not ready for                  2 trial, that the judge refused to grant an adjournment                  3 for the relevant arrangements to be put in place and                  4 that the prosecution therefore could not proceed.                  5 Raymond Varley was wanted by the Indian authorities                  6 to face charges of violent sexual offending against                  7 children in Goa. An attempt to extradite him to India                  8 failed and it has been suggested that this case                  9 demonstrates a lack of collaboration between the UK and                  10 Indian authorities, albeit that the offending in his                  11 case predated section 72.                  12 We intend to explore further the challenges in using                  13 section 72 and to help you understand whether they                  14 explain or justify its relatively limited use, together                  15 with the various proposals for reform made by the                  16 witnesses. Again, perhaps I ask you to look briefly at                  17 paragraphs 20 and onwards of our "Concerns and Reforms"                  18 document. You will see there are various proposals for                  19 reform at an international level, a national level, very                  20 specifically involving what's described by the witnesses                  21 as "on the ground" support and proposals for further                  22 support for victims.                  23 Finally, chair, I turn to the disclosure and barring                  24 regime. The Disclosure and Barring Service is                  25 a nondepartmental public body created in 2012 and</p> <p style="text-align: center;">Page 25</p>	<p>1 accountable to parliament through the Secretary of State                  2 for the Home Office. It operates disclosure functions                  3 for England, Wales, Jersey, Guernsey and the Isle of Man                  4 and barring functions for England, Wales and                  5 Northern Ireland pursuant to a complex statutory                  6 framework. I hope I can try and do it justice quite                  7 briefly, chair.                  8 In summary, applications for criminal record                  9 certificates are made by a person and countersigned by                  10 a registered person, that is, someone with a proper                  11 interest in the information. Certificates are issued by                  12 the DBS under three levels: a basic disclosure                  13 certificate, which is available for any position or                  14 purpose and will contain details of convictions and                  15 conditional cautions that are considered to be unspent                  16 under the Rehabilitation of Offenders Act 1974; standard                  17 disclosure certificates, which are available to those                  18 working in roles specified in the Rehabilitation of                  19 Offenders Act (Exceptions) Order 1975. Standard                  20 certificates show unspent and spent convictions,                  21 cautions, reprimands and warnings. Then, finally,                  22 enhanced disclosure certificates, which are the highest                  23 level of check available to anyone involved in work with                  24 vulnerable groups and other positions involving a high                  25 degree of trust. Enhanced certificates contain the same</p> <p style="text-align: center;">Page 26</p>
<p>1 information as standard certificates with the addition                  2 of information that the chief officer of police                  3 reasonably believes is relevant and ought to be                  4 disclosed. Additionally, where the role is prescribed                  5 in legislation, it will include details of whether                  6 a person is included on a barred list.                  7 An application for a DBS certificate can be made if                  8 certain eligibility criteria are met. There are certain                  9 rules that provide for the filtering of information from                  10 those certificates, although there are some offences                  11 that will never be filtered from a certificate,                  12 including offences which are serious, relate to sexual                  13 or violent offending or are relevant in the safeguarding                  14 context.                  15 The DBS also makes decisions about whether                  16 individuals should be barred from engaging in regulated                  17 activity with children and/or adults and maintains                  18 specific barred lists, including making decisions as to                  19 whether it is appropriate to remove someone from such                  20 a list. It enables checks of the list to be made by                  21 others subject to certain qualifying criteria.                  22 There are three main ways in which cases come to the                  23 DBS for consideration: autobars, ie, where a person has                  24 been convicted or cautioned of a criminal offence;                  25 disclosure information, where a person has applied for</p> <p style="text-align: center;">Page 27</p>	<p>1 an enhanced certificate; and referrals, which can be                  2 made by an organisation that has a legal duty or power                  3 to make a referral which typically occurs where a person                  4 has been dismissed or removed from working in regulated                  5 activity following harm to a child or vulnerable adult                  6 or where there is a risk of harm.                  7 Apart from in cases where an autobar applies, the                  8 DBS can only bar a person from working within regulated                  9 activity with children or adults if it believes the                  10 person is, or has been, or might be in the future,                  11 engaged in regulated activity with children or adults.                  12 The relevant conduct as defined in the legislation is,                  13 in summary, behaviour that has harmed a child or                  14 vulnerable adult or put them at risk of harm or would                  15 put them at risk of harm if the behaviour was repeated.                  16 I hope that's a fair summary of the statutory                  17 framework, chair, but you will come to understand that                  18 there are significant limits to how that process applies                  19 to sexual offending overseas. Firstly, the DBS cannot                  20 access criminal records overseas. Although in a small                  21 number of cases, overseas criminal records are held on                  22 the police national computer and would be revealed as                  23 part of a check.                  24 Secondly, applications to the DBS for a certificate                  25 may not be made where the prospective employer is based</p> <p style="text-align: center;">Page 28</p>

<p>1 abroad and no employment decision is being made in 2 England and Wales. 3 Accordingly, the international child protection 4 certificate, the ICPC, was introduced to try and fill 5 the void left by those issues. The ICPC is a criminal 6 record check against police and intelligence databases 7 in the UK which would reveal any convictions and reasons 8 why a person should not work with children. It should 9 provide a complete conviction history, including spent 10 and unspent convictions, and relevant offenders' 11 register entries. It also contains information of 12 offences committed in other countries where this has 13 been disclosed to the UK authorities as well as 14 information on impending prosecutions and information 15 that the NCA CEOP deem relevant to the protection of 16 children. You will hear evidence, chair, that 11,119 17 ICPCs have been supplied since it was introduced. 18 Forgive me, that's the number for 2017/18, since the 19 introduction of that scheme. 20 There is evidence, however, chair, that these 21 frameworks are not entirely effective. For example, you 22 will hear evidence that in 2011 CEOP reported 33 cases 23 of British nationals travelling overseas and abusing 24 children while in an educational position over an 25 18-month period. Of those 33 cases, 23 were identified</p> <p style="text-align: center;">Page 29</p>	<p>1 as having previous convictions for offences involving 2 children, which raises an obvious question about how 3 they're able to obtain work in the education sector 4 overseas. 5 We intend to explore the limitations of these 6 frameworks in the witness evidence and finally, chair, 7 the last section of our "Concerns and Reforms" document 8 but one deals with these topics, beginning at 9 paragraph 40. 10 You will see that there are concerns about the 11 limits of the domestic scheme, the fact that the IPCC 12 scheme is not mandatory and has cost implications 13 because organisations do not apply for those 14 certificates but the applicants themselves do. You will 15 also see, beginning at paragraph 53 onwards, various 16 proposals for reform that have been made by the 17 witnesses. 18 It is also important to recognise, chair, we would 19 submit, that in practice these frameworks do not operate 20 in isolation. A suspected offender could be prosecuted 21 under section 72, subjected to a Civil Order and then 22 have future employers made aware of the risk that she or 23 he was considered to pose. The frameworks also operate 24 alongside a series of other legal and practical 25 measures. The witnesses have made various proposals for</p> <p style="text-align: center;">Page 30</p>
<p>1 wider reform in this field which we have tried to 2 summarise for you at paragraph 67 onwards of 3 the "Concerns and Reforms" document. 4 A few final matters, chair, if I may. Broadly, in 5 terms of the timetable, you will see that on Days 1 to 2 6 and into the morning of Day 3, you will hear evidence 7 from ECPAT UK, CRI and other independent witnesses and 8 NGOs, witnesses of that nature, who will provide 9 evidence from the complainants' perspective and/or from 10 an independent viewpoint. On Days 3 and 4 and on the 11 morning of Day 5, you will hear from the police, the 12 Home Office, the NCA, the British Council, the CPS and 13 the other institutional witnesses. As there is a lot of 14 evidence to cover in this phase, chair, as you have 15 indicated, we will generally start at 10.00 am, and we 16 are grateful to all concerned for that. Some of 17 the core participants, chair, wish to make an opening 18 statement in accordance with rule 11. 19 You will see from the timetable that some witnesses 20 will be giving evidence in person, some will be giving 21 evidence by videolink from overseas and some will be 22 read or summarised to you by my learned friends. As is 23 usual, it is anticipated the bulk of questioning will be 24 done under rule 10 by counsel to the inquiry and the 25 panel. We have given an indication of the topics we</p> <p style="text-align: center;">Page 31</p>	<p>1 intend to cover with all the witnesses in advance. Any 2 applications to ask questions in accordance with rule 10 3 are being made in accordance with the usual process. 4 Chair, you have already ruled that the proceedings 5 will be broadcast. The ruling to that effect is on the 6 inquiry website. As you know, there is the usual delay 7 in case of any issues over the restriction orders, 8 ciphering or redactions. 9 We ask for the assistance of all concerned in 10 respecting the processes in place. We ask all counsel, 11 please, to draw to our attention promptly any issues 12 that have arisen so the broadcast can be terminated if 13 need be and the matter resolved. Chair, as you know, if 14 such an issue arises, I will indicate to you that an 15 issue has arisen and ask for the broadcasting link to be 16 terminated. On resumption of the hearing, I will invite 17 you, chair, to make a restriction order covering the 18 evidence in question. 19 Chair, that concludes all I wish to say in opening, 20 so I invite you now, chair, to hear opening statements 21 from those core participants who wish to make one. 22 I believe I have indicated to you which those core 23 participants are, but I believe they are ECPAT, the CRI, 24 the Home Office and the British Council. Thank you. 25 THE CHAIR: Thank you, Ms Hill. Ms Gallagher?</p> <p style="text-align: center;">Page 32</p>



<p>1 Opening statement by MS GALLAGHER                  2 MS GALLAGHER: Thank you very much, chair and panel.                  3 I represent ECPAT UK, along with junior counsel                  4 Ms Yoshida, who sits to my right, and our solicitor                  5 Mr Yazdani of Deighton Pierce Glynn.                  6 Firstly, you have heard a little about ECPAT UK in                  7 opening from counsel to the investigation.                  8 ECPAT International is a global network with one core                  9 goal and that is to end the sexual exploitation of                  10 children. It was set up in Bangkok almost 30 years ago                  11 in 1990 and the acronym then referred to that                  12 organisation's original aim, being a campaign to end                  13 child prostitution in Asian tourism. ECPAT was central                  14 in bringing a global focus to that critical issue over                  15 the following number of years and that culminated, in                  16 1996, in the World Congress Against the Commercial                  17 Sexual Exploitation of Children that was held in                  18 Stockholm, Sweden. That was co-organised by ECPAT,                  19 UNICEF and the NGO group for the UN Convention on the                  20 Rights of the Child. It concluded, importantly, with                  21 the unanimous adoption of the Stockholm declaration and                  22 the agenda for action with 122 states committing                  23 themselves to that agenda.                  24 By the time of that 1996 congress, ECPAT had grown                  25 from a campaign focusing on children in Asia to a global</p> <p style="text-align: center;">Page 33</p>	<p>1 movement with organisations established in many                  2 countries around the world, including the UK. It was                  3 agreed then that ECPAT should have a wider mandate than                  4 that original mandate described in 1990, encompassing                  5 children sexually exploited in child sexual abuse                  6 imagery and trafficking worldwide. The ECPAT network                  7 now spans 107 member organisations in 95 countries, and                  8 we hope through Bharti Patel, the director of ECPAT UK,                  9 and through the material we have provided, that we can                  10 assist the inquiry in understanding the scale and nature                  11 of this very pernicious type of offending.                  12 So ECPAT UK fits into that network. It was                  13 established in 1994 as the UK member of that                  14 international network with a mandate to campaign against                  15 child sex tourism and lobby for laws and policies to                  16 protect children and prosecute UK child sex offenders                  17 who exploit children abroad. It is now one of the UK's                  18 leading children's rights organisations. Its primary                  19 focus is upon the sexual exploitation of children abroad                  20 perpetrated by UK residents and UK nationals, and it                  21 includes work in three different categories of case                  22 which we say are of particular relevance to this                  23 investigation and which raise slightly different                  24 challenges.                  25 The first category is UK nationals and residents who</p> <p style="text-align: center;">Page 34</p>
<p>1 are already known to be child sex offenders who travel                  2 to other countries, often developing countries ravaged                  3 by poverty with poor safeguarding practices,                  4 specifically to target vulnerable children there. So                  5 into that category fall abusers that you will hear about                  6 such as Mark Frost, counsel to the investigation has                  7 referred to; Paul Gadd, AKA Gary Glitter; and                  8 Paul Charles Wilkins. Just a little about those three.                  9 Mark Frost, despite being a known child sex offender                  10 with multiple convictions and on the sex offenders                  11 register, was able to travel to Thailand and carry out                  12 further sexual offences against children there. Now,                  13 eventually, as you will hear, he was extradited to the                  14 UK. He is now serving a lengthy sentence, a life                  15 sentence, for 45 sex offences against young boys in                  16 Thailand and England. But when he travelled, he had                  17 a known history and he was a known risk.                  18 Paul Gadd, Gary Glitter, as you have heard,                  19 convicted in 1999 of building up a library of 4,000                  20 child sexual abuse images, including some involving                  21 children as young as 2. After that conviction, he is                  22 able to travel to South-east Asia where he then abused                  23 two girls, in Vietnam, aged 10 and 11. He is ultimately                  24 convicted in 2015 of a series of historic sex offences                  25 committed in England in the 1970s and 1980s, having been</p> <p style="text-align: center;">Page 35</p>	<p>1 arrested as part of Operation Yewtree. But the key                  2 point for ECPAT UK is, at the time he travelled to                  3 south-East Asia and abused children there with impunity,                  4 he had a known history, he was a known risk.                  5 The third example, Paul Charles Wilkins, raises                  6 slightly different issues. He is a dual UK/US national,                  7 jailed for 56 months in the UK for possessing indecent                  8 images of children. He was on probation when he left                  9 the UK in 2016 and flew to the US, where he has been                  10 convicted of child sexual offences there. Again, when                  11 he travelled, he had a known history, he was a known                  12 risk and he was on probation. That's the backdrop                  13 against which we see the rather shocking statistic in                  14 the ACPO-commissioned review of the existing statutory                  15 scheme in 2013 where CEOP gave the figure that                  16 70 per cent of high and very high-risk convicted                  17 offenders travelled abroad when breaching their                  18 notification requirements under the Sexual Offences Act                  19 2003. So that's the first category. Those were known                  20 offenders when they travelled and that is a huge                  21 problem.                  22 The second category, which raises slightly different                  23 issues, is UK nationals and residents without previous                  24 convictions at the time they travelled, not on the sex                  25 offenders register. They travel when they are not known</p> <p style="text-align: center;">Page 36</p>

<p>1 to the authorities to be a risk to children but they                  2 later come to the attention of UK authorities when they                  3 are abroad. Into that category falls Richard Huckle                  4 from Kent, an apparently ordinary, middle-class boy, set                  5 off across the world on his gap year aged 19, as so many                  6 other young people do. As you know, over the course of                  7 a decade, he perpetrated horrendous abuse upon children                  8 in very poor communities in South-east Asia and in                  9 online posts he bragged "Impoverished kids are much                  10 easier to seduce than middle-class, western kids". He                  11 even produced a manual for publication on the dark web                  12 to school others in the abuse of children.</p> <p>13 Now, he has now been convicted under section 72 of                  14 71 offences against 23 children, although the Old Bailey                  15 judge who convicted him indicated in sentencing he                  16 expected the real number of victims to be closer to 200.                  17 The question for ECPAT UK is, how was Huckle able to                  18 abuse the children who were the subject of that                  19 conviction over a nine-year period whilst doing                  20 voluntary work in Malaysia and elsewhere, amassing over                  21 20,000 images of sexual abuse including, critically,                  22 abuse conducted after law enforcement agencies in                  23 England and Wales had been made aware of his activities                  24 alerted by international law enforcement agencies. Why                  25 was there a delay in him being apprehended and stopped</p> <p style="text-align: center;">Page 37</p>	<p>1 once the risk was known? That's a common theme you will                  2 see in some of the evidence this week: a number of                  3 witnesses raising concerns that the NCA and UK                  4 authorities are too slow and sluggish to respond in                  5 those circumstances, in stark contrast to the response                  6 from agencies in the US, Australia and other European                  7 law enforcement agencies.</p> <p>8 In the third category which we mentioned just                  9 briefly, we call voluntourism. So this really concerns                  10 opportunistic situational abusers who travel and take                  11 advantage of a lack of structures and safeguarding. In                  12 the UK alone, 85 organisations place 50,000 volunteers                  13 each year. Mainly, these are for-profit travel agencies                  14 charging very high fees to affluent under 25s, and                  15 untrained, inexperienced young people are placed in                  16 settings such as orphanages and residential care homes                  17 with very poor safeguarding. That, it seems to us,                  18 is another slightly different category that we need to                  19 be aware of today.</p> <p>20 This inquiry, in a series of its public hearings,                  21 has often heard two common interrelated themes: victims                  22 and survivors being in the shadows and not being heard,                  23 not being core participants; and also the dark figure of                  24 unreported crime given the particular stigma associated                  25 with child sexual abuse. So there are unknown victims</p> <p style="text-align: center;">Page 38</p>
<p>1 who are not heard.</p> <p>2 Those two interrelated themes ECPAT UK suggests are                  3 all the more prevalent in this strand and because                  4 victims and survivors of child sexual abuse are often                  5 off the radar of authorities and off the radar of this                  6 inquiry.</p> <p>7 But the particular victims and survivors of this                  8 abuse are even more so, and off the radar is in fact                  9 a title of one of the reports that ECPAT UK has                  10 published. So the vulnerabilities which result in those                  11 children being targeted by predatory abusers such as                  12 Mark Frost and Richard Huckle also mean they are off the                  13 radar for us. ECPAT UK is acutely conscious that it has                  14 core participant status when individual victims and                  15 survivors do not and they see it as very important that                  16 they can give a voice to those voiceless victims and                  17 survivors through this week.</p> <p>18 Reference was made by counsel to the investigation                  19 about some of the statistical shortcomings and the lack                  20 of robust data. ECPAT UK consider that in itself to be                  21 a child protection issue because, in order to understand                  22 the scale and nature of a problem and then to address                  23 it, it is imperative that you have adequate statistical                  24 information, and one of the themes this week will be                  25 that the statistics are not robust, they are piecemeal,</p> <p style="text-align: center;">Page 39</p>	<p>1 and patchy.</p> <p>2 Bharti Patel is going to give evidence on that later                  3 today. You will see from the material before you that                  4 no-one has been centrally collecting data, for example,                  5 on the use of Civil Orders. Ministry of Justice says                  6 the information would fall under the NPCC. The NPCC                  7 then say this is information held by individual police                  8 forces, but then it is difficult for individual police                  9 forces to retrieve for a number of reasons. It is                  10 difficult, it seems to ECPAT UK, for us to see how the                  11 NPCC can confidently reach the conclusion that                  12 Civil Orders are efficient and effective without having                  13 robust statistical information.</p> <p>14 ECPAT UK have had a series of successes and they are                  15 very conscious that the legal landscape has much                  16 improved since it was first set up in the early 1990s.                  17 You will hear about that from Bharti Patel in her                  18 evidence. Section 72 and the Civil Orders regime are                  19 undoubtedly very powerful tools in the UK's armoury to                  20 tackle this type of transnational offending, but the key                  21 question is whether they are being deployed effectively                  22 and as often as they're needed. That is all the more                  23 important, we say, now that the Lanzarote Convention has                  24 been ratified in large part thanks to work from this                  25 inquiry. That recognises the importance of there being</p> <p style="text-align: center;">Page 40</p>

<p>1 a strong international consensus and approach on these 2 issues. 3 One key point is, one of the key aspects of 4 the landscape which has been changed through lobbying 5 from ECPAT UK was the closing of the three-day loophole 6 allowing individuals to travel for a three-day period 7 with very little safeguarding, and that has been closed, 8 which is critical. 9 Much of the language which has been used by UK 10 agencies in this area might give the impression that 11 this is a policy priority area. We just wanted to 12 highlight one example. In a very recently published 13 article in October 2018 Robert Jones from the NCA, whom 14 you are going to hear from later in the week, referred 15 to the scourge of the this type of offending. He 16 estimated that 80,000 UK nationals pose a sexual threat 17 to children online. He was focusing particularly on 18 online abuse. He said: 19 "This is a growing threat but it has been matched by 20 a growing awareness. We are currently working with 21 84 countries around the world to grow and develop our 22 response to this. Let me be clear: if you are a British 23 national or have British residency and are committing 24 these crimes, we will hunt you down and bring you to 25 justice wherever you are or wherever your crimes are</p> <p style="text-align: center;">Page 41</p>	<p>1 being committed." 2 Very similar, strong, robust language was used 3 following the conviction of Richard Huckle, for example, 4 or Gary Glitter, but ECPAT UK considers there is 5 a fundamental mismatch between that rhetoric and what is 6 in fact happening in practice. We give you three 7 examples. 8 The first is, there is a lack of clarity between 9 agencies over who is responsible for policy making. You 10 will hear that during the evidence this week. 11 Secondly, there is a key document which you will be 12 taken to during the week -- NCA000305 -- which is 13 operational guidance for ILOs. There is a description 14 there which says that section 72, which allows UK 15 individuals who offend overseas to be prosecuted in the 16 UK, is a last resort or in extremis option due to the 17 complex and resource-intensive nature of these 18 investigations. 19 That in extremis, last resort reference is not 20 something which we say is in compliance with the UK's 21 international obligations under the UN Convention on the 22 Rights of the Child, nor, indeed, is it in compliance 23 with the National Crime Agency's obligations under 24 domestic law under the Children Act 2004, and there is 25 no policy basis for that. Also, there is a mismatch</p> <p style="text-align: center;">Page 42</p>
<p>1 between that and the rhetoric from Rob Jones of the NCA 2 that, "We will hunt you down. There is no hiding 3 place". 4 The last example concerns MAPPA guidance. You may 5 know there's been some new MAPPA guidance uploaded to 6 Relativity just this morning. The reason for that is 7 MAPPA guidance version 4.2, which dated 8 from November 2017, which has been in place, was noticed 9 to provide a description of the orders that exist and 10 incorrectly saying that those who leave the UK for more 11 than three days must notify the police. So although the 12 three-day loophole was removed in 2008, guidance from 13 2017 continued to describe it being in force. That 14 guidance remained in place until last summer. We think 15 that, thanks to the spotlight of this inquiry, that 16 error was then noticed. But the new version, 17 version 4.3, updated to Relativity this morning, is 18 missing chapter 21 on foreign travel, and the 19 explanation is given in one of the MoJ witness 20 statements: 21 "The guidance was revised over the summer of 2018. 22 The chapter on foreign travel was removed as it did not 23 provide specific guidance of roles within the MAPPA for 24 the management of this process." 25 So they're examples of the mismatch between the</p> <p style="text-align: center;">Page 43</p>	<p>1 strong rhetoric and, in fact, the quite piecemeal, 2 patchy reality on the ground. Now, this is the 30th 3 anniversary of the UN Convention on the Rights of 4 the Child this year. Section 11 of the Children Act 5 2004 applies to the NCA. That's critical. In carrying 6 out its role, the NCA has a duty to promote and 7 safeguard the welfare of children. That obligation 8 includes a procedural obligation to properly have regard 9 to the best interests of vulnerable children, including 10 those who may be the subject of offenders such as those 11 about whom you have heard from counsel to the 12 investigation. 13 Fundamentally, at the moment, there is no compliance 14 with that procedural obligation and there cannot be 15 compliance with that procedural obligation when you have 16 a patchy, piecemeal approach to policy making, no 17 centralised, coherent body taking charge of this issue 18 and even a statistical gap. You have a guidance gap, 19 a statistical gap and a policy gap. 20 Finally, ECPAT UK is going to invite you, at the end 21 of the hearing, to make robust and practical 22 recommendations to achieve real change in this area for 23 some of the world's most vulnerable children who were 24 abused by those with links to England and Wales. We 25 highlight just three now in opening.</p> <p style="text-align: center;">Page 44</p>

<p>1 The first is the importance of establishing a true 2 national approach to the policing of extra-territorial 3 sexual offending against children rather than the 4 existing local force strategy. And that must have 5 appropriate resourcing, training and, critically, 6 statutory guidance, because there is no statutory 7 guidance in relation to this issue under section 11 of 8 the Children Act 2004, despite there being lengthy 9 statutory guidance to Social Services, prisons, young 10 offender institutions and others. So that's a critical 11 gap. 12 Secondly, we will call for the expansion of the ILO 13 network, the international liaison officer network, the 14 establishment of dedicated investigation units in key 15 countries rather than relying on the regional approach. 16 That's starting to happen in some countries such as 17 Kenya, but we very much agree with what's set out in the 18 inquiry document at page 8, paragraph 34 on this issue 19 and there are other countries where it is essential that 20 we have the ILO network established so there's boots on 21 the ground in a way that other countries have and the UK 22 does not. 23 Thirdly, there must be centralised and robust data 24 collection on investigations, Civil Orders, prosecutions 25 and convictions of sexual offences against children</p> <p style="text-align: center;">Page 45</p>	<p>1 abroad. Without that statistical data, we do not have 2 any proper basis for assessing the scale of the problem, 3 assessing where the gaps are and critically making 4 changes to protect those most vulnerable children. 5 Thank you. 6 THE CHAIR: Thank you, Ms Gallagher. Ms Yoshida? 7 Opening statement by MS YOSHIDA 8 MS YOSHIDA: Thank you, chair and members of the panel. 9 I make this opening statement on behalf of Child Redress 10 International, whom I represent along with 11 Caoilfhionn Gallagher QC, instructed by 12 Silvia Nicolaou Garcia of Simpson Millar. 13 Child Redress International is a UK-based, 14 non-profit organisation which aims to ensure that all 15 child victims of abuse have access to remedies. It is 16 a small and dedicated organisation which works in 17 partnership with a large number of well-established 18 front-line local organisations in South-east Asia in 19 countries such as Cambodia, Vietnam, the Philippines and 20 Thailand. It has partnered with many organisations on 21 the ground, including the Children's Legal Bureau, Cebu, 22 APLE Cambodia, LIFT International and Blue Dragon. 23 The organisation was established in 2015 in response 24 to the exploitation of children in these countries, both 25 in person and online, including through the dark web by</p> <p style="text-align: center;">Page 46</p>
<p>1 foreign tourists and foreign nationals embedded in the 2 country. Access to justice for children and placing 3 them at the heart of all responses to this problem is 4 the only way to ensure that children have their 5 fundamental rights to recovery, rehabilitation and 6 redress respected and protected. 7 Hundreds, if not thousands, of vulnerable children 8 from poor communities throughout South-east Asia are 9 exploited by foreign men, including British offenders, 10 as well as by predators in their own communities. 11 Child Redress International works with lawyers from 12 around the world to obtain compensation for children 13 with lawyers from perpetrators in their home countries 14 and works to promote community-generated solutions. 15 But as the evidence in these proceedings will 16 highlight, there are difficulties with obtaining justice 17 in countries such as Cambodia and Vietnam and foreign 18 offenders are rarely prosecuted, meaning that sexual 19 abuse in tourism and travel remains widespread and 20 prevalent. 21 It must be accepted that the British Government have 22 obligations to prevent this abuse and to protect 23 children from British offenders as a part of their due 24 diligence obligations under human rights law. National 25 law enforcement agencies such as the NCA in the UK have</p> <p style="text-align: center;">Page 47</p>	<p>1 a mandate to find British perpetrators and prosecute 2 them under extra-territorial powers. However, despite 3 this clear mandate through section 72, British sex 4 offenders who commit sexual abuse against children 5 abroad are rarely prosecuted in British courts. 6 Chair, Child Redress International considers that 7 this inquiry is necessary and timely. It is necessary 8 because too many British men continue to travel abroad 9 to commit sexual offences against children in an 10 atmosphere of widespread impunity. 11 This impunity is partially explained through the 12 policy adopted by the NCA to use section 72 only as 13 a measure of last resort, as this inquiry has just 14 heard. There is no basis for this policy. 15 Child Redress International considers the evidence 16 which attempts to legitimise the underutilisation of 17 section 72 on the basis that prosecutions are complex or 18 resource intensive simply suggests that more resources 19 and personnel need to be earmarked to prosecute those 20 responsible for transnational child sexual abuse. 21 The underutilisation or last resort policies fail to 22 recognise that affirmative jurisdiction of these crimes 23 as mandated by international child rights law. It 24 further fails to recognise that in many countries in 25 South-East Asia being in possession of child sexual</p> <p style="text-align: center;">Page 48</p>

<p>1 abuse material is not criminalised. This means that 2 section 72 is vital to close legal loopholes. 3 Section 72 was used to prosecute British nationals 4 such as Richard Huckle, who the inquiry has just heard 5 about earlier. Huckle was successfully prosecuted under 6 this measure and this shows its importance. But Child 7 Redress International would also ask: how do we 8 guarantee the rights of children abused to access 9 justice and obtain compensation to recover from this 10 abuse? The UK has an obligation under international law 11 to ensure all child victims have access to adequate 12 procedures to seek, without discrimination, compensation 13 from those legally responsible. All child victims, 14 without discrimination. 15 The reality is that child victims are left in the 16 care of the local Social Services which often struggle 17 to respond to the children's needs for protection from 18 further abuse and to provide essential recovery services 19 for them. As the evidence in these proceedings will 20 highlight, the difficulties with obtaining justice mean 21 that procedures need to be in place to make the 22 perpetrators pay compensation, which can assist children 23 in their road to recovery. It is possible that holding 24 the perpetrators to account in this way will also act as 25 a deterrent.</p> <p style="text-align: center;">Page 49</p>	<p>1 Child Redress International is concerned about what 2 happens to the children of physical and online abuse by 3 British nationals, how these children are identified and 4 safeguarded and how the UK Government is discharging its 5 duties to safeguard the rights of children who are 6 abused by British nationals and residents abroad. Like 7 ECPAT UK, Child Redress International considers that the 8 NCA section 11 duties remain underdeveloped and specific 9 guidance is necessary. 10 The purpose of this inquiry is to ensure that every 11 child, no matter his or her geographical home, is 12 protected from British sex offenders who travel to abuse 13 children or who abuse children overseas online via 14 platforms through the examination of the legal systems 15 currently in place. This inquiry will see evidence that 16 child sexual exploitation referrals have risen by 17 700 per cent since 2013 -- NCA000282. Offenders, both 18 embedded and transient, target street children in 19 impoverished families, that foreign travel, tourism and 20 volunteering presents opportunities for offenders to 21 exploit children, that the live streaming of child 22 sexual abuse is a growing threat; that technology has 23 increased opportunities for offenders to cultivate 24 meetings for contact offending; that it is likely that 25 the lack of moderation and regulation on live streaming</p> <p style="text-align: center;">Page 50</p>
<p>1 apps has helped increase their popularity amongst 2 offenders; and that online child sexual exploitation 3 continues to generate considerable data and resource 4 challenges to law enforcement. 5 The inquiry will hear from Professor Warren Binford, 6 a law professor with over 20 years' experience on 7 transnational child sexual exploitation and 8 international human rights law, and she will say that 9 child sexual exploitation online is a growing phenomenon 10 which is directly linked to the physical sexual abuse of 11 children. Abuse of children online does not mean that 12 this abuse is not harmful or traumatic. As this inquiry 13 is aware, online child sexual abuse is a particularly 14 insidious form of abuse which violates a plethora of 15 children's human rights, including their fundamental 16 rights to dignity, privacy, the right to bodily autonomy 17 and the right to their image. It is a transnational 18 crime committed by British offenders from their homes 19 here in the UK who direct the physical abuse of children 20 abroad. 21 This abuse is a growing form of sexual abuse as 22 technology develops. It is a contemporary and shifting 23 form with images of abuse being recorded and live 24 streamed to predators many miles away who use 25 increasingly sophisticated forms of technology. As the</p> <p style="text-align: center;">Page 51</p>	<p>1 inquiry hear, this online abuse leads to, or is 2 committed alongside, what is sometimes termed "hands-on 3 abuse" as offenders travel to countries with the purpose 4 of abusing these same children. These offenders exploit 5 conditions of extreme poverty. Children who are 6 sexually exploited in Cambodia, the Philippines, 7 Vietnam, Kenya and elsewhere are extremely vulnerable to 8 this form of abuse and there is little accountability. 9 Professor Binford will make the important point that 10 the increasing global nature of the abuse means that 11 legal frameworks need to be updated in order to better 12 protect children and ensure all children have an access 13 to justice and compensation. 14 Placing the human rights of children at the heart of 15 her evidence, Professor Binford speaks to the gaps in 16 the Civil Order system and the UK's international 17 obligations under the human rights framework. The UK 18 must do better. But so must companies who profit from 19 technology platforms. As Professor Binford states, 20 there should be sanctions for companies which facilitate 21 child sexual exploitation abroad and all businesses 22 should ensure that their products and services are safe 23 and seek to support children's rights through them. 24 This means that all companies, including social media, 25 internet service providers and money transfer companies,</p> <p style="text-align: center;">Page 52</p>

<p>1 should be adequately regulated and held accountable for 2 failing to protect children from online child sexual 3 exploitation. 4 In addition to Professor Binford's statement, the 5 inquiry will hear from Mr Seila Samleang of 6 APLE Cambodia. APLE Cambodia assist law enforcement and 7 facilitate the sharing of intelligence and information 8 to ensure that child sexual offences are investigated to 9 the fullest extent possible in Cambodia or in the home 10 country of the offender. Mr Samleang's evidence 11 underlines the challenges on the ground of protecting 12 children in Cambodia from child sexual exploitation and 13 combating sexual abuse in tourism and travel. According 14 to APLE data, this inquiry will hear that British 15 nationals are in the top five nationalities of 16 perpetrators of child sexual exploitation in Cambodia. 17 His recommendation, which Child Redress International 18 endorses, is for the NCA to have a dedicated NCA liaison 19 officer in Cambodia which he describes as a hotspot for 20 transnational child abuse. 21 Child Redress International would also support an 22 increased number of foreign liaison offences officers to 23 be placed on the ground in countries where British sex 24 offenders travel regularly to abuse children. 25 Therefore, CRI endorses the recommendation just made by</p> <p style="text-align: center;">Page 53</p>	<p>1 ECPAT UK to this inquiry. 2 Child Redress International have also provided 3 evidence regarding their concerns about the current 4 Civil Orders regime. APLE Cambodia estimates that more 5 than 50 per cent of foreign officers and foreign 6 offenders have previous convictions. One of the main 7 weak witnesses within the Civil Orders regime is that 8 there is a heavy reliance on the sex offender to notify 9 authorities in England and Wales that they are 10 travelling abroad. Another weakness is that offenders 11 can simply travel from one country to the next. That 12 is, they may be banned from going to the Philippines, 13 but they travel to Thailand. 14 Child Redress International, therefore, considers 15 that a stronger measure, such as a travel ban, could be 16 a more robust measure to prevent known perpetrators from 17 travelling in the first place. 18 In this opening statement, Child Redress 19 International would like to end by highlighting three 20 key recommendations. The first is that the government 21 should issue new statutory guidance on the use of 22 section 72 and section 11, and section 28, Wales, duties 23 under the Children Act 2004. This would provide clarity 24 to law enforcement across the board and should make it 25 clear that section 72 is not an in extremis option.</p> <p style="text-align: center;">Page 54</p>
<p>1 Guidance should also set out the NCA's obligations 2 with regard to the need to safeguard and promote the 3 needs of children abroad. 4 Secondly, child victims of sexual abuse perpetrated 5 by British nationals and residents abroad should have 6 a mechanism by which they can request a review of 7 a refusal from law enforcement to investigate 8 allegations of abuse. To deprive a victim of 9 transnational abuse from an effective police 10 investigation is to deprive the child of a chance to 11 bring a compensation claim and assist with his/her 12 recovery. 13 Third, the government should ensure that it complies 14 with its obligations under the UN Convention on the 15 Rights of the Child and its optional protocols and the 16 Lanzarote convention. With this in mind, the government 17 should consider how companies will form part of 18 the solution to the problem of online child sexual 19 exploitation. The government should ensure that 20 emerging risks from technology are adequately combated 21 through resources and measures which take into account 22 the role of private actors when it facilitates this 23 abuse. Thank you, chair and panel. 24 THE CHAIR: Thank you, Ms Yoshida. Mr Griffin? 25</p> <p style="text-align: center;">Page 55</p>	<p>1 Opening statement by MR GRIFFIN 2 MR GRIFFIN: Chair, panel, as counsel to the investigation 3 has mentioned, the Home Office has policy responsibility 4 for two of the three areas that you will be considering 5 over the next five days. I am here to represent the 6 Home Office and to assist in this investigation as best 7 I can on behalf of the Home Office. 8 Various other government departments also have an 9 interest in the matters under consideration and, where 10 helpful and appropriate, my team is also here to assist 11 with liaison between the inquiry and those other 12 departments. 13 The Home Office therefore has policy responsibility 14 for the Civil Orders being considered by the inquiry. 15 The department developed the relevant legislative 16 provisions under the Sexual Offences Act 2003 and it's 17 responsible for keeping them under review. 18 The day-to-day operation of orders is the 19 responsibility of police with whom the Home Office work 20 closely. As far as the disclosure and barring regime is 21 concerned, again, the Home Office leads on the policy 22 framework which governs that regime. 23 As you have heard from counsel to the investigation, 24 the regime whereby criminal record certificates are 25 produced, those certificates come from the Disclosure</p> <p style="text-align: center;">Page 56</p>

<p>1 and Barring Service, which is a nondepartmental 2 government body which is sponsored by the Home Office. 3 As far as extra-territoriality is concerned and 4 section 72, that comes within the responsibility of 5 the Ministry of Justice, although the MoJ is not 6 responsible for how law enforcement partners prioritise 7 cases or manage specific issues overseas. 8 Chair, the Home Office and other government 9 departments have provided evidence to this strand, and 10 you will be hearing from government witnesses who are 11 coming to give evidence in the second half of the week. 12 They include Cecilia French, who is the director of 13 the Public Protection Directorate of the Home Office. 14 They also include the chief operating officer of 15 the Foreign and Commonwealth Office, Peter Jones. The 16 FCO doesn't have policy responsibility for the areas 17 under consideration, but the inquiry may want to hear 18 about them in relation to issues arising from its 19 international role. 20 You will also hear from further government witnesses 21 whose evidence will be summarised or read and they come 22 from the Ministry of Justice, the Ministry of Defence 23 and DFID, the Department for International Development. 24 In this way, it is the intention of the Home Office and 25 government more widely to contribute significantly to</p> <p style="text-align: center;">Page 57</p>	<p>1 this strand. 2 Chair, the inquiry has already done important work 3 in gathering together the body of evidence that you will 4 be hearing about from a wide variety of organisations 5 and individuals and the work that has started on 6 identifying the themes that arise from it. We will be 7 listening with care and interest to that evidence as it 8 unfolds over the next five days. Thank you very much. 9 THE CHAIR: Thank you, Mr Griffin. Finally, Ms Weereratne? 10 Opening statement by MS WEERERATNE 11 MS WEERERATNE: Chair and panel, thank you very much. In 12 these brief opening submissions, the British Council 13 offer an outline of the functions that it holds, 14 contextualise its role in the protection of children 15 overseas within the scope of this investigation, and 16 highlight some of the evidence that will be provided by 17 the Council's chief operating officer, Adrian Greer, 18 this Friday, 15 February. 19 The Council wishes to start by acknowledging that 20 child sexual abuse and child sexual exploitation is 21 a major problem in many of the countries in which the 22 British Council operates and the British Council is 23 committed to the prevention of such abuse and the 24 detection of offenders through an ongoing programme of 25 child protection and safe recruitment measures. The</p> <p style="text-align: center;">Page 58</p>
<p>1 scale of the Council's operations means that this 2 remains a challenging task. The council welcomes this 3 opportunity to assist the inquiry and has worked closely 4 with it to fulfil its terms of reference. The Council's 5 contribution to the inquiry is as the only core 6 participant in this strand of the investigation engaged 7 in employing UK and other nationals overseas into 8 regulated activities involving children. 9 There is, of course, a raft of other bodies, NGOs 10 and charities similarly engaged who are not represented 11 here today nor have they provided evidence for this 12 investigation. 13 Turning to what the British Council does, it is the 14 UK's international organisation for cultural relations 15 and educational opportunities, including high-quality 16 English language teaching and materials via lessons and 17 online learning. It offers teacher training and over 18 3 million UK examinations, whether for professional, 19 vocational or school qualifications. 20 It is a global organisation operating in six 21 continents and in over 100 countries. It is registered 22 as a UK charity governed by royal charter. It is 23 sponsored and funded by the Foreign and Commonwealth 24 Office, though it is operationally independent of 25 the FCO.</p> <p style="text-align: center;">Page 59</p>	<p>1 It reaches around 65 million people directly and 2 over 500 million via online applications through 3 broadcasts and publications. It maintains a staff 4 including temporary or nonpermanent workers of over 5 10,000. Through teaching alone, the council reaches 6 over 400,000 people a year, of whom it is estimated 7 40 per cent are under the age of 18. 8 It will be apparent from these figures that the 9 council is likely to be one of the largest British 10 employers of individuals working with children overseas 11 in a broad span of projects both digital and 12 non-digital. It is estimated that currently the Council 13 engages annually with up to 2 million children directly 14 and up to 7 million children indirectly. 15 The council's projects are organised by staff 16 employed by the council and in partnership with third 17 party organisations and are delivered on or off Council 18 premises. The Council employs staff who are British and 19 non-British nationals. Recruitment takes place 20 in-country and elsewhere. The council has in place 21 a dedicated global child protection team, global policy 22 and measures for safeguarding children from predatory 23 and opportunistic sexual and other abuse perpetrated by 24 UK nationals and others employed or engaged by it. The 25 Council is well placed to assist the inquiry in several</p> <p style="text-align: center;">Page 60</p>

<p>1 of the areas within the published scope of this strand                  2 of the investigation as expanded following the                  3 submissions by core participants in August of last year.                  4 It is important to make clear, however, the Council                  5 has no direct law enforcement or consular functions and                  6 no special knowledge in particular, or role, in the                  7 promulgation of either the Civil Orders under discussion                  8 by this inquiry or directly in prosecutions pursuant to                  9 section 72 of the Sexual Offences Act.                  10 However, it plainly has a significant interest in                  11 the subject matter of this case study, namely, the                  12 protection of children outside the UK through contact                  13 with the UK nationals in particular and this has been                  14 recognised by its status before this inquiry.                  15 The Council's primary interest in this case study,                  16 therefore, is as an employer of UK nationals working                  17 with or alongside children overseas. Its focus is on                  18 the embedding of the statutory Disclosure and Barring                  19 Service, or DBS, together with its own system of                  20 pre-appointment checks within its local operations                  21 globally. The DBS, the Civil Orders regime and                  22 section 72 of the Sexual Offences Act are provided for                  23 by UK legislation and should operate in concert to                  24 prevent child sexual abusers who are UK nationals from                  25 working with children overseas and to deal with child</p> <p style="text-align: center;">Page 61</p>	<p>1 sexual abuse and suspected abuse where it arises. So                  2 the question for this inquiry which has already been                  3 highlighted and one which is of keen interest in the                  4 British Council is whether these provisions are fit for                  5 the purpose and what improvements are necessary.                  6 In relation to the Council's evidence, firstly, if                  7 I may, a few words on the disclosure process adopted by                  8 the Council in view of the scale of its operations. The                  9 process of searching for documentation, whether held in                  10 hard copy or electronically, which was adopted by the                  11 Council with the inquiry's agreement, together with the                  12 outcomes is set out in detail at BRC000005 in the                  13 disclosure which is the Council's response to requests                  14 made by the inquiry.                  15 These searches relate to documents that are                  16 maintained in its offices in over 100 countries in which                  17 it operates and additional suboffices in some countries.                  18 The Council holds electronic data in approximately 450                  19 servers globally.                  20 So, by way of brief background, the Civil Orders and                  21 convictions are discoverable by the Council at the time                  22 an individual is employed through what were originally                  23 Criminal Records Bureau certificates and then the                  24 statutory DBS certificates from 2012 or a non-statutory                  25 international child protection certificate, ICPC, since</p> <p style="text-align: center;">Page 62</p>
<p>1 2013.                  2 The inquiry will hear that no data was identified                  3 during its searches, indicating that any individual                  4 employed or engaged by the British Council has, either                  5 prior to their employment, engagement or subsequently,                  6 been the subject of any Civil Orders under                  7 investigation.                  8 Mr Greer will give evidence of the restrictions and                  9 eligibility for a DBS certificate, so that where the                  10 employment has been carried out by a partner agency not                  11 registered in the UK, DBS checks are unavailable. DBS                  12 checks do not provide details of convictions held                  13 overseas and so do not provide a complete picture if the                  14 person has been living and working overseas or is                  15 a national of another country.                  16 The inquiry will hear that in the Council's                  17 experience, the ICPC provides a more extensive criminal                  18 record check against police and intelligence databases                  19 in the UK that would reveal any convictions or reasons                  20 why someone should not work with children. However, the                  21 ICPC is only available in relation to UK nationals or                  22 residents employed by overseas registered organisations                  23 and is not therefore currently routinely available to                  24 the British Council. The inquiry is likely to hear from                  25 other witnesses that there is a lack of clarity between</p> <p style="text-align: center;">Page 63</p>	<p>1 the DBS and ICPC system as to what each is able to                  2 provide.                  3 The inquiry will hear the British Council would                  4 welcome revisions to this system to avoid a patchwork of                  5 provisions which leaves gaps in the available                  6 information at the time of recruitment. The                  7 applications for one type of certificate from one agency                  8 detailing pending prosecutions as well as convictions,                  9 cautions, reprimands, police intelligence and                  10 information contained on relevant registers and barring                  11 lists would probably provide a simplified process,                  12 greater certainty and fewer cracks in the system of                  13 checking.                  14 The inquiry will also hear that the                  15 British Council's global child protection team provides                  16 specialist advice and support to its staff in all                  17 locations in relation to child protection concerns and                  18 investigates allegations against its staff of suspected                  19 abuse involving children.                  20 The council has, on occasion, referred information                  21 gathered in this way to the child exploitation and                  22 online protection arm of the National Crime Agency,                  23 CEOP, as we will hear, from further action. This may                  24 include prosecution as appropriate under section 72. In                  25 consultation with the inquiry, the Council has produced</p> <p style="text-align: center;">Page 64</p>



1 20 case summaries where the protection team dealt with  
 2 allegations of child sexual abuse against UK nationals.  
 3 The inquiry will be aware that criminal records checking  
 4 is only one imperfect means of preventing perpetrators  
 5 of child sexual abuse, many of whom have no prior  
 6 convictions, from joining an organisation such as the  
 7 British Council.  
 8 Through the work of its child protection team, the  
 9 council has in place child protection procedures and  
 10 safer recruitment policies aimed at strengthening the  
 11 prevention and response systems of the Council. These  
 12 are subject to regular review and audit and continual  
 13 improvement.  
 14 The Council hopes that the inquiry will find its  
 15 evidence to be helpful in understanding the challenges  
 16 faced by large and complex organisations such as the  
 17 British Council. The council has endeavoured through  
 18 its evidence to provide within the scope of this  
 19 investigation a picture of its commitment to child  
 20 protection issues in its global operations. We will  
 21 respond to the evidence of other core participants as  
 22 appropriate during the closing submissions. Many  
 23 thanks, chair and panel.  
 24 THE CHAIR: Thank you, Ms Weeraratne.  
 25 MS HILL: Chair, may I raise one short point arising from

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1 the nature of your role within ECPAT UK?  
 2 **A. Of course I can. Can I just at the outset say that I'd**  
 3 **like to express my support for those who have come**  
 4 **forward to speak about their experiences and of child**  
 5 **sexual abuse and to commend their bravery for giving**  
 6 **evidence to this inquiry. I'd like to thank the inquiry**  
 7 **for taking this evidence.**  
 8 Q. Of course.  
 9 **A. My position at ECPAT UK is that I'm a CEO. It is**  
 10 **a leading child rights charity that's been campaigning**  
 11 **against child trafficking in the UK and transnational**  
 12 **child exploitation. I joined ECPAT in 2012. My role is**  
 13 **to give overall direction towards the achievement of**  
 14 **ECPAT's mission, ensuring that the values and ethos of**  
 15 **the organisations are guarded. I have lead**  
 16 **responsibility to work on transnational child**  
 17 **exploitation and will explain how we define it in**  
 18 **a minute. But prior to joining ECPAT UK, I would like**  
 19 **to stress I worked in India for six years. One of**  
 20 **the things I particularly noted was the vulnerability of**  
 21 **some of the children out there and many of them end up**  
 22 **on the streets and are prey often to abusers and are**  
 23 **exploited not just sexually, but also in forced labour.**  
 24 Q. I think you were going to pick up the definition of  
 25 transnational child exploitation which you give in your

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1 the openings? It is a tiny point. The document of  
 2 concerns and reforms that is drafted by us is entirely  
 3 based on witness evidence. There are no views expressed  
 4 in here. It is not the inquiry's document. It is our  
 5 document based on witness evidence. I wouldn't want  
 6 anyone to think there is any expression of a view given.  
 7 I think it was just a slip of the tongue, perhaps, by  
 8 one of the counsel.  
 9 THE CHAIR: Thank you. This would be an appropriate point  
 10 to break. We will return at 11.45 am.  
 11 (11.28 am)  
 12 (A short break)  
 13 (11.46 am)  
 14 MS HILL: Thank you, chair. I call, please, Bharti Patel.  
 15 MS BHARTI PATEL (sworn)  
 16 Examination by MS HILL  
 17 MS HILL: Thank you very much, Ms Patel. You are the CEO of  
 18 ECPAT UK and you became that in November 2012; is that  
 19 right?  
 20 **A. That's correct.**  
 21 Q. You have given the inquiry a witness statement dated  
 22 9 November 2018 which I will formally adduce, please,  
 23 chair, if I may. It is ECP000007. Ms Patel, just  
 24 a couple of matters by way of introduction, please. Can  
 25 you just give us a little bit further information about

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1 witness statement at paragraph 22?  
 2 **A. That's correct. For us, transnational child**  
 3 **exploitation is exploitation beyond our borders. It's**  
 4 **exploitation of children by a foreign national working,**  
 5 **travelling or residing abroad and it can be of a sexual**  
 6 **nature or also exploitation in other forms.**  
 7 Q. I think you go on to say that it can also now include  
 8 the sexual exploitation of children online --  
 9 **A. That's correct.**  
 10 Q. -- where neither the child nor the exploiter are in the  
 11 same jurisdiction or country?  
 12 **A. Absolutely correct.**  
 13 Q. You, I think, are also ECPAT UK's representative member  
 14 of the child exploitation and online protection command  
 15 international NGO advisory group and, because of your  
 16 membership of that group, you help feed into their  
 17 programme of work with law enforcement partners; is that  
 18 right?  
 19 **A. That's correct.**  
 20 Q. The chair and panel can read, no doubt, the detail that  
 21 you have given about the nature of ECPAT's work  
 22 worldwide, but just give, perhaps, a very brief summary  
 23 of the overall work that ECPAT and ECPAT UK do?  
 24 **A. Of course. ECPAT UK was originally established in 1994**  
 25 **as the coalition against child prostitution in tourism.**

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<p>1 This was made up by both the INGOs as well as the UK                  2 NGOs. The mandate was to campaign against exploitation                  3 of children in travel and tourism and lobby for laws and                  4 policies in the UK to ensure that the perpetrators are                  5 brought to justice and that children abroad are                  6 safeguarded.                  7 In 2004, we set up as an independent charity and we                  8 are the UK member of the coalition which is across                  9 95 countries and there are about 107 organisations in                  10 that network.                  11 The network was central to bringing the global focus                  12 on sexual exploitation of children in travel and                  13 tourism. This culminated in the first World Congress                  14 against commercial sex exploitation of children held in                  15 Stockholm in 1996. This is where large numbers of                  16 international NGOs and governments signed up to address                  17 the issue of sexual exploitation of children.                  18 Our work is in three strands. We work on child                  19 trafficking and the rights of children to be protected                  20 in the UK; we work on transnational child exploitation                  21 and the rights of children outside the UK that are                  22 abused by nationals travelling or living outside their                  23 countries; online abuse is another area of our work. As                  24 you said, it is a contemporary form of abuse, where                  25 neither the abuser nor the victim are in the same</p> <p style="text-align: center;">Page 69</p>	<p>1 jurisdiction.                  2 Our activities are research, policy and campaigns,                  3 awareness raising to make sure there is a broad                  4 awareness of the issues that we have covered and the                  5 scale and severity of the problems that we are concerned                  6 with.                  7 Our work is directly informed by the work that we do                  8 with young victims of trafficking. So it is the voices                  9 of the young victims of trafficking that inform the work                  10 that we are doing.                  11 Q. I think very specifically, Ms Patel, is this right, you                  12 explain in your witness statement that, as part of that                  13 work, you have been monitoring closely the use and                  14 effectiveness of the Civil Orders regime about which we                  15 have heard and also the use and effectiveness of                  16 section 72?                  17 A. That's correct.                  18 Q. You have campaigned and continue to call for a greater                  19 use of the extra-territorial powers under section 72?                  20 A. Absolutely correct.                  21 Q. I think, for completeness, you have set out at                  22 paragraph 29 of your witness statement -- I don't think                  23 we need to bring it up -- the various specific                  24 legislative changes that have been made to the Civil                  25 Order regime that I think follow on from very detailed</p> <p style="text-align: center;">Page 70</p>
<p>1 work that your organisation has done on this issue; is                  2 that right?                  3 A. That's correct, yes.                  4 Q. You were also involved, I think, in the ACPO review of                  5 the regime, publishing a report in May 2013?                  6 A. Yes.                  7 Q. So you work closely with ACPO on these issues?                  8 A. That's correct.                  9 Q. You have set out in your witness statement some                  10 observations on the overall context in which this work                  11 is being done. Would you like to draw any key themes                  12 out of that overall context set in part of your witness                  13 statement?                  14 A. Yes. One of the first things to notice, then, one of                  15 the first things that we have observed, is that sexual                  16 exploitation of children, whether it is in the UK or                  17 abroad, is actually a grave violation of children's                  18 rights and it constitutes an affront to our collective                  19 dignity. And impacts of abuse on children cannot be                  20 underestimated and often is long term.                  21 What we are saying is that governments in every                  22 country, so across the globe, have a responsibility to                  23 ensure that children are protected. We are also saying                  24 that failure of governments to protect children,                  25 governments should be made accountable for that failure.</p> <p style="text-align: center;">Page 71</p>	<p>1 The landscape of transnational child exploitation is                  2 one where foreign offenders -- as I say, tourist                  3 volunteers, those working abroad -- are taking advantage                  4 of the vulnerability of children in those countries.                  5 Through ECPAT, and for many years, we have seen                  6 a clear pattern of repeat offenders travelling from                  7 country to country to avoid sex offender management                  8 mechanisms in the UK. In the context of this, ECPAT UK                  9 has consistently called on governments to prevent                  10 abusers, known abusers, from travelling abroad, to                  11 detect and manage British nationals who are abusing the                  12 children abroad taking advantage of the situation and                  13 being opportunistic.                  14 Q. Can I zone in, please, on paragraph 8 of your witness                  15 statement. I wonder if I could bring this up, please:                  16 ECP000007_003. Where you deal with what you say,                  17 Ms Patel, is sometimes referred to as child sex tourism.                  18 Perhaps we could scroll in, please, on paragraph 8:                  19 "The definition that ECPAT adopt in relation to the                  20 sexual exploitation is the sexual exploitation by                  21 a person or persons who travel from their home district,                  22 home geographical region or home country in order to                  23 have sexual contact with children."                  24 Then you make the point:                  25 "Child exploitation in this context often involves</p> <p style="text-align: center;">Page 72</p>

1 the use of accommodation, transportation and other  
 2 tourism-related services that facilitate contact with  
 3 children and enable the perpetrator to remain fairly  
 4 inconspicuous in the surrounding population and  
 5 environment."  
 6 **A. That's correct.**  
 7 Q. Do you therefore not adopt the phrase "child sex  
 8 tourism"? You explain it and define it in this way; is  
 9 that right?  
 10 **A. Yes, we don't use the word "child sex tourism" because**  
 11 **I think it implies that children can be abused in**  
 12 **tourism and it implies that it is part of their role and**  
 13 **they have an agency in this.**  
 14 Q. Thank you. One further point, please, before I come to  
 15 some of the detail, Ms Patel. I think it is right, is  
 16 it, that towards the end of last year you attended at  
 17 the NCA CEOP's offices and now, I think, have a slightly  
 18 better understanding of some of the detail of the work  
 19 they do. Is that fair?  
 20 **A. I was invited to meet with the NCA deputy director,**  
 21 **Rob McComb. Can I just find my notes on this? I'm so**  
 22 **sorry. I must admit, I was pleasantly surprised that**  
 23 **I got this invitation. Most of the time, when we want**  
 24 **to meet up with the heads of CEOP, it's us that's**  
 25 **chasing them, it's us that's requesting the meeting. So**

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1 please, and just scroll in on (a) through to (c):  
 2 "The removal of the dual criminality measure ..."  
 3 That change followed on from, I think, your 2006  
 4 report, "End of the Line". The withdrawal of that  
 5 provision now allows a UK national to be prosecuted in  
 6 the UK for a crime committed abroad, even if it was not  
 7 a crime in the country in which it was committed, which  
 8 I think we spoke about earlier.  
 9 Closure of the three-day loophole. Please explain  
 10 that a little bit?  
 11 **A. Yes, this was the loophole that existed in the Sexual**  
 12 **Offences Act prior to its removal. This is where**  
 13 **a British sex offender who wished to travel abroad for**  
 14 **up to three days a week without -- he did not have to**  
 15 **notify the police of their intention to do so. That**  
 16 **meant that those three days were quite critical. It**  
 17 **would be a time where an offender would be able to leave**  
 18 **the country and the police would not have a notification**  
 19 **of their travel.**  
 20 **We felt that this actually would put children abroad**  
 21 **at risk of abuse, but also it meant that they would be**  
 22 **able to travel to other countries once they have left**  
 23 **the UK.**  
 24 **The three-day loophole, therefore, had to be closed**  
 25 **and we wanted to make sure that any travel, irrespective**

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1 **I was quite pleased, and if this was as a result of this**  
 2 **inquiry, I'm glad that they have invited us.**  
 3 **I did learn a few things about how CEOP operates.**  
 4 **I learnt the fact that they are now part of the -- one**  
 5 **of the commands in NCA and they share the same building.**  
 6 **So that's quite important, the fact that they can share**  
 7 **the intelligence if there are cases of abuse that are**  
 8 **reported to them.**  
 9 **What I'd like to be able to say, that it's -- when**  
 10 **we have questioned CEOP on some of the cases that we**  
 11 **have reported to them, the response really from CEOP is**  
 12 **that they can't police the whole world. The response**  
 13 **often from CEOP is that issues of extra-territorial**  
 14 **evidence is often -- taking evidence is often**  
 15 **resource-intensive and quite complex. I get the feeling**  
 16 **that, therefore, a lot of them are probably not followed**  
 17 **up on.**  
 18 Q. Let's turn to some detail, please, on the Civil Orders  
 19 regime. At paragraph 29 of your witness statement --  
 20 perhaps we will bring this up for completeness, if  
 21 I may. It begins at ECP000007\_009. I think you  
 22 summarise at the foot of that page, in paragraph 29,  
 23 that the work and campaigns that you have done have led  
 24 to certain changes in the legal framework, which I think  
 25 we alluded to in opening. Perhaps go over the page,

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1 **of the number of days that they would want to travel out**  
 2 **of the UK, should be reported to the police and ensuring**  
 3 **that the relevant conditions are met.**  
 4 Q. I think more generally we have indicated that your  
 5 organisation inputted into the ACPO review. I would  
 6 like, please, now to bring up that report, and adduce,  
 7 please -- it is your exhibit DB6. It is NCA000288.  
 8 That's the ACPO-commissioned review of the existing  
 9 statutory scheme and recommendations for reform written  
 10 by Hugh Davies QC and others, including Christine Beddoe  
 11 from whom we will hear later today.  
 12 Ms Patel, if I may adduce through you the executive  
 13 summary of that report that begins at internal page 4.  
 14 I think if we scroll in, please, on 2.1, the broad  
 15 conclusion was:  
 16 "The existing regime presented unnecessary and  
 17 unreasonable obstruction to the objective of preventing  
 18 sexual abuse of children, most particularly in  
 19 vulnerable jurisdictions, and that otherwise preventable  
 20 sexual abuse of children is occurring on a significant  
 21 [it is said at that point] (if unquantifiable) scale."  
 22 It made various other proposals for simplification  
 23 of the regime, which I think your organisation was aware  
 24 of. I think, for our purposes, perhaps we can note at  
 25 section 2.3 it flagged the point that, "Alternative

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<p>1 secondary forms of prevention such as ...", and it gave                  2 various examples but included section 72, "are simply                  3 neither adequate nor effective in practice in preventing                  4 sexual exploitation internationally".                  5 At paragraph 2.12, please, on the following page,                  6 the report made the point that the regimes -- at 2.12 at                  7 the foot of that page, the regimes only operate to                  8 regulate conduct in the United Kingdom and provide no                  9 extra-jurisdictional control. Consideration should be                  10 given to extending jurisdiction to cover extra                  11 jurisdictional breaches of the orders.                  12 The information given at internal page 16, please,                  13 set out the numbers of Foreign Travel Orders at table A,                  14 which we can see for the various years from 2005 to                  15 2012, and questions were raised about the availability                  16 of data thereafter. I think the overall conclusions are                  17 repeated and made clear at internal page 65, please,                  18 paragraph 13.1. Perhaps scroll in on these:                  19 "In 2009, two of the immediate authors concluded                  20 that the sexual abuse of children is a combination of                  21 orientation and opportunity. Those with the former                  22 travel in the confident expectation of the latter. They                  23 are a toxic export we can, and must, control. Children                  24 abroad deserve no lesser protection than that afforded                  25 in Britain.</p> <p style="text-align: center;">Page 77</p>	<p>1 "In making these recommendations, we repeat and                  2 adopt these propositions. These straightforward                  3 changes, long demanded by NGOs and informed members of                  4 the police service, would produce real benefits at no                  5 threat to human rights legislation. Coupled with                  6 improved national and international police resources,                  7 the United Kingdom's duties to the world's most                  8 vulnerable and sexually exploited children would come                  9 closer to matching the public's legitimate                  10 expectations."                  11 We can take that down. I think you explain in your                  12 witness statement the new regime I have outlined in                  13 opening followed on from that review.                  14 <b>A. That's correct.</b>                  15 Q. Your overall primary or first, perhaps, concern around                  16 this regime is, firstly, about the number of orders                  17 made; is that right, Ms Patel?                  18 <b>A. That's correct, yes.</b>                  19 Q. Tell us a little bit more, please, about that?                  20 <b>A. I think, to start with, the ACPO-commissioned research</b>                  21 <b>was absolutely vital for us, it was one of the key</b>                  22 <b>pieces of work that we did, a comprehensive review of</b>                  23 <b>how effective or ineffective the current Civil Order</b>                  24 <b>regime was. The evidence that we have collected,</b>                  25 <b>particularly for this inquiry, we found quite shocking</b></p> <p style="text-align: center;">Page 78</p>
<p>1 <b>in terms of the data that's available to us.</b>                  2 <b>Since the regime changed from the old three</b>                  3 <b>Civil Orders and merged into two Civil Orders with firm</b>                  4 <b>travel restrictions being available to be imposed on</b>                  5 <b>both the Sexual Harm Prevention Order as well as the</b>                  6 <b>Sexual Risk Order, we have found that, whilst there's</b>                  7 <b>been some increase in the numbers of Sexual Harm</b>                  8 <b>Prevention Orders in the period for 2015 to 2016 to now,</b>                  9 <b>2017 to 2018 -- in fact, there was a 30 per cent</b>                  10 <b>increase in that -- the numbers of foreign travel</b>                  11 <b>restrictions imposed in this just increased by three.</b>                  12 <b>So they start off --</b>                  13 Q. I will perhaps pause there. Let me bring up the table                  14 that you have helpfully provided to the panel. It is                  15 internal paragraph 60 of the witness statement, internal                  16 page 19, please, ECP000007_019. We will scroll in,                  17 please, on table 6. I think what you have done is,                  18 through this table, deal with the overall figures in the                  19 first column for the nature of the orders, the SOPOs or                  20 SHPOs; NOs, that column is Notification Orders, but                  21 perhaps of particular relevance to this panel is the                  22 "Foreign Travel Restrictions" column at the end?                  23 <b>A. Absolutely, yes.</b>                  24 Q. The figures you draw are per year; in real terms, how                  25 many orders you understand have been made with</p> <p style="text-align: center;">Page 79</p>	<p>1 a restriction on travel?                  2 <b>A. Yes, that's correct.</b>                  3 Q. Carry on with your analysis of that. Forgive me.                  4 <b>A. Thank you very much. What I understand now from some of</b>                  5 <b>the witnesses the inquiry has asked to comment on the</b>                  6 <b>statements I have made about the very, very low levels</b>                  7 <b>of Foreign Travel Orders or foreign travel restrictions.</b>                  8 <b>I'd like to -- I mean, I think one of the comments made</b>                  9 <b>by Mr Gregor McGill of the Crown Prosecution Services is</b>                  10 <b>we should treat these figures with a degree of caution,</b>                  11 <b>I believe is what he said, and that's because it's felt</b>                  12 <b>that the two orders and the Foreign Travel Order has</b>                  13 <b>been subsumed into the Sexual Harm Prevention Order.</b>                  14 <b>I agree. I think it's been very, very difficult to</b>                  15 <b>look at and clearly identify the statistics that are</b>                  16 <b>provided to us, the scale is very difficult to assess,</b>                  17 <b>because I've found that the data is inconsistent and</b>                  18 <b>it's recorded very differently in terms of the periods</b>                  19 <b>that the different agencies have provided us with the</b>                  20 <b>data. So it's been quite confusing for many of us, it's</b>                  21 <b>been confusing for me particularly, but what I see from</b>                  22 <b>all of this is, reading from the numbers of travel</b>                  23 <b>restrictions, they are low. I mean, four restrictions</b>                  24 <b>out of 5,931 in the year of 2016/17, I think in anyone's</b>                  25 <b>mind this is particularly -- almost insignificant.</b></p> <p style="text-align: center;">Page 80</p>

<p>1 Q. I take you, please, now to the detail beginning at 2 paragraph 42 of your witness evidence. You make the 3 point that, generally, you believe that restrictions on 4 travel can be useful, albeit not a substitute for 5 criminal conviction where possible. Do you want to go 6 through a little bit more the concerns that you have 7 around how these Foreign Travel Orders operate in 8 addition to the issue about whether they're made 9 frequently enough, if I can put it that way?</p> <p>10 <b>A. Yeah. I mean, the reason for the Foreign Travel Orders</b> 11 <b>is very much about trying to get -- restrict the</b> 12 <b>movement of offenders in particular, those that have</b> 13 <b>been cautioned or those that have been convicted of</b> 14 <b>abuse, sexual abuse. Sorry, can you just ask that</b> 15 <b>question again?</b></p> <p>16 Q. Yes, perhaps just bring out some of the themes that you 17 have identified. Perhaps I will take you through 18 paragraph 44 of your statement. You made the point 19 there that there was a question about whether it's 20 appropriate to name a particular country, for example. 21 What's your view about that, a restriction on someone 22 travelling to a particular country?</p> <p>23 <b>A. I think it is redundant, given that travel has become so</b> 24 <b>easy, that you can jump from one country to another</b> 25 <b>country, that it is important that we no longer identify</b></p> <p style="text-align: center;">Page 81</p>	<p>1 <b>specific countries in the foreign travel restrictions</b> 2 <b>that are imposed. So we would say it needs to be very</b> 3 <b>much a travel order that applies to all countries.</b></p> <p>4 Q. I think that was one of the points made in your 2006 5 report, which I will perhaps formally adduce later on. 6 You also noted in that report that the UK did not have 7 a specific offence of child sex tourism, unlike some 8 other countries. What's your view about that?</p> <p>9 <b>A. I think it's important to understand very clearly what</b> 10 <b>constitutes an offence, and I think it is important to</b> 11 <b>recognise that children have a particular sensitivity,</b> 12 <b>a particular vulnerability, and to have a specific</b> 13 <b>legislation, a specific offence, listed very clearly,</b> 14 <b>sexual offences against children, I think would be very,</b> 15 <b>very important. It would provide the clarity that law</b> 16 <b>enforcement officers, as well as other bodies, would</b> 17 <b>need.</b></p> <p>18 Q. We will just adduce, please, that report that you are 19 referring to. It is your 2006 report, "The end of 20 the line for child exploitation". ECP000003_001. We 21 can perhaps just highlight a couple of the parts of that 22 report.</p> <p>23 You can see, I think -- that's the full title of 24 the report. If we go, please, to internal page 10, the 25 bottom right-hand corner, in this report you flagged</p> <p style="text-align: center;">Page 82</p>
<p>1 under the heading "expatriate offenders" that your case 2 study evidence showed how difficult it is to get 3 a conviction for the sexual abuse of children committed 4 by an offender who is a long-term expatriate resident in 5 a developing country:</p> <p>6 "These offenders often groom the whole community by 7 providing a wealth of goods and services to everyone. 8 The dependency created is such that the wider community 9 will rally around the offenders to protect the riches 10 they provide, even in the knowledge that children have 11 been abused. Victims and their families who complain 12 may often be harassed for causing a loss to the whole 13 community, which creates a situation of intimidation and 14 fear, even if no direct threat comes from the alleged 15 offender."</p> <p>16 You give one example of an individual French 17 national, I think, who'd been involved in grooming in 18 Cambodia over many years. Perhaps just scroll through 19 the remainder of some parts of this report, please. 20 Over the page, on to page 12, you give some examples of 21 convictions in India of some British men for offences of 22 sexual abuse at an orphanage in Mumbai. Over to 23 page 13, some examples from Thailand and the 24 Philippines. Just while we are dealing with this report 25 I will jump on, if I may, please, to internal page 20,</p> <p style="text-align: center;">Page 83</p>	<p>1 because you identified in this report in 2006 concerns 2 about the number of prosecutions under the 3 extra-territorial jurisdiction, and in the table on 4 page 20 you indicated that your understanding was that 5 there were smaller numbers of individuals prosecuted in 6 the UK -- you see the figures are three and two -- 7 compared to in the US and Australia?</p> <p>8 <b>A. That's correct.</b></p> <p>9 Q. You flagged on that page -- we will perhaps come to this 10 when looking at section 72 -- in the narrative, I think 11 two themes here. The first obstacle, you say, if you 12 scroll down, please, on this page, relates to the policy 13 adopted at the time of the introduction of 14 the legislation that it's the responsibility of foreign 15 governments to crack down on the sex trade and prosecute 16 those involved:</p> <p>17 "Whilst supporting this statement, ECPAT argues that 18 every assistance should be afforded to foreign 19 governments to increase their capacity to achieve this 20 outcome which involved the need for bilateral agreements 21 for intelligence sharing and co-operation", and that 22 sort of thing. Is that right?</p> <p>23 <b>A. That's correct.</b></p> <p>24 Q. I think you also said at the second column of this page 25 another major obstacle ECPAT identified was a certain</p> <p style="text-align: center;">Page 84</p>

<p>1 lack of understanding in the UK about the nature of                  2 offending in overseas environments, particularly perhaps                  3 this lengthy grooming process. Is there anything else                  4 that you would like to add on that topic?                  5 <b>A. It is important to recognise the environment of                  6 the vulnerability of children in some of these                  7 countries, and it's been very, very clear from some of                  8 the cases that we've monitored that grooming is part of                  9 luring the child and gaining the confidence of the child                  10 in the family in enabling then the abuser to continue to                  11 abuse the child.</b>                  12 <b>I think what I'd like to do is illustrate this with                  13 one of the examples that we've highlighted here, which                  14 is that of Barry McCloud. Barry McCloud travelled to                  15 India and filmed himself raping a 10-year-old girl. He                  16 groomed his victim --</b>                  17 Q. Can you give the page you are referring to? Is it in                  18 the report?                  19 <b>A. It is in the report, yes.</b>                  20 Q. We will bring up the page for you. Bear with me                  21 a second. I will try to help you.                  22 <b>A. Thank you.</b>                  23 Q. Perhaps we will do it in this way: you give, in                  24 fairness, quite a few country reports, beginning at                  25 internal page 30, which I would just like to adduce</p> <p style="text-align: center;">Page 85</p>	<p>1 briefly. So you go through certain particular                  2 countries: the Dominican Republic at internal page 30,                  3 the Gambia, Thailand, Sri Lanka and Kenya. You also,                  4 I think, note -- and this is a report that's some years                  5 ago -- in terms of patterns of the criminal offending --                  6 can I scroll in, please, on page 26, internal page 26?                  7 You have given several examples of different countries,                  8 but where it says "Location of abuse" you have said                  9 here:                  10 "The early focus on the prevention of child sex                  11 tourism was focusing on Thailand, the Philippines and                  12 Sri Lanka ... evidence confirms a glowing global                  13 problem. British nationals have been charged for child                  14 abuse offences in ..."                  15 And you list a long list of countries other than                  16 those initially thought?                  17 <b>A. That's correct, yes. If I can just add on that one,                  18 yes, there isn't a single country now that is immune                  19 from this kind of abuse, and our latest study done by                  20 ECPAT International called "Offenders on the Move" has                  21 found very much that every country in the world now has                  22 an issue of children being exploited either by foreign                  23 nationals or by nationals in that country.</b>                  24 <b>If you look at the Foreign Commonwealth Office's                  25 data from Compass recently released where they talk</b></p> <p style="text-align: center;">Page 86</p>
<p>1 <b>about 361 nationals who had requested consular                  2 assistance when they were arrested abroad, the countries                  3 that the nationals, British nationals, arrested were                  4 from 50 countries across the globe. So as you can see,                  5 it is quite widespread. There isn't kind of a region or                  6 a single country that has sexual exploitation of                  7 children more prevalent than others.</b>                  8 Q. I think you wanted to give some themes from the McCloud                  9 case, who I think was one of the first individuals                  10 prosecuted under section 72. Is that right?                  11 <b>A. That's correct. I think that's an interesting one. It                  12 goes back to say how British nationals or nationals of                  13 foreign countries, particularly richer countries, take                  14 advantage of the poverty and the vulnerability of                  15 children in some of the poor countries.</b>                  16 <b>With McCloud, as with many others, he befriended the                  17 family in a -- a slum-dwelling family and he -- the girl                  18 was unable to report her abuse because he, McCloud, was                  19 paying for the boy's education, for the brother's                  20 education. So there was a kind of a deal made with the                  21 family that he would continue to abuse the child and pay                  22 for her brother's education.</b>                  23 Q. Just finally before we leave that report, can I formally                  24 adduce, please, if we bring up internal page 42,                  25 ECP000003_042, where you set out a series of</p> <p style="text-align: center;">Page 87</p>	<p>1 conclusions, and then, on the following page, a series                  2 of recommendations, which you've headed, firstly,                  3 "Policy changes", "Legislation changes", I think, about                  4 which we have now heard, and "Practical solutions",                  5 including things like a hotline from anywhere in the                  6 world to report abuse, education campaigns at airports,                  7 and so on. This was your report from 2006, but it sets                  8 out various proposals; is that right?                  9 <b>A. That's correct.</b>                  10 Q. Going back, if I may, to your witness statement, please,                  11 you were I think then involved in further work around                  12 the effectiveness of Foreign Travel Orders in the                  13 "Return to Sender" report. Did that identify one issue                  14 about the understanding within police forces of                  15 the availability of these orders?                  16 <b>A. One of the -- the work that we did in that particular                  17 report was that we contacted various police forces in                  18 the UK, and one of the things that revealed -- was                  19 revealed by that, that many of them were not aware of                  20 the potential to use FTOs or didn't know enough about                  21 them to use them effectively. So clearly, we felt the                  22 legislation cannot be useful if it isn't applied                  23 appropriately, and that could explain the very low                  24 numbers of orders with foreign travel restrictions.</b>                  25 Q. You have indicated that police forces sometimes felt</p> <p style="text-align: center;">Page 88</p>

<p>1 there was too much paperwork and it was an unwieldy                  2 tool. You say at the time it seemed easier for police                  3 forces to ban football hooligans from travelling abroad                  4 than it was those who committed sexual offences?                  5 <b>A. Yes, that's correct, and some interesting statistics in                  6 that particular statement that we have made.</b>                  7 Q. I think we can look at the report in question, because                  8 that did also set out a range of recommendations. It's                  9 the "Return to Sender" report, "British child sex                  10 offenders abroad: why more must be done".                  11 ECP000005_001. That's from 2008.                  12 <b>A. Yes.</b>                  13 Q. If we go to the executive summary, please, at internal                  14 page 5, you have given another case example there,                  15 perhaps. Maurice, described there as a 77-year-old man                  16 arrested in Thailand. What themes did you draw from                  17 that particular case?                  18 <b>A. Again, with that one, as you can see very, very clearly,                  19 Maurice was convicted, was arrested, in the '90s, but                  20 still found himself travelling to other countries, in                  21 Thailand particularly, and, as you can see on that one,                  22 he abused children, girls, aged between 9 and 11.</b>                  23 <b>What we see on this is, again, citizens from richer                  24 nations, in this case Britain, are able to prey on                  25 vulnerable children and they do so for many, many years,</b></p> <p style="text-align: center;">Page 89</p>	<p>1 <b>and they fail then to be identified by foreign                  2 authorities who are unable to collect the evidence or                  3 unable to -- I think to kind of investigate their abuses                  4 and bring them to justice in the UK.</b>                  5 <b>So we find that corruption in countries like that,                  6 we find lack of enforcement of legislation in those                  7 countries, are often used by offenders from Britain to                  8 take advantage of the child's vulnerability in knowing                  9 that they can do with this impunity.</b>                  10 Q. I think at internal page 7, please, ECPAT UK indicated                  11 that you entirely support the "first country first"                  12 principle, meaning, I think, that the first point should                  13 be the prosecution in the country in question, because                  14 of its ability to minimise distress to children and                  15 avoid bringing them to the British courts:                  16 "However [ECPAT says], now that extra-territorial                  17 legislation has been in place for over ten years, we are                  18 no closer to preventing child sex tourism and this is                  19 supported by case evidence across the globe."                  20 Against that background, certain recommendations                  21 were made; is that right?                  22 <b>A. That's correct. The recommendations were really very                  23 much about ensuring that section 72, which is what                  24 allows for the prosecution of abusers having committed                  25 crimes outside of the UK, are extradited to the UK and</b></p> <p style="text-align: center;">Page 90</p>
<p>1 <b>prosecuted in the UK. I think the idea that the                  2 prosecutions should take place in the country of abuse                  3 is important to ensure that the abuse is highlighted and                  4 the children have access to justice. But that's to                  5 recognise that the situation is amenable to that kind of                  6 prosecution that can take place.</b>                  7 <b>My line on this very much is that if the abuse in                  8 countries outside of the UK has taken -- has been -- has                  9 been done by a British offender, then Britain has                  10 a responsibility to ensure that, at their cost, the                  11 individual, the abuser, is brought to justice, and                  12 I think this is probably the thing that I would say,                  13 that, rather than talking about this as a last resort,                  14 that we make sure that extra-territorial measures are                  15 used as one of the first resources in ensuring that                  16 children are at the top of the attention when we talk                  17 about prosecuting abusers.</b>                  18 Q. I think you draw out within this introduction a concern                  19 about increasing knowledge within the UK professionals                  20 about the use of these provisions. You say in the final                  21 two paragraphs:                  22 "ECPAT would like to see a major national public                  23 awareness campaign in the UK on the prevention and                  24 reporting of child sex tourism supported by a free                  25 international telephone hotline and a real-time online</p> <p style="text-align: center;">Page 91</p>	<p>1 reporting mechanism."                  2 And I think drew favourable comparisons with the                  3 Australian national campaign; is that right?                  4 <b>A. That's correct. We looked at both the Australian system                  5 as well as the CEOP system in this country. We found                  6 the Australian system very, very simple: first of all,                  7 easy to find if you Googled it, and it has one page                  8 where the immediate ask is to inform the Australian                  9 authorities about the abuse -- to report the actual                  10 nature of the abuse. With CEOP, we found --</b>                  11 Q. Is this the report page -- internal page 8? This is the                  12 standard form from Australia under the heading, "Good                  13 Practice", a suspicious behaviour report?                  14 <b>A. That's correct, yes. As you can see very clearly, right                  15 at the outset, it's actually asking the reporter to give                  16 details about the incident itself, about the suspicious                  17 behaviour. What I think we haven't put in this is the                  18 actual reporting on the CEOP's online and we would be                  19 happy to provide that to the inquiry. If we look at the                  20 CEOP's online abuse, then it would take us three pages                  21 before we get to reporting the incident of any                  22 suspicious behaviour, which is quite cumbersome, it's                  23 quite lengthy. By the time -- by the way, I tried this.                  24 By the time I got to the third page, I felt I gave CEOP                  25 a lot of information about myself rather than</b></p> <p style="text-align: center;">Page 92</p>

<p>1 <b>information about the incident and the suspicious</b>                  2 <b>behaviour of an abuser.</b>                  3 Q. I think to take you, please, then to the recommendations                  4 of this report, because these touch on all of the topics                  5 to some degree, it is internal page 13. The                  6 recommendations in this report were around stronger,                  7 bilateral co-operation agreements with the relevant                  8 countries. Again, you gave a good practice example from                  9 Australia.                  10 <b>A. That's correct.</b>                  11 Q. Perhaps just draw out the headings. Over the next page,                  12 please, the second recommendation was to develop joint                  13 investigation teams with other national law enforcement                  14 agencies. We will perhaps come to these in a little                  15 more detail later.                  16 Three, construct agreements with foreign governments                  17 to deport and chaperone convicted offenders back to the                  18 UK to be placed on the sex offenders register. You gave                  19 an example, I think, on page 15, of a person known as PB                  20 and described issues in relation to that person's                  21 actions in Cambodia.                  22 The fourth recommendation, over the page, at                  23 internal 16: an immediate review of the multi-agency                  24 public protection, MAPPA, arrangements model to be more                  25 inclusive of the context of abuse in other countries.</p> <p style="text-align: center;">Page 93</p>	<p>1 And an immediate review, that's internal page 17,                  2 please, of the effectiveness of Foreign Travel Orders to                  3 restrict travel for high-risk sex offenders and to                  4 consider other models. That's just a brief summary of                  5 the recommendations made. Is there anything in                  6 particular around Civil Orders that you wish to draw out                  7 from those recommendations?                  8 <b>A. I think it's important that the Civil Orders are</b>                  9 <b>examined as they stand now and to consider -- and to</b>                  10 <b>look at whether the new Civil Orders are effective in</b>                  11 <b>preventing travel abroad and to understand why is it</b>                  12 <b>that there are such low numbers of Foreign Travel Orders</b>                  13 <b>and whether what's missing is clear statutory guidance</b>                  14 <b>or clear guidance on -- to the local police on how to</b>                  15 <b>impose travel -- foreign travel restrictions and orders.</b>                  16 <b>Earlier, in the opening statement from ECPAT, it was</b>                  17 <b>made clear that the information available to local</b>                  18 <b>police on applications for Foreign Travel Order in</b>                  19 <b>Civil Orders is not only weak, but incorrect, and simply</b>                  20 <b>not available because it's missing. So I think it's</b>                  21 <b>important that we recognise (a) the need for clear</b>                  22 <b>statutory guidance on how to apply for Civil Orders, but</b>                  23 <b>also very clear statutory guidance on particularly where</b>                  24 <b>foreign travel restrictions should be applied for and</b>                  25 <b>should be imposed.</b></p> <p style="text-align: center;">Page 94</p>
<p>1 Q. I think pulling together some of the themes, you have                  2 also drawn out from here your views about the role of                  3 British Embassy and consulate staff. You say in                  4 paragraph 46 of your statement that one concern                  5 identified by that report was an issue around the role                  6 of British diplomatic missions not having a consistent                  7 policy around the globe on proactive liaison with                  8 foreign governments.                  9 Just help us understand that a little bit more,                  10 please?                  11 <b>A. I think we were a bit concerned that the role of Foreign</b>                  12 <b>Commonwealth Offices is very much about providing basic</b>                  13 <b>advice and support to any approaches that have been made</b>                  14 <b>to them by British nationals who may be arrested, or are</b>                  15 <b>arrested, in these countries. As I understand it, their</b>                  16 <b>action would be very much nonjudgmental. For them, it</b>                  17 <b>would be very much about providing direct support to the</b>                  18 <b>individual that has been arrested. But there is very</b>                  19 <b>little about investigating not just the nature of</b>                  20 <b>the abuse, but taking it forward and trying to find out</b>                  21 <b>a little bit more about the reports of the abuse and</b>                  22 <b>making sure that it's reported effectively through law</b>                  23 <b>enforcement authorities in the UK so that it can be</b>                  24 <b>followed up.</b>                  25 <b>My understanding is that this is extremely weak at</b></p> <p style="text-align: center;">Page 95</p>	<p>1 <b>this stage and, if it is happening, it is not something</b>                  2 <b>that is clearly reported or known of.</b>                  3 Q. Perhaps just bring up your witness statement again,                  4 please, ECP000007_015, and scroll in, please, on your                  5 paragraph 51. I think you say there:                  6 "We believe that British law enforcement agencies                  7 and diplomatic staff must start the process as soon as                  8 the individual is arrested abroad so that the case can                  9 be recorded, monitored and managed from the outset.                  10 While this process has been evident in one or two                  11 high-profile cases, it is far from being the norm and so                  12 it must be put on a mandatory footing."                  13 Is that what you are trying to explain?                  14 <b>A. We are very, very keen that it is on a mandatory footing</b>                  15 <b>and it is important that any allegations, any arrests,</b>                  16 <b>of British nationals abroad must be investigated</b>                  17 <b>immediately. There should be no delays on this. Every</b>                  18 <b>time -- every minute that there is a delay on this,</b>                  19 <b>a child is at risk of being abused.</b>                  20 Q. Just backing up, please, to paragraph 50. I think the                  21 point you make there is that because there is not                  22 clarity around the arrangements between governments on                  23 this issue, it relies heavily on the role of                  24 the embassies and missions abroad, and even then they                  25 don't necessarily have knowledge about a particular</p> <p style="text-align: center;">Page 96</p>



<p>1 case. So I think you were feeding this into your 2 recommendation -- is this right? -- that there should be 3 stronger bilateral agreements between the governments 4 around this sort of sharing of information. Is that 5 right?</p> <p>6 <b>A. I think it is important that this is actually led at the 7 highest level and it needs to be led from the government 8 rather than leaving it to devolved authorities in taking 9 this forward. This is a transnational abuse. It is 10 crossing several jurisdictions. Therefore, it's 11 important that countries get involved in this, having 12 bilateral agreements or multi-lateral agreements.</b></p> <p>13 Q. I think if we go back up to 49, please, you specify that 14 those agreements might deal with the deportation and 15 chaperoning back to the UK of offenders and ensuring 16 that they were placed on the sex offenders register?</p> <p>17 <b>A. This is a concern, that often, when offenders aren't 18 deported back into the UK, there isn't a requirement for 19 them to be then under any kind of order, so it is a risk 20 that they enter the country and nobody really knows 21 about where they are, and that continues to be a risk to 22 children in the UK.</b></p> <p>23 Q. So you're proposing a provision by which they are 24 automatically placed on the sex offenders register if 25 the nature of the offending merits it, and the risk, is</p> <p style="text-align: center;">Page 97</p>	<p>1 that right?</p> <p>2 <b>A. It is absolutely important that they are, yes.</b></p> <p>3 Q. If we go back to paragraph 47, you gave some examples 4 there, again I think positively, referring to the 5 Australian example of various Memoranda of Understanding 6 that Australia had signed with countries in Asia, the 7 Pacific and South America -- this is paragraph 47 -- to 8 facilitate efforts to combat child sex offences. Your 9 understanding is that through those MoUs, international 10 co-operation, information exchanges and capacity 11 building programmes have enhanced efforts to identify 12 and investigate those involved in the sexual 13 exploitation of children. So what in particular have 14 you drawn from the Australian agreements?</p> <p>15 <b>A. If you look at some of the cases that have come to 16 fruition in Australia and the US, we have much, much 17 better numbers of individuals that have been prosecuted 18 in those countries than we have in the UK. I think it 19 is very important that there is that international 20 co-operation and we have now got an opportunity in the 21 UK, having finally ratified the Lanzarote Convention, 22 which allows for the exchange of information, the 23 sharing of the resources as well as sharing of 24 the intelligence, and being able to sign up to these 25 international co-operations and really go and ensure</b></p> <p style="text-align: center;">Page 98</p>
<p>1 <b>that every offence, every allegation of an offence, is 2 effectively investigated, and we can only do this by 3 sharing the intelligence and by having international 4 co-operation.</b></p> <p>5 Q. I think, just finally on this section, please, 6 paragraph 48 of your report, your statement, you 7 indicate a proposal that was made that we have looked at 8 already about developing joint investigation teams 9 between the UK and other national law enforcement 10 agencies and, again, I think drawing helpfully on an 11 Australian example and an example between the UK and 12 Kenya. Can you help us a little more with that, please?</p> <p>13 <b>A. This was something that we had campaigned for for a very 14 long time, that there is a very strong need of having 15 what I think has been described in other witness 16 statements as "boots on the ground", that if you have 17 got enforcement bodies on the ground, it's much, much 18 easier then for them to be able to follow up any cases 19 of abuse, and we saw this -- there's an excellent 20 example by the National Crime Agency in the case of 21 Keith Morris. I believe that's been raised in the other 22 witness statements -- in the statements.</b></p> <p>23 <b>There is an international liaison officer placed in 24 Kenya who would work directly with British authorities 25 here as well as the local agencies in countries like</b></p> <p style="text-align: center;">Page 99</p>	<p>1 <b>that to ensure that they're collecting the evidence 2 that's required so that that can be presented in British 3 court and you have successful prosecution and 4 conviction.</b></p> <p>5 Q. I think there's one further report provided by ECPAT 6 that I'd like to bring up, please. It is the 2011 7 report "Off the radar: protecting British children from 8 sex offenders who travel". ECP000006_001. Because, 9 again, I think this involved, did it not, a further 10 review of the legislation and the policy that was in 11 place at that time? You, I think, have set out within 12 that report -- if we can just bring up, please, internal 13 page 6, where again, I think, you had said that, 14 underneath the bold heading, you were concerned about 15 the vulnerability of children in international schools 16 and orphanages because of the lack of information 17 sharing between jurisdictions. You said -- scroll in, 18 then I think you can see at the top, on the right-hand 19 side:</p> <p>20 "There was no single operational police unit within 21 the UK responsible for disrupting these crimes." 22 You said there was an urgent need for review of 23 the effectiveness of the legislation. 24 Over the page, you said the CPS must improve its 25 knowledge and practice in prosecuting these cases.</p> <p style="text-align: center;">Page 100</p>

<p>1 That, I think, summarises the recommendations that were 2 made in this report. Is that right? 3 <b>A. That's correct. In fact, it is one of the key 4 recommendations that we will also be making at the end 5 of this session in order to make sure that the inquiry 6 is able to recommend this in the report.</b> 7 Q. I think just by way of further detail, within the 8 report, I will just perhaps bring these up, at internal 9 page 14, please, there's mention there about the role of 10 the Charity Commission and its recruitment guidelines 11 that we will come to and perhaps look at in more detail 12 with the other witnesses perhaps. The loopholes in the 13 legislation, I think some of which we know have been 14 addressed, are at internal page 16. Internal page 24, 15 please, is some more detail about the role of the CPS 16 and the prosecution authorities. 17 <b>A. Yes.</b> 18 Q. You say, I think, in bold at the top of this page: 19 "A more concerted effort is needed by the British 20 authorities. While the 'first country first' principle 21 is a worthy aim, it is often impractical because of 22 insufficient or badly drafted legislation or 23 difficulties in enforcement. In these cases, the UK 24 should work with the authorities in the other country to 25 ensure offenders are returned and prosecuted."</p> <p style="text-align: center;">Page 101</p>	<p>1 <b>A. I think that's a very, very important issue to raise 2 this, because it fits in really well with the section 72 3 policy about the prosecution under section 72 is a last 4 resort. I do -- as I said earlier, I think it's 5 important, whilst it's -- it is good to see prosecutions 6 taking place in the country of the abuse, to recognise 7 how feasible this is, to recognise what is happening in 8 this country and how it's possible to bring that, it's 9 important, and if the prosecution is to be taken in that 10 country, I think it's important that it's adequately 11 resourced and resourced by the UK Government or the UK 12 law enforcement authorities, because it is a British 13 national that's committed this crime in some of the very 14 poorest countries against some of the most vulnerable 15 children, and it is therefore the responsibility of 16 the British Government and the British authority to 17 bring the perpetrators to justice and to ensure that 18 justice is done for the children.</b> 19 Q. Thank you. Can I go back, please, to your witness 20 statement where you deal with these recommendations: 21 ECP000007_016, please. You have given a narrative in 22 your witness statement, Ms Patel, on those five 23 recommendations: (a) ratification of the Lanzarote 24 Convention that we know has now happened; (b) closing 25 the three-day loophole, that we know has happened. Over</p> <p style="text-align: center;">Page 102</p>
<p>1 the page, please, the remaining three: convene a review 2 of information sources to give accurate information 3 about the numbers of British nationals prosecuted 4 abroad; require the CPS to improve its knowledge and 5 practice in relation to section 72; and training on the 6 relevant legislation in the UK not only for police but 7 a wide range of agencies, including customs, immigration 8 and services of that nature? 9 <b>A. Yes.</b> 10 Q. Those three I think remain ones that you would like to 11 advance; is that right? 12 <b>A. Absolutely correct, yes.</b> 13 Q. Could I ask you to turn up, please, the inquiry's 14 document in relation to concerns and proposed reforms. 15 I think we have had this put on Relativity and I don't 16 know if it can be brought up. It is INQ004049: you will 17 see, Ms Patel. If you scroll down to the second page, 18 beginning at 1, there is a series of concerns identified 19 by both yourself and other witnesses. Internal 20 paragraph 1 is the low numbers on the face of some of 21 the statistics of travel restrictions. There are 22 various other concerns that have been set out here by 23 witnesses. 24 Would you like to respond or comment on any of 25 these? I think if we can scroll down to the next page.</p> <p style="text-align: center;">Page 103</p>	<p>1 You have seen this document I think, Ms Patel, and you 2 know it distills some of your own evidence as well as 3 others. Do you wish to respond to the concerns 4 identified here? 5 <b>A. I think the concerns are very clear here. We have 6 already identified the very, very low numbers of FTOs. 7 That in itself is a problem. It means that known 8 abusers are able to travel to other countries without 9 having to -- without -- without any kind of real 10 constraints on that. I think that's -- it's therefore 11 very important that it has been reviewed.</b> 12 The way that the Civil Orders are also applied, 13 we've seen that from our earlier reports, that be it can 14 be quite cumbersome, there is very lack of awareness of 15 the Civil Orders, and so this in itself needs to be 16 considered. 17 Orders certainly are not made against people who are 18 outside of the UK. We heard that earlier, that if you 19 are not aware of sexual abuse -- sorry, sexual abuse 20 activities outside of the UK, they are not likely to be 21 placed under those orders. So, again, there needs to be 22 kind of more of an international approach to how some of 23 these orders can be operated. 24 Q. You indicated, I think, in advance that you wanted to 25 talk about the statistics in relation to Civil Orders.</p> <p style="text-align: center;">Page 104</p>

<p>1 Does it remain one of your concerns that it's not easy 2 to understand how many Foreign Travel Orders have been 3 made in the context of the new regime? 4 <b>A. It is still not easy to understand it. It's -- despite 5 the figures that we have, we certainly know that it's -- 6 they continue to remain low. I think we need a very, 7 very clear understanding from those that are responsible 8 for enforcing those orders as to why is it that they're 9 not able to seek restrictions of travel of the known 10 offenders; what is it that's constraining them; what is 11 it that they need to be able to collect in order to 12 convince -- or to even apply to the courts, local 13 courts, of restrictions of foreign travel in the Sexual 14 Harm Prevention Order. 15 So it needs to be reviewed. Very, very important. 16 We need to look at the factors that are preventing and 17 hampering the police from seeking foreign travel 18 restrictions, because we clearly know that the -- the 19 numbers of British offenders that are travelling abroad 20 and that are abusing children abroad, it's not a small 21 scale. It's quite large numbers. Although we don't 22 know the exact scale of the problem, we do know from 23 what we have seen in the data of British offenders 24 arrested abroad for this that there is an issue here, 25 and yet, with those kind of 300/400 people arrested</b></p> <p style="text-align: center;">Page 105</p>	<p>1 <b>abroad, we only see four or five or a handful of foreign 2 travel restrictions. So I think it's important that we 3 understand and a review is taken place to say why is it 4 that Foreign Travel Orders are not being imposed in the 5 Civil Orders.</b> 6 Q. I think the heading of "Travel bans" generally was 7 something you wanted to say a little more about. 8 Perhaps if you look to the "Reforms" section of this 9 document which goes down onto internal page 3, please, 10 you will see -- in fact, forgive me, it is internal 11 page 4 -- there is a heading there of "Travel bans". We 12 have summarised there evidence that we will hear from 13 other witnesses that, for example, in Australia 14 registered child sex offenders, it is understood, are 15 banned entirely from travelling overseas. In the US, 16 particular stamps are placed in their passports, and 17 there are things of that nature. Would you like to say 18 anything further about those topics? 19 <b>A. Yes, I think it is important. This is an issue that has 20 been raised several times, not just in the witness 21 statements, but we have also been asked to comment on 22 this in the media when the Australian regime was being 23 introduced. I recognise -- and I have made a strong 24 point here -- that the current regime is not working. 25 We do know that there are huge problems in the UK's</b></p> <p style="text-align: center;">Page 106</p>
<p>1 regime in preventing known offenders, convicted 2 offenders, from travelling abroad. 3 We also believe that there is a need to review our 4 current situation. As I said earlier, we need to 5 understand, why is it that what we have today is not fit 6 for purpose; why is it that we are not able to restrict 7 some of the offenders from going abroad? But -- and 8 I do stress this -- I think a blanket approach that's 9 been -- that is introduced in Australia and the 10 approaches in the US, where you have a passport with an 11 indicator that the individual is an abuser, can be 12 problematic. 13 I think, first of all, I don't believe that 14 a blanket approach is in any way proportionate. I'm not 15 sure whether there is enough evidence taken in terms of 16 its necessities and, you know, addressing the test of 17 limitations, I think we need to be very clear whether 18 a travel ban is going to be effective in addressing the 19 broader aspects of sexual exploitation. 20 So here we are talking about those who have been 21 convicted, but we do know that there are issues of 22 children abused outside that don't necessarily have -- 23 or won't have a travel ban imposed on them, and so 24 whether the travel ban is seen as panacea to the problem 25 of addressing sexual exploitation of children and</p> <p style="text-align: center;">Page 107</p>	<p>1 therefore by having the travel ban we feel that it's -- 2 it will prevent sexual exploitation of children aboard. 3 I think it is important to recognise and see this as 4 perhaps one tool, but in the UK perspective, I would say 5 that we do need to do a little bit more research to 6 understand how are the risk assessments going to be 7 identified, what constitutes the high risk, what 8 constitutes a need for a complete travel ban. 9 So I would argue that, for ECPAT, we would like to 10 see more evidence whether this travel ban or this 11 blanket approach to travel is going to be as effective 12 as I think it's been claimed. 13 So we would like, in fact, the inquiry to propose 14 and to recommend further research in the Australian 15 system as well as the US system. 16 Q. Just while we are on this part, you will see, if we 17 scroll back up, please, to internal page 3, there are 18 various other reforms in relation to the Civil Orders 19 regime that have been made by yourself and other 20 witnesses. Is there anything in particular that you 21 would like to comment on from these? It is from, 22 therefore, paragraphs 8 through to 15 of this document? 23 <b>A. I think, for us, the clear issue on Civil Orders is -- 24 it's been three years since it was introduced, since the 25 new Civil Orders have been introduced. We still don't</b></p> <p style="text-align: center;">Page 108</p>

<p>1 see enough evidence of travel restrictions imposed on                  2 it, and so it is important that we now review that to                  3 understand the efficacy, the efficiency, of travel                  4 orders, review it to understand whether local police who                  5 have a responsibility to apply for travel orders is the                  6 best -- the right and the best approach.                  7 We would recommend that for all Civil Orders, as                  8 well as extra-territorial measures, section 72, we need                  9 to have a single body that has the responsibility for                  10 understanding this; we have a single body that takes the                  11 responsibility for applying for Civil Orders with the                  12 support of the local police. But we need to make sure                  13 that we are pooling the resources on this particularly                  14 important act and work the responsibility that local                  15 police have.                  16 Q. I think the heading of "MAPPAs and monitoring" was                  17 something that you wanted to explain a little bit more                  18 about. Is there anything else you would like to add on                  19 that topic, Ms Patel?                  20 A. I think it was very clearly and well put by counsel                  21 earlier in the opening statement that MAPPAs certainly                  22 has failed in their responsibility to effectively                  23 monitor those that are under the multi-agency public                  24 protection arrangement.                  25 The guideline certainly was an issue, and that was</p> <p style="text-align: center;">Page 109</p>	<p>1 raised by counsel earlier, that not only was it                  2 incorrect, but it was missing for a very long time, and                  3 we only saw -- sorry, the advice -- the guidance on                  4 foreign travel restriction was actually missing, the                  5 whole chapter on that was missing, and we now understand                  6 from the witness statement that they reviewed it and                  7 that process chapter on foreign travel has now been                  8 removed because they believe it did not provide specific                  9 guidance on the roles within MAPPAs. It is true, it                  10 didn't provide specific guidance, but it is concerning:                  11 if it's been removed from MAPPAs guidance, where will the                  12 advice and guidance be for foreign travel restrictions                  13 as well as other restrictions?                  14 I understand that we actually don't have clear                  15 statutory guidance on the offences on the Civil Orders                  16 and how to apply them, so there is a very strong need                  17 for statutory guidance on all of the orders, including                  18 section 72, extra-territorial responsibility.                  19 Q. Moving to a few more questions, please, in relation to                  20 section 72, although you covered quite a bit of this in                  21 those reports and your evidence to date. You have set                  22 out in your witness statement several examples of cases                  23 in which section 72 has been successfully used, and                  24 I think you make the point at 62 of your witness                  25 statement that these cases demonstrate that successful</p> <p style="text-align: center;">Page 110</p>
<p>1 prosecutions using section 72 are possible and                  2 effective, but I think overall -- is this right? -- you                  3 again say that one of your concerns is that it's not                  4 used enough?                  5 A. I think I have three key concerns when it comes to                  6 section 72, and I may repeat myself here, but do forgive                  7 me on that. But this is important.                  8 I think the three key concerns are, it is                  9 under-utilised. When we put the statement out in late                  10 last -- sorry, the statement to the inquiry, we had                  11 identified -- or we were aware of only five cases that                  12 were brought under section 72 since its introduction.                  13 I'm now aware, from the written statements of the NCA,                  14 that there are a further three cases of section 72.                  15 That brings us to eight since its introduction.                  16 Extremely low. So it is under-utilised.                  17 It can be effective. As it has shown, some of the                  18 convictions and sentencing of the individuals --                  19 particularly the latter ones, we have seen some                  20 excellent sentencing of individuals that have                  21 reported -- or that have been convicted for sexual abuse                  22 of children outside the UK.                  23 We do believe, however, that, despite having this                  24 really good measure, we are no closer to preventing                  25 sexual abuse of children by foreign tourists, but I'm</p> <p style="text-align: center;">Page 111</p>	<p>1 pleased to note that, in the last two years, I have                  2 actually seen an activity, particularly within the NCA,                  3 where they have followed up cases and there has been                  4 some good convictions in the last two years.                  5 What I have heard from NCA in the past when we have                  6 raised this with them is that the investigations are                  7 complex and they are resource intensive. This would                  8 apply to domestic abuse or sexual abuse in this country,                  9 but we would still follow it because it is sexual abuse                  10 of children. So it is important that, even if it is                  11 complex and it is resource intensive, we do take into                  12 consideration that this is a child that has been abused                  13 and, therefore, all effort needs to be made and                  14 resources expended to be able to investigate.                  15 The second point I want to make is the last-resort                  16 policy. I think, again, it is important: why is it that                  17 it is the last resort policy, knowing full well that we                  18 are talking about British nationals that have travelled                  19 abroad and abused very, very vulnerable children, and,                  20 may I add, children as young as six months old. I mean,                  21 you cannot have a last-resort policy when you've got                  22 a six-month-old child being abused by a national of                  23 a rich country like the UK.                  24 So we would very much like to see this last resort                  25 approach -- (a) why is it that this policy exists; and</p> <p style="text-align: center;">Page 112</p>

1 **(b) is this the correct policy for the UK Government**  
2 **when it comes to prosecuting and convicting their own**  
3 **national in a foreign country?**  
4 **We would like to see this actually become a first –**  
5 **a child-first policy, so where the interest of the child**  
6 **that is abused is at the foremost and it's the interest**  
7 **that then guides the enforcement authority in the action**  
8 **that needs to be taken; how to make sure that (a) the**  
9 **child is removed from that vulnerable situation, from**  
10 **that abusive situation, and that the perpetrator is**  
11 **extradited from abusing the child and ensure that the**  
12 **perpetrator is brought to justice.**  
13 **So the last-resort approach really needs to be**  
14 **addressed, and addressed right at the highest level.**  
15 **I do believe that government needs to take that**  
16 **responsibility immediately.**  
17 **The third one is the delays. We have seen that,**  
18 **despite having knowledge of British offenders committing**  
19 **offences abroad or in the UK, we still find that they're**  
20 **able to travel, often not detected. We also find that**  
21 **abuses that have taken place in the '90s don't get to –**  
22 **that the abusers don't get extradited or don't get**  
23 **convicted until, you know, the late 20s, so we are**  
24 **talking about often delays of 10, 12 years.**  
25 **So the huge delay in pursuing cases of abuse and**

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1 paragraph 33 and onwards, where we have summarised what  
2 others have said about this proposal for on-the-ground  
3 support, which is I think what you are talking about.  
4 Would you continue talking about that, please?  
5 **A. I think on-the-ground support is important because one**  
6 **of the things is if we look at some of the factors that**  
7 **prevent section 72 to be applied effectively, and what's**  
8 **been raised is that it is resource intensive, it's**  
9 **complex.**  
10 **It's complex, I think, because it's being seen from**  
11 **the lenses of how the British system works, and I think**  
12 **it's important that we, in order to collect that**  
13 **evidence, in order to understand the level of evidence**  
14 **that's required and the level of evidence that can be**  
15 **collated, that you – that the law enforcement bodies**  
16 **actually work very much on the ground, they work with**  
17 **local agencies, they work with the local NGOs, they draw**  
18 **up memorandum of understanding on how best to share this**  
19 **intelligence to ensure that the evidence gathered is**  
20 **effective and will be able to bring the perpetrators to**  
21 **justice and effectively convicted, but also that the**  
22 **child that is still on the ground, the child that is**  
23 **still in the place of abuse, needs to be safeguarded,**  
24 **and I think, again, it's important that, in that process**  
25 **of collecting evidence for section 72 prosecution, that**

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1 **bringing them and prosecuting them and finally**  
2 **convicting them, in itself, I think is a concern and, as**  
3 **counsel said earlier, it's a child protection issue.**  
4 Q. Is there anything else in relation to the concerns  
5 identified in the inquiry's document about section 72  
6 that you'd like to comment on? That's my final question  
7 before the break.  
8 Perhaps we could bring up the concerns document  
9 again. It is INQ004049, internal paragraph 20 on  
10 page 5. You have touched on these in your three key  
11 themes, Ms Patel, but is there anything else in  
12 particular you would like to draw out from these?  
13 **A. I think the next would really be about the kind of**  
14 **recommendations that we believe we should be making. As**  
15 **I said, the last-resort policy has to be examined very,**  
16 **very closely.**  
17 **We also need to understand the environment in the**  
18 **countries that the abuse is taking place; clearly**  
19 **have to build a strong relationship with not just the**  
20 **law enforcement authorities of some of the countries,**  
21 **but actually involve some of the, I would say, good NGOs**  
22 **who are committed to addressing the issues of sexual**  
23 **exploitation of children, and making sure that the**  
24 **embassies play a key role in their responsibility and –**  
25 Q. Can we perhaps scroll to internal page 8 and

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1 **there is a recognition of what is happening to the child**  
2 **and there's a recognition that the child needs to be**  
3 **supported, the child needs to be provided with services**  
4 **that allow them to recover from that, I say, horrific**  
5 **abusive situation.**  
6 **So there is a need to, again, keep at the top of**  
7 **this investigation the right of the child: the right of**  
8 **the child to not just be protected and prevented from**  
9 **such abuse, but also the right of the child to recover**  
10 **from such abusive experiences.**  
11 MS HILL: I have a few more questions for you, Ms Patel, but  
12 I see the time.  
13 THE CHAIR: Thank you. We will return at 2.00 pm.  
14 (1.02 pm)  
15 (The short adjournment)  
16 (2.00 pm)  
17 MS HILL: Ms Patel, a few more questions for you, please, in  
18 relation to section 72 and then a few brief questions on  
19 Disclosure and Barring and then perhaps some final  
20 questions for you.  
21 In relation to section 72, you set out, before the  
22 break, your three key concerns about the way in which  
23 this provision is used. In your witness statement,  
24 I think you have explained and referenced several  
25 different cases, but you deal with recommendations for

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1 reform beginning, perhaps, at paragraph 63. Could  
 2 I pull up, please, ECP000007\_021. You reference, at  
 3 paragraph 62 and thereafter, the proposals made in the  
 4 2006 report to amend section 72 to include all persons  
 5 up to the age of 18. I think we have dealt with that.  
 6 You recommended, at 63, a review of the role of  
 7 the FCO including embassies and missions in monitoring  
 8 cases of British nationals arrested abroad and a review  
 9 of training for UK-based police, the CPS and the  
 10 judiciary. Do those remain recommendations that you  
 11 would still make?  
 12 **A. Very much so on the FCO, given that they would be the**  
 13 **first port of call when a British person has been**  
 14 **arrested abroad, at least that's when you seek consular**  
 15 **advice, that they have got that information right at the**  
 16 **beginning. I think the role that they can play in not**  
 17 **just passing that information, but ensuring that they**  
 18 **are collecting further information locally, would be**  
 19 **absolutely critical.**  
 20 Q. You touched before the break on the issue of  
 21 on-the-ground support. I think that's what's dealt with  
 22 at your paragraph 64. But you specifically there say,  
 23 do you, that one way in which the UK police might assist  
 24 local police to support in-country investigations would  
 25 be through rapid deployment teams that have police,

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1 appropriate reform?  
 2 **A. I think given now that we have some numbers in terms of**  
 3 **abuse of children in countries and now we have also said**  
 4 **that there isn't a particular country that has**  
 5 **prevalence of child abuse from foreign nationals,**  
 6 **I think now it's important that every country has a team**  
 7 **that has got this expertise that's deployed from here**  
 8 **but works very, very closely with the local agency. So**  
 9 **I would go as far as now saying that we need**  
 10 **a multi-agency team with expertise on extra-territorial**  
 11 **offences in every country.**  
 12 Q. Can I pull up, please, the reforms document at  
 13 INQ004049\_008, please, and scroll back in on the  
 14 paragraphs that deal with on-the-ground support.  
 15 I think other witnesses have proposed that one option  
 16 might be a recommendation to have onsite teams in those  
 17 particular countries listed in paragraph 34. Is that  
 18 something that you would support, or would you go wider  
 19 than that?  
 20 **A. We'd go wider than that. As I said, our report's**  
 21 **international study shows that the countries where abuse**  
 22 **is taking place is now across the globe. There isn't**  
 23 **a kind of a source, a transit and a destination country**  
 24 **when it comes to children being abused. So these are**  
 25 **south-eastern countries. That was certainly the case**

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1 a legal adviser and a social worker working in tandem  
 2 with their international counterpart. Is that something  
 3 you still envisage would be realistic?  
 4 **A. This is quite important because if we are talking about**  
 5 **the evidence gathering is complex and it is**  
 6 **resource-intensive, if that is the case, then I think we**  
 7 **need to make sure that there are organisations and**  
 8 **individual experts on the ground that can support the**  
 9 **gathering of the evidence and that can provide support**  
 10 **to the victim, because, as I understand it, that --**  
 11 **often disclosure from the victim can be very, very**  
 12 **difficult, and that disclosure often -- lack of**  
 13 **disclosure is often a concern of the evidence required**  
 14 **to be able to prosecute the alleged perpetrator, but by**  
 15 **working with a multi-agency team, and we talk about**  
 16 **social workers here, it is absolutely vital to get the**  
 17 **evidence and to make sure that the children are provided**  
 18 **with that support.**  
 19 **So I would support that recommendation and would**  
 20 **want that to be taken forward.**  
 21 Q. But are you proposing here that there be on-the-ground  
 22 teams permanently based in certain countries, or is this  
 23 the recommendation that was made, I think perhaps in the  
 24 report, a team that is deployed once an allegation is  
 25 made? What do you consider would be the most

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1 **historically. They were the countries that had been**  
 2 **seen as -- and -- as countries where perpetrators**  
 3 **deliberately went in order to reach out and abuse**  
 4 **vulnerable children, known as child sex tourism. But**  
 5 **now there are other countries. NCA's recent case,**  
 6 **successful case, under section 72, of Keith Morris --**  
 7 **this was in Kenya. We also know of cases of abuse in**  
 8 **countries like Uganda, of course, and so I would want**  
 9 **this to be much, much more wider than this and have**  
 10 **a very clear understanding of the fact that there isn't**  
 11 **a -- you know, a few countries that are affected by**  
 12 **child sexual abuse by foreign nationals.**  
 13 Q. If we scroll down, please, on that page, and hold up,  
 14 please, 37 through to 39, if we can. That's a section  
 15 where various witnesses have proposed further reforms as  
 16 far as the support given to the victims of these  
 17 criminal offences are concerned. I think from your  
 18 comments before the short break -- before the lunch  
 19 break, forgive me, you would support those proposals.  
 20 Is that right?  
 21 **A. I would support it. I think it's vital that every child**  
 22 **who has gone through this needs to be provided with**  
 23 **therapeutic intervention, but also ensuring that they**  
 24 **are -- that they have a -- there's an assessment of**  
 25 **the longer-term impact. So it cannot just be a one-off**

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1 **intervention. I think it's to recognise that this can**  
 2 **take a huge amount of time. I mean, I can talk a little**  
 3 **bit about some of the children that are trafficked in**  
 4 **the UK that we are working with, and we find that it**  
 5 **takes years for them to be able to recover from that**  
 6 **experience, and I think again -- so this should not be**  
 7 **seen as one-off intervention.**  
 8 Q. Then just finally, please, on this topic, could I ask  
 9 you to scroll back, please, to paragraph 22 in this  
 10 document. Perhaps you, Ms Patel, can just look through  
 11 the other proposed reforms that have been made,  
 12 beginning at paragraph 22, of both an international and  
 13 a national level. Is there anything I think in here  
 14 that you would wish to say anything further on? Some of  
 15 them you have clearly touched upon already, such as the  
 16 last-resort point. Is there anything else in 22 through  
 17 to 32 that you would like to comment on further?  
 18 **A. The bilateral agreement I think is absolutely vital.**  
 19 **Training local actors -- again, very, very important.**  
 20 **I think all of them are very, very important.**  
 21 **I think I'd like -- at national level, there needs to be**  
 22 **a lot more progressive and stronger leadership and at**  
 23 **the ministerial level. Because, at the moment, things**  
 24 **are just falling between the cracks, with nobody wanting**  
 25 **to accept responsibility for what I'm saying are**

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1 which you say raises questions about the vetting of  
 2 people to go and work abroad.  
 3 You have made the point in paragraph 71 that  
 4 although the Charity Commission has issued recruitment  
 5 guidelines for the UK charities, smaller, locally-run  
 6 charities or institutions often lack the resources to do  
 7 the intensive screening and background checking and  
 8 that's one of the concerns that you have raised here?  
 9 **A. That's absolutely correct. I think to recognise and to**  
 10 **appreciate that the smaller charities will not have the**  
 11 **resources to apply for this. I think, similarly, with**  
 12 **the international certificate for child protection,**  
 13 **ICPC, that we have heard about today in the opening**  
 14 **statements, the onus still lies on the local agencies to**  
 15 **apply for a check, a DBS, a debarring and vetting**  
 16 **service, so I do believe that this is something that**  
 17 **should be provided and should be made mandatory for all**  
 18 **agencies.**  
 19 Q. If you go through to paragraph 76 of your statement, you  
 20 make the point about the international certificate, that  
 21 it is not a mandatory procedure, the cost has to be  
 22 borne by the applicant, smaller institutions do not  
 23 require individuals to apply for these due to the costs.  
 24 So the numbers, you say, overall, you consider, are  
 25 still quite low. You give an example of only one having

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1 **interconnected extra-territorial offences.**  
 2 **We have said this before: there needs to be guidance**  
 3 **from the NCA to its international liaison officer.**  
 4 **I met one when I was in Vietnam, and it was clearly**  
 5 **recognised that there was a need to be a little bit more**  
 6 **kind of guided so that they can reach out, because we**  
 7 **know Vietnam is one of the key countries where children**  
 8 **are abused by foreign nationals. So, yeah.**  
 9 Q. Just a few more questions, then, on the subject of  
 10 Disclosure and Barring, which I appreciate is not your  
 11 main area of expertise, Ms Patel. Very broadly, if  
 12 I can pull up your witness statement, ECP000007\_022,  
 13 internal paragraph 68. Taking this relatively shortly,  
 14 if I may, is this right, that in some of the reports  
 15 that we have already looked at, you have highlighted  
 16 particular cases that suggest deficiencies in the  
 17 disclosure and barring regime. You indicate at  
 18 paragraph 68 the case of Nicholas Rabet, who had been  
 19 prevented from working with children but was still able  
 20 to set up a care home and then flee to Thailand.  
 21 Paragraph 71, you have highlighted the case of  
 22 Simon Harris who set up and ran a charity which helped  
 23 to arrange teaching placements in Kenyan schools for  
 24 British gap year students. He took up residence in  
 25 Kenya and groomed and exploited children for years,

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1 been applied for, as far as Cambodia is concerned?  
 2 **A. Yes. This was in one of the witness statements, and**  
 3 **I believe you will be hearing from the Cambodian**  
 4 **witness, that this is certainly the case. Either people**  
 5 **are not aware of such a certificate being available or**  
 6 **that they can apply for it, and then, of course, the**  
 7 **fact that they may not have the resources to make that**  
 8 **application.**  
 9 **So, yes, it needs to be made mandatory and we need**  
 10 **to increase its awareness in making sure that smaller**  
 11 **agencies are able to either finance it or to make that**  
 12 **available at no cost.**  
 13 Q. Back up, please, to paragraph 73. You make the point  
 14 that you had concerns at the time of the 2011 report  
 15 about the lack of a requirement for British citizens who  
 16 had been convicted of sexual crimes abroad to register  
 17 on the VISOR register, the violence and sex offenders  
 18 register. Do you continue to have concerns about that  
 19 aspect?  
 20 **A. I think, if there has been -- if there are abuses**  
 21 **outside of the UK and the individual is returning to the**  
 22 **UK, then it's important, it is vital, that they are on**  
 23 **the register. It is vital that they are monitored. So,**  
 24 **yeah.**  
 25 Q. You go on to refer to the Charities Commission

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<p>1 guidelines. I think I'll just formally adduce them if                  2 I may. I don't think I'll bring them up. You have                  3 given a reference here, it's ECP000008_001. That is the                  4 guidance that charities are given by the                  5 Charity Commission, but the point I think you make, at                  6 paragraph 78 of your statement, is there is a limit to                  7 the ability to enforce those guidelines when it                  8 recommends checks abroad?                  9 <b>A. That is clearly my understanding at the moment, yes.</b>                  10 Q. Finally, then, please, Ms Patel, can I bring up                  11 paragraph 80 of your witness statement, it's internal                  12 page 26, please. You begin the conclusion, I think, to                  13 your witness statement with a series of observations                  14 about the lack of data that's available, I think a point                  15 stressed by your counsel in opening; points about the                  16 role of the FCO and consular assistance; and concern                  17 about the individual victims. You conclude, at 85, by                  18 saying:                  19 "The response by the UK authorities has been                  20 hampered by a failure of collective action, meagre                  21 resources and a chronic lack of robust evidence and                  22 comparable data that, taken together, allow offenders to                  23 commit their crimes with impunity."                  24 In light of that you make a series of                  25 recommendations from (a) through to (h). I think some</p> <p style="text-align: center;">Page 125</p>	<p>1 of them you have touched on already.                  2 A dedicated investigation unit in every region for                  3 extra-territorial offences against children with                  4 multi-agency teams; a requirement on the Home Office,                  5 the National Crime Agencies's CEOP and the FCO to                  6 produce thematic risk reports; the establishment of                  7 a national approach to the policing of extra-territorial                  8 sexual offending against children; further information                  9 being shared between jurisdictions as early as                  10 possible --                  11 <b>A. Yes.</b>                  12 Q. -- through bilateral agreements for regular information                  13 exchange so that the process is on a formal footing and                  14 can be monitored for effectiveness; further training on                  15 investigation and prosecution of offences against                  16 children committed abroad for police forces and the CPS;                  17 improved knowledge of police forces on the use of                  18 Civil Orders; enforcing the use of the international                  19 certificate and establishing a government compensation                  20 scheme for injuries caused to children by British                  21 nationals overseas.                  22 Are those recommendations that you stand by,                  23 Ms Patel, having heard and looked at further disclosed                  24 material?                  25 <b>A. I very much stand by those, but I also have additional</b></p> <p style="text-align: center;">Page 126</p>
<p>1 <b>recommendations, given the evidence that we have had</b>                  2 <b>subsequent to the first statement, if I'm allowed to</b>                  3 <b>make those.</b>                  4 Q. Please do.                  5 <b>A. Thank you. It's having a -- I mean, we have heard today</b>                  6 <b>that the problem is that we simply don't have data to be</b>                  7 <b>able to make any evidence-based policies and changes in</b>                  8 <b>procedures. If that's the case, then we need to make</b>                  9 <b>sure that there is a centralised data collection body on</b>                  10 <b>investigation, Civil Orders, prosecutions and</b>                  11 <b>convictions of sexual offences against children outside</b>                  12 <b>the UK. That data will enable us to then draw up</b>                  13 <b>policies, evidence based.</b>                  14 <b>Just to kind of illustrate that, in the reports that</b>                  15 <b>we have done, both off the radar and the later report,</b>                  16 <b>the Hugh Davies report, the ACPO-commissioned report on</b>                  17 <b>the review of the Civil Orders, in those both reports we</b>                  18 <b>had approached parliament through members of parliament</b>                  19 <b>to -- we had approached government through members of</b>                  20 <b>parliament to provide the data on that and we noticed</b>                  21 <b>that the UK Government was not able to put a figure on</b>                  22 <b>the number of prosecutions under section 72. We were</b>                  23 <b>told that this is not available centrally and that it is</b>                  24 <b>held with local police and even the local police were</b>                  25 <b>unable to provide us with statistics because of the</b></p> <p style="text-align: center;">Page 127</p>	<p>1 <b>nature in which the data is recorded on their databases.</b>                  2 <b>Without having any data, it will be very difficult</b>                  3 <b>to draw up policies, and it seems -- it seems -- like</b>                  4 <b>the current policies are almost drawn in vacuum and</b>                  5 <b>therefore ineffective.</b>                  6 Q. There's a final document, forgive me, Ms Patel.                  7 I should have asked you to adduce, please, ECP00001_001.                  8 It's your BP1, in fact, and it is a table of FCO                  9 responses to requests for consular assistance from                  10 UK nationals. I think you list by country here -- the                  11 table lists by country -- the requests that are made.                  12 One of the points that I think is notable, is it, is                  13 that there are quite low figures for requests for                  14 assistance from some countries where there is a known                  15 problem with child sexual abuse during tourism. Is that                  16 one of the reasons you adduce this?                  17 <b>A. I'm sorry, what is the reason?</b>                  18 Q. One of the points, perhaps, is that there are relatively                  19 low numbers of requests for consular assistance here,                  20 even in some countries where it is known that there is                  21 a significant problem?                  22 <b>A. Yes. I think -- yes. I think the countries that kind</b>                  23 <b>of stand out here are countries like India -- I have</b>                  24 <b>already talked about the number of cases -- sorry, the</b>                  25 <b>cases of abuse there. What I see from this, what I can</b></p> <p style="text-align: center;">Page 128</p>



<p>1 deduce from this, is, those countries are seen as                  2 countries where perhaps the enforcement of protection                  3 legislation, the law -- the rule of law on issues of                  4 violence against children, is not adequately enforced.                  5 There is corruption, there is no doubt about it. India,                  6 in fact, has come out at the higher levels when it comes                  7 to levels of corruption.                  8 There is also the fact that local bodies often are                  9 reluctant to prosecute -- to take these cases forward                  10 and so I think the abuser feels that they don't                  11 necessarily need to take consular advice because they                  12 can get away with it. You know, there won't be any kind                  13 of investigations carried out.                  14 In some of those countries also -- I think that was                  15 the case also in the UK before the recent disclosures of                  16 sexual abuse of children, that children don't                  17 necessarily disclose their abuse, and in countries like                  18 India, it can be quite stigmatising. So by not                  19 disclosing it, you won't have the numbers of foreign                  20 nationals, British nationals, being arrested for abuse.                  21 MS HILL: Thank you, Ms Patel. Those are all the questions                  22 I have, chair.                  23 Questions by THE PANEL                  24 THE CHAIR: Thank you. We have some questions for Ms Patel.                  25 Just on one of the latter points you made, the</p> <p style="text-align: center;">Page 129</p>	<p>1 inquiry is very much aware of the importance of                  2 long-term therapeutic and practical help that victims of                  3 child sexual exploitation and abuse need, but what is                  4 your assessment of the capabilities of the various                  5 countries you have referenced to deliver this specialist                  6 service, including the funding it necessarily involves                  7 because it seems it is very unlikely it could be done                  8 from within their existing resources?                  9 <b>A. Chair, I absolutely appreciate that this can be a costly                  10 exercise and to understand what capabilities/capacities                  11 exist in countries where the children are abused needs                  12 to be taken into consideration. But my thoughts -- and                  13 they are quite strong thoughts -- on this is that                  14 a child has been abused, a child has lost their                  15 childhood, and there will be a much, much more                  16 longer-term impact.</b>                  17 And so if we, as a society, if we as government, are                  18 serious about addressing and combating sexual                  19 exploitation of children, because we understand the                  20 long-term impact on them, I believe we need to be able                  21 to find the resources. I believe we need to be able to                  22 work with local agencies to try and build that capacity.                  23 THE CHAIR: I don't think there is any doubt about the point                  24 you've made. Of course it is necessary. But                  25 nevertheless, there remains the question of how the</p> <p style="text-align: center;">Page 130</p>
<p>1 highly specialist training is provided to ensure that                  2 a proper response is given throughout a victim's life as                  3 much as they need it, rather than just at the point of                  4 disclosure and evidence taking?                  5 <b>A. Yes. Again, is this something -- I'm considering this.                  6 Is this something where we talk about the perpetrator                  7 paying the price, where you do, during the criminal                  8 process, make a judgment of the perpetrator paying.                  9 This is the kind of compensation that we are talking                  10 about, and that compensation can be used either to build                  11 local capacity in protecting and safeguarding --                  12 providing that service to children as a collective in                  13 the region, or to the individual child. And we know of                  14 cases where this has happened.</b>                  15 THE CHAIR: Thank you. Mr Frank?                  16 MR FRANK: So far as I can understand it, the last time                  17 there was a UK national plan of action in regard to this                  18 subject was in 2001, at the time of the Yokohama                  19 Conference. Is that right?                  20 <b>A. That's right.</b>                  21 MR FRANK: So that's about 20 years ago, nearly. Do you                  22 think there is a case for having a review of that and                  23 seeing whether the debate could be had at a central                  24 level to see whether that plan needs to be updated?                  25 <b>A. I almost feel like you read my last recommendation.</b></p> <p style="text-align: center;">Page 131</p>	<p>1 <b>This is absolutely critical. It is long overdue. As                  2 you said, the last one was in 2001. There continues to                  3 be a real lack of awareness, almost like a blind spot,                  4 to recognise that citizens from a rich country like                  5 Britain are abusers of very vulnerable children abroad.                  6 If that can be acknowledged, if the public -- if there                  7 can be a public awareness campaign on that, there needs                  8 to be a very strong debate on this. We need to very                  9 critically understand the whys of this, the who and                  10 therefore what needs to be done to address this, and we                  11 need public pressure, particularly public pressure on                  12 government, if we are going to see real leadership at                  13 government level.</b>                  14 MR FRANK: So would you recommend, at the national level,                  15 that there be a review of the national plan of action?                  16 <b>A. Absolutely.</b>                  17 THE CHAIR: Sir Malcolm?                  18 PROF SIR MALCOLM EVANS: Thank you. As I understand it, the                  19 international frameworks at the moment, although they                  20 have some compulsory elements, are largely permissive                  21 around the exercise of extra-territorial jurisdiction.                  22 Do you think there would be a case for trying to have                  23 a firmer international obligation to ensure that those                  24 responsible for abusing children abroad were prosecuted                  25 or submitted to prosecuting authorities?</p> <p style="text-align: center;">Page 132</p>

<p>1 <b>A. I believe there are – this has been floated. Certainly</b>                  2 <b>every nation bar one has international obligations as</b>                  3 <b>a result of the ratification of the UNCRC, and so it is</b>                  4 <b>important to recognise that they have an obligation at</b>                  5 <b>the international level, every child needs to be</b>                  6 <b>protected.</b>                  7 <b>Given that this is a transnational issue, given that</b>                  8 <b>you have got children abused in several – in different</b>                  9 <b>jurisdictions and every jurisdiction – governments in</b>                  10 <b>every jurisdiction have a responsibility and have an</b>                  11 <b>obligation to protect that child, then if that's not</b>                  12 <b>happening and you have got foreign nationals then</b>                  13 <b>abusing children there, I think there is a need for</b>                  14 <b>a much, much more international co-operation and an</b>                  15 <b>international obligation, as far as even saying whether</b>                  16 <b>there should be an international children's court that</b>                  17 <b>could take issues of children abused by foreign</b>                  18 <b>nationals or the failure of the country where the abuse</b>                  19 <b>is taking place or the failure of the country of</b>                  20 <b>the national who has abused children abroad to be tried.</b>                  21 PROF SIR MALCOLM EVANS: Thank you.                  22 THE CHAIR: Thank you very much. We have no further                  23 questions. Thank you.                  24 <b>A. Thank you.</b>                  25 <b>(The witness withdrew)</b></p> <p style="text-align: center;">Page 133</p>	<p>1 MS HILL: Chair, my learned friend, Ms Benfield, will do                  2 some reading and then my learned friend Ms Faure Walker                  3 will also do some reading.                  4 Statement of MS SHERRYL LOSENO (read)                  5 MS BENFIELD: Good afternoon, chair. I will read the                  6 statement of Sherryl Loseno. That statement appears in                  7 the bundle at tab C, document 1. Ms Loseno refers to                  8 two exhibits within her statement which are not in the                  9 bundle but have been provided to the inquiry:                  10 "I Sherryl M Loseno of Manila, Philippines will say                  11 as follows.                  12 "I make this statement in order to assist the                  13 Independent Inquiry Into Child Sexual Abuse in England                  14 and Wales in its investigation into the abuse of                  15 children outside the United Kingdom.                  16 "I am the Head of Protective and Transformative Care                  17 Services of Voice of the Free - VF Foundation Inc.                  18 Voice of the Free (formally the Visayan Forum                  19 Foundation) was formally launched in April 1991. Voice                  20 of the Free is a non-governmental organisation in the                  21 Philippines known for innovations in addressing                  22 modern-day slavery, especially human trafficking. It                  23 operates a number of programmes including residential                  24 care and community-based programmes and services for                  25 women and children who have been trafficked or sexually</p> <p style="text-align: center;">Page 134</p>
<p>1 exploited. It has four core programmes which provide                  2 protective and transformative services for women and                  3 children who have been sexually exploited. We have                  4 assisted more than 70,000 people escape the horrors of                  5 human trafficking.                  6 "I am attaching, marked as exhibit SL1, a profile of                  7 the organisation prepared by the Skoll Foundation, which                  8 gave us an award in 2008. The work of our organisation,                  9 and in particular that of my colleague Cecilia                  10 Flores-Oebanda, was featured in a CNN documentary 'The                  11 Fighters' in 2013.                  12 "In this statement I use the term trafficking to                  13 mean child sexual exploitation more generally. In the                  14 Philippines, child sexual exploitation is called                  15 'aggravated trafficking'. We work with victims of                  16 internal trafficking, that is women and children who are                  17 trafficked from one part of the Philippines to another                  18 for exploitation. It is important to understand that                  19 there are 700 islands in the Philippines and that                  20 traffickers move people by shipping. We also work with                  21 victims who are being trafficked from the Philippines to                  22 another country, most commonly to the Middle East. We                  23 also work with children in the Philippines who are not                  24 geographically relocated but we consider that these                  25 children have also been trafficked into sexual</p> <p style="text-align: center;">Page 135</p>	<p>1 exploitation. These children also have traffickers.                  2 "Our work.                  3 "We work in communities and schools to make sure                  4 that people are aware of the 'red flag' indicators of                  5 trafficking. We go into schools and provide orientation                  6 on this issue. After these orientations, some children                  7 report cases of human trafficking or cyber sex dens                  8 which they know about. We then inform the police,                  9 Social Services and the anti-trafficking investigators.                  10 Since trafficking starts in the community, we consider                  11 that it is fundamental that the community can identify                  12 and understand it.                  13 "Our Ventures for Freedom community programme has                  14 now been running for three years. We started this                  15 programme as we realised that it was not enough to just                  16 do rescue operations. We also started advocating for                  17 new laws, to change the fact that humans were our                  18 biggest export.                  19 "As one of our core programmes Voice of the Free                  20 operates and provides a number of safe houses and                  21 shelters to house trafficking victims who are on the way                  22 to healing, economic empowerment, prosecution of their                  23 abusers and reintegration to mainstream society. We                  24 help children to recuperate their childhoods. We have                  25 shelters in transit areas; near airports, ports and</p> <p style="text-align: center;">Page 136</p>

<p>1 train stations, where our specialist team identifies                  2 women and children who are suspected victims of                  3 trafficking. These shelters are located, for example,                  4 near the international airport of Manila.                  5 "We also have more long-term shelters which are in                  6 undisclosed locations since these are safe houses for                  7 women and children who have been rescued from                  8 traffickers. We have assisted thousands of victims who                  9 have been intercepted in transit, in ports and near the                  10 airport. We work closely with anti-trafficking task                  11 forces in the country and the police to rescue children.                  12 "In terms of international trafficking, our                  13 experience is that about 40 per cent of the victims who                  14 we identify are children. We collaborate with law                  15 enforcement to rescue girls. We also work with boat and                  16 bus companies that transport the victims: we have                  17 trained the staff of port authorities and shipping                  18 corporations to identify red flags and to report                  19 suspected victims on board.                  20 "With this model, we intercept women and children on                  21 the ships before they get lost and before they are                  22 exploited further in cities such as Manila. These                  23 interception operations save lives but they are also                  24 dangerous, because traffickers can be violent.                  25 "Our anti-trafficking strategies are now in force at</p> <p style="text-align: center;">Page 137</p>	<p>1 eight major seaports and three airports, in partnership                  2 with 52 inter-island shippers, two airlines and 2,000                  3 bus companies.                  4 "Foreign perpetrators.                  5 "When foreign men are seen in the red light                  6 districts, this is because they have come to the country                  7 to buy sex from women and children. There are about                  8 100,000 children working in the industry and we believe                  9 that it is the tip of the iceberg. It is a criminal                  10 enterprise.                  11 "Online sexual exploitation.                  12 "The trafficking of women and children, including                  13 internal trafficking, has started to move online. Some                  14 estimates consider that 80 per cent of the victims of                  15 online trafficking in the Philippines are under 18 years                  16 old. There are cyber sex dens around the Philippines                  17 meaning that this is very difficult to police.                  18 "Cyber sex dens or the exploitation of children                  19 online is a major and growing problem. Children are                  20 exploited online and 'perform' to 'customers' who pay                  21 money. Many of the perpetrators of the abuse live                  22 abroad in countries such as Australia, Sweden, Denmark,                  23 the US and the UK. They make payments via Western Union                  24 or other payment centres. One of the ways in which this                  25 online abuse functions is that children are paid for</p> <p style="text-align: center;">Page 138</p>
<p>1 removing their clothing. There is a misconception in                  2 some parts of society that if the child has not been                  3 physically abused then this is not 'real' abuse. But                  4 the child is being sexually exploited.                  5 "One of the survivors under our care narrated that                  6 she has a customer, a man from the UK, who introduced                  7 himself to be about 60 years old and a pilot. She                  8 described the man to be 60 years old, and rich by the                  9 look of his house which he lets her see from his laptop.                  10 It started from chatting and performing online. The                  11 same man also came to the Philippines for one time to be                  12 with her and for actual sexual services. The survivor                  13 has forgotten the name of the UK national.                  14 "Sometimes it is difficult to identify the                  15 trafficker since the abuse is being carried out within                  16 the family. For example, parents say that their                  17 children are not really abused since it is happening                  18 online. Sometimes we have seen cases where children                  19 have been pushed by their parents to perform online.                  20 A major problem in this regard is poverty, and in other                  21 cases young people are victimised because of the desire                  22 to bring their families out of poverty.                  23 "From the experiences of girls in our care, we know                  24 that this online abuse often moves to physical sexual                  25 exploitation online by traffickers in cyber sex dens, or</p> <p style="text-align: center;">Page 139</p>	<p>1 in more traditional exploitation settings. In other                  2 words, while the abuse may start out over the internet,                  3 this becomes physical. In some cases, a foreign                  4 national directs the physical abuse from a different                  5 location which is performed online. In other cases, the                  6 foreign national arranges to come to the Philippines to                  7 abuse the child. This is arranged directly with the                  8 person who is arranging the online abuse. The                  9 trafficker, as we call them, will help the foreigner                  10 arrange accommodation, and everything for their visit to                  11 the Philippines. This means that the abuser is able to                  12 navigate and visit remote areas easily.                  13 "We know from the reports of the girls that                  14 customers are frequently foreign. This has included                  15 perpetrators from the US, Sweden, the UK and Australia.                  16 We are also aware of one case where a man from the UK                  17 began to abuse a 12-year-old girl online. She is now                  18 22 years old, but we do not know what has happened to                  19 the man. We rescued three girls under the age of 12,                  20 who were exploited online by an American man, who                  21 described being forced to perform horrific acts. Our                  22 executive director has previously stated that there is                  23 more to be done around the world on this issue. She has                  24 said that: 'If the demand side is not addressed,                  25 trafficking will continue. We want to send a message</p> <p style="text-align: center;">Page 140</p>

<p>1 that even if you're in another part of the world, you 2 can't abuse our girls. In the privacy of your room, on 3 the internet, you're still virtually raping our girls'. 4 "We work with children who are rescued by law 5 enforcement from these types of situations. In other 6 cases, the girls in our shelters have escaped from cyber 7 sex dens. Cyber sex abuse is a growing problem since 8 anyone can operate this type of operation at a low cost. 9 There is poor regulation of this type of activity. 10 "The conditions to which the children are subjected 11 to are appalling. The traffickers do not care about the 12 children. They put them in a room, sometimes they are 13 drugged and they are subject to inhumane situations at 14 the hands of their oppressors. 15 "Through our protective and rescue work, we 16 understand that victims of this form of abuse suffer 17 psychological harm and trauma. Victims have very low 18 self-esteem when they realise that there are nude photos 19 on the internet. Children and young people become 20 extremely worried that their peers or others in the 21 community will recognise them and find out. They are 22 worried about the social stigma. Some victims also 23 suffer from physical injuries, including from STDs. 24 Children suffer a deep trauma from the sexual 25 exploitation. They are afraid that the trafficker will</p> <p style="text-align: center;">Page 141</p>	<p>1 come again." 2 Ms Loseno notes that more information on the 3 organisation's work can be found in their annual report 4 at exhibit SL2. That concludes the evidence of 5 Sherryl Loseno, chair. 6 THE CHAIR: Thank you, Ms Benfield. 7 MS BENFIELD: Chair, the exhibit references are at INQ003712 8 and INQ003714. The statement is INQ003718. 9 Statement of MS CATHERINE LOUISE SPRECKLEY (read) 10 MS FAURE WALKER: Chair, now turning to the evidence of 11 Catherine Louise Spreckley at your tab D1, inquiry 12 reference INQ003616. There is no need to put it up on 13 the screen. 14 She is the former chair of Kiddies Support Scheme or 15 KISS. She is going to refer to a person in Uganda who 16 is said to have perpetrated abuse on children there, 17 including on some of the witnesses whose evidence was 18 summarised in counsel to the inquiry's opening. I am 19 going to be summarising large parts of the witness 20 statements, given the focus of this investigation phase. 21 From paragraph 2, she refers to her qualification as 22 a nurse in 1998. 23 Then paragraphs 3 to 7, she says she went to Uganda 24 in 1994, initially for four months, as a school leaver 25 and then she would return yearly. She started raising</p> <p style="text-align: center;">Page 142</p>
<p>1 money through her secondary school for children to 2 access education in Uganda. The charity KISS was 3 registered in 2000. She became a trustee and then, as 4 I say, a chair to the charity. Although she is now no 5 longer involved in any formal capacity in the charity. 6 She refers to groups of students from the school coming 7 out to Uganda and two of them, who are now adults, 8 becoming trustees and how the charity grew over the 9 years. 10 When she spent time with OU-F2, in 1994, she felt at 11 that time he had a heart of gold and that they got on 12 very well. He was, at the time, fundraising to support 13 children. 14 Paragraph 8 now: 15 "OU-F2 was very much a one-man band. He was 16 a religious brother and a member of the Society of 17 Missionaries of Africa (also known as the 18 White Fathers)." 19 The White Fathers is also a charity, 20 a Roman Catholic missionary society. 21 Just to summarise paragraphs 9 to 12, OU-F2, 22 according to the witness, travelled to and from Uganda 23 from the 1980s. In the late 1980s or early 1990s, he 24 was responsible for a department of a particular school 25 and also operated a youth group. Very much a one-man</p> <p style="text-align: center;">Page 143</p>	<p>1 band in Uganda in respect of the White Fathers' work. 2 He was a big part of the KISS charity because he had to 3 provide the budgets and accounts in relation to money 4 raised, although there is no suggestion of 5 misappropriation of funds. 6 Paragraph 14, and the witness explains the 7 circumstances in which allegations of abuse started to 8 be disclosed. It was in the week beginning 9 26 November 2007 that she was first made aware that 10 allegations had been made against him. 11 "I was told that a Ugandan teenage girl had 12 disclosed to her local parish priest that OU-F2 had made 13 her strip naked and that she'd been beaten by him. 14 I was told that this had been reported to the 15 White Fathers and that the White fathers had sent OU-F2 16 home to the UK whilst they investigated." 17 She says: 18 "I recall speaking to OU-F2, whilst he was still in 19 Uganda, on the phone during that week in November 2007 20 and I asked him directly about the allegations and [he] 21 told me, 'I totally lost it with her, Catherine. 22 I totally lost it'. He told me that the girl had 23 entered his bedroom, pulled up her skirt, pulled down 24 her knickers and said, 'Are you going to beat me, 25 Brother?' I recall at the same time thinking that OU-F2</p> <p style="text-align: center;">Page 144</p>

<p>1 sounded irrational over the phone and kept saying things                  2 to me over the phone such as 'This is it. It's all                  3 over. Get my name off everything'. At the time                  4 I thought he was being irrational, but with hindsight he                  5 was probably referring to the abuse that had been going                  6 on for years which had not yet come out.                  7 "Once OU-F2 was back in the UK in the week beginning                  8 17 December 2007 I went to visit him. During my visit                  9 to him [he] again admitted to the incident ... with the                  10 girl."                  11 Paragraph 17:                  12 "When I came back from Uganda at the beginning of                  13 2008 from this trip, one of the first things I did was                  14 to go back and see OU-F2 in person and I told him what                  15 had happened and that I had received further allegations                  16 from other young people and told him the nature of those                  17 allegations. I explained that it was not my position to                  18 say if these allegations were true but as chair of                  19 the charity I had responsibility to act on them. [And                  20 his reply was], 'Of course I did it, of course I fucking                  21 did it', or 'Of course it's true, of course it's fucking                  22 true'.                  23 She quotes his reply there. At paragraphs 18 to 25                  24 she refers to the steps that KISS the charity took.                  25 Moving on to paragraph 26, she details the steps taken</p> <p style="text-align: center;">Page 145</p>	<p>1 to bring the allegations to the attention of                  2 the relevant authorities, including the Society                  3 of Missionaries of Africa, the Diocese of Westminster,                  4 the Church's Child Protection Advisory Service, the                  5 North Eastern Commission for Religious Orders and the                  6 Charity Commission. In summary, she sets out advice                  7 received from the diocese.                  8 However, at the same time, OU-F2 had met with the                  9 head of the school which was the main benefactor of KISS                  10 and which was seen by an attempt to interfere with the                  11 charity. There are other actions of him which gave rise                  12 to similar concerns. So the KISS trustees then asked                  13 OU-F2 to offer his signed resignation. He then                  14 responded with an email in which he effectively tendered                  15 his resignation.                  16 To summarise paragraphs 30 to 33: in light of what                  17 appeared to be OU-F2's ongoing activities, the charity                  18 decided to seek advice from a charity lawyer who advised                  19 them as to the next steps to take, which the witness                  20 then sets out in the statement.                  21 Paragraphs 34 to 36, she says that the charity also                  22 advised that because KISS did not employ OU-F2, they                  23 were limited in what they could do. KISS therefore                  24 wrote to the child protection officer at the                  25 White Fathers and the Westminster Diocese.</p> <p style="text-align: center;">Page 146</p>
<p>1 In paragraph 37, in May 2008, the White Fathers                  2 child protection officer responded and the response is                  3 set out in some detail in paragraph 37. In summary they                  4 said OU-F2 would not be undertaking pastoral work which                  5 would affect children in the diocese or be returning to                  6 Uganda. He also said the White Fathers were doing all                  7 they could to ensure the safety and well-being of all.                  8 Moving on to paragraph 41 onwards, KISS trustees                  9 instructed the lawyer to submit a serious incident                  10 report to the Charity Commission which receipt of was                  11 acknowledged. KISS also instructed the lawyer to send                  12 a letter to OU-F2 to underline the trustee's request                  13 that he no longer associate himself with KISS.                  14 Then, in August 2008, one of the trustees travelled                  15 to Uganda and it became apparent that OU-F2 was still                  16 contacting KISS Ugandan workers remotely, including                  17 a former KISS beneficiary who was at that time managing                  18 KISS funds in Uganda. KISS therefore had to take what                  19 they describe as a difficult decision not to send funds                  20 to Uganda from the start of the school term, although                  21 plans were drawn up to send an emergency budget for the                  22 children most in need.                  23 Paragraph 45, she refers to a meeting with the                  24 Charity Commission and also that reports were still                  25 being received of OU-F2's continued contact with workers</p> <p style="text-align: center;">Page 147</p>	<p>1 on the ground. He also continued to contact                  2 Ms Spreckley, the witness.                  3 The Provisional Minister of the White Fathers said                  4 OU-F2 had been removed from Uganda, however -- I'm                  5 moving on to paragraph 47 now -- the trustees were then                  6 notified that OU-F2 was returning to Uganda unsupervised                  7 and they found out from the White Fathers that this was                  8 a trip to collect his belongings.                  9 But then a trustee of KISS informed the                  10 Charity Commission. They also informed the chair of                  11 the North Eastern Commission for the Religious Orders.                  12 It was then confirmed that OU-F2 would not be travelling                  13 to Uganda after all. It was evident to the trustees,                  14 according to the witness, that, but for their                  15 intervention, OU-F2 would have returned to Uganda                  16 unsupervised.                  17 They were informed by the Charity Commission that                  18 they had -- the Charity Commission had expressed                  19 concerns to the White Fathers about OU-F2's trip to                  20 Uganda as well and the White Fathers accepted that the                  21 risk would be too high.                  22 Moving on to paragraphs 51 to 58 under the heading                  23 "New allegations". From September 2009, KISS trustees                  24 became aware of new allegations. This was communicated                  25 to the relevant church authorities, as were other points</p> <p style="text-align: center;">Page 148</p>

<p>1 about the situation about OU-F2 contacting beneficiaries                  2 of the KISS charity, despite his withdrawal from the                  3 organisation, and whether he was potentially seeking                  4 funds on behalf of, and distributing funds to,                  5 vulnerable children in Uganda. The eventual response                  6 was that the White Fathers were doing everything they                  7 could and they had to accept in reality that it was                  8 unlikely that formal enquiries would take place in                  9 Uganda, and so the responsibility was within the Order                  10 and safeguarding within the Church.                  11 KISS also sought advice from the Charity Commission                  12 who said KISS should bring the new allegations to the                  13 attention of the UK police and relevant safeguarding                  14 authorities.                  15 Turning to paragraph 59, a KISS trustee in Uganda                  16 in February 2010 became aware of rumours that OU-F2 was                  17 to be posted to Ghana the following week, and they                  18 raised this with the chair of the North Eastern                  19 Commission for Religious Orders who said that OU-F2                  20 had -- was going to undertake a new role in Ghana that                  21 did not involve any vulnerable beneficiaries.                  22 However, moving on to paragraphs 60 to 64,                  23 in June 2010, a KISS trustee became aware of further                  24 allegations. By this time, OU-F2 had been recalled from                  25 Ghana to Rome and the witness refers to communications</p> <p style="text-align: center;">Page 149</p>	<p>1 about the investigation into OU-F2 and refers to her                  2 visiting Ealing LADO.                  3 Moving on to paragraphs 65 to 70, the witness                  4 expresses her views about the response of                  5 the White Fathers and the other church authorities. She                  6 also refers to there being a December 2011 report of                  7 the Catholic Safeguarding Advisory Services and she                  8 notes in her witness statements what was said about the                  9 investigation in that report and also recommendations                  10 that were made.                  11 Paragraphs 71 to 72, she confirms that no complaints                  12 had been made to the Ugandan or UK police, the young                  13 people involved having said they did not wish for it to                  14 be reported because they were scared. The witness also                  15 says that an informal discussion with a police officer                  16 colleague who was in the local safeguarding team left                  17 her with the impression that the UK police would not be                  18 interested if events occurred overseas.                  19 At paragraphs 73 to 75, the witness explains the                  20 significant impact of events on her, including threats                  21 from individuals who supported OU-F2 in Uganda, and                  22 including threats that she would be poisoned.                  23 Paragraphs 76 to 79, the witness explains that there                  24 was a civil case brought in this country but it failed                  25 due to being time barred, given the application of</p> <p style="text-align: center;">Page 150</p>
<p>1 the Foreign Limitation Periods Act 1984.                  2 I'm going to read paragraph 80 when she gives                  3 observations is on the operation of the Civil Orders                  4 regime, the efficacy of the orders and/or ways in which                  5 it could be improved. She says:                  6 "I am not a lawyer and I am not aware of                  7 the Civil Orders Regime at all. I am not sure if and                  8 how it could be used to have stopped this situation once                  9 the allegations began to surface about OU-F2 to prevent                  10 him from travelling either back to Uganda, to Ghana or                  11 another foreign country. I just feel strongly that                  12 there is a loophole in the legislation where serious                  13 allegations like this have been made but that, for                  14 whatever reason, the police have not been involved or                  15 a conviction has not been secured. As a result,                  16 vulnerable children remain at risk and I feel very                  17 strongly that this needs addressing.                  18 "If there is legislation that applies specifically                  19 to UK nationals abusing children abroad, then it is not                  20 widely known about. For my work, I have to maintain                  21 safeguarding training at level 3 standard and I am                  22 unaware of any legislation that could have assisted,                  23 guided or been relevant to this case."                  24 The witness then goes on to explain her efforts to                  25 prevent or to ensure safeguarding of children in the</p> <p style="text-align: center;">Page 151</p>	<p>1 future, and she finishes that paragraph, 81, by saying                  2 it beggars belief and something has to change.                  3 At paragraph 82, she refers to section 72 of                  4 the Sexual Offences Act but says she is unaware of                  5 the number of times it's been used and cannot comment                  6 whether it is an effective safeguard. Then statutory                  7 vetting and barring, paragraph 83. She says:                  8 "I am aware of the English/Welsh system of statutory                  9 vetting and barring. I know that anyone who works with                  10 children and vulnerable adults in England and Wales                  11 needs to ensure they have an up-to-date DBS check.                  12 I know that KISS now ensures all its volunteers and                  13 employees from the UK have DBS checks. I would hope                  14 that all prudent charities and organisations who send                  15 volunteers or employees to work abroad with children                  16 would ensure their staff and volunteers are DBS checked.                  17 "In terms of employees or volunteers in local                  18 organisations abroad, which partner with England/Wales                  19 based organisations and who work with children, my                  20 understanding is that they do not have to be DBS                  21 checked. There is not any equivalent system in Uganda                  22 to check Ugandan citizens or others in the country who                  23 wish to work with children. I am not sure how feasible                  24 such a system would be in Uganda anyway, given the poor                  25 infrastructure of public administration and governance</p> <p style="text-align: center;">Page 152</p>

<p>1 there. There is lots of corruption with government and                  2 public officials at all levels, lots is still done on                  3 paper rather than computerised systems and lots of                  4 Ugandan citizens lack formal birth certificates or other                  5 legal documents.                  6 "My view is that the current statutory vetting and                  7 barring regime operates as a partial safeguard for                  8 children abroad, in that it should, if used properly,                  9 prevent anyone who has a criminal record involving abuse                  10 of children travelling from the UK to another country                  11 with an organisation. However, if the individual                  12 concerned is not prosecuted or convicted of any offence                  13 then it is not going to be effective. It is certainly                  14 not effective in a situation like the one I have                  15 described in my statement as OU-F2 has not been                  16 convicted of any offence (to my knowledge) relating to                  17 his alleged abuse of the Ugandan children.                  18 "Whilst it would not stop abusers who haven't been                  19 convicted, would having to produce a DBS certificate at                  20 customs not be a start to at least minimising the risk                  21 of abuse by UK citizens overseas?                  22 "In my opinion, there needs to be very clear                  23 legislation put in place that relates specifically to                  24 UK citizens who had allegations made against them and/or                  25 been convicted of abusing children and young people</p> <p style="text-align: center;">Page 153</p>	<p>1 abroad. Allegations need to be thoroughly investigated                  2 by a UK governing body irrespective of whom the abuser                  3 is working for/affiliated with. It should be the legal                  4 responsibility of this governing body to ensure any                  5 charities, businesses, religious organisations or the                  6 like who send people overseas comply with their                  7 regulations and regular safeguarding checks are made.                  8 "There clearly needs to be a better system enabling                  9 the UK authorities to track people who are known to be                  10 travelling internationally and working with children                  11 abroad who have had credible allegations of abuse made                  12 against them, such as in this case, but, for whatever                  13 reason, there is no criminal conviction."                  14 That is the end of her statement.                  15 Chair, given the time, I wonder if you wish to take                  16 your mid-afternoon break at this point?                  17 THE CHAIR: Yes, we will do that and return at 3.10 pm.                  18 (2.54 pm)                  19 (A short break)                  20 (3.12 pm)                  21 MS HILL: I call, please, Christine Beddoe.                  22 MS CHRISTINE DOROTHY BEDDOE (affirmed)                  23 Examination by MS HILL                  24 MS HILL: Thank you. You're Christine Beddoe; is that                  25 right?</p> <p style="text-align: center;">Page 154</p>
<p>1 <b>A. That's right.</b>                  2 Q. Please can you summarise your background in this field,                  3 Ms Beddoe?                  4 <b>A. Thank you. As I've indicated in paragraph 1 of my</b>                  5 <b>report, I have an extensive background in the area of</b>                  6 <b>child protection generally, but more specifically in</b>                  7 <b>campaigning and activism and research and training on</b>                  8 <b>issues specifically related to the exploitation and</b>                  9 <b>abuse of children abroad and also the trafficking of</b>                  10 <b>children.</b>                  11 Q. Just by way of summary, you have held positions I think                  12 within ECPAT UK, you have also worked for ECPAT                  13 Australia, you were seconded at one point to ECPAT                  14 International in Bangkok, and you've performed various                  15 consultancy roles on an international stage over the                  16 years; is that fair?                  17 <b>A. That is correct.</b>                  18 Q. As we will hear, you were one of the participants in the                  19 group of individuals who wrote the review of                  20 Civil Orders that we have looked at?                  21 <b>A. That is correct.</b>                  22 Q. You make clear, I think, at paragraph 1.3 of your                  23 witness statement that you have worked closely with                  24 police, with CEOP and its precursors, on issues to do                  25 with British sex offenders travelling abroad, so, for</p> <p style="text-align: center;">Page 155</p>	<p>1 example, you have given evidence at hearings where                  2 travel restriction orders have been applied for. You                  3 have closely watched these various legal proceedings.                  4 You have also, I think, had contact with foreign police                  5 agencies involved in these cases and you've had                  6 involvement in compensation claims on behalf of victims                  7 of offenders abroad. Is that fair?                  8 <b>A. That is fair. That is correct, yes.</b>                  9 Q. By way of general observations, you indicate at                  10 paragraph 2 of your witness statement that you believe                  11 that the UK or England and Wales has lost its grip on                  12 the problem of British nationals travelling abroad to                  13 abuse children. The problem just grows, seemingly                  14 because the risk of ever being punished in the UK is so                  15 remote. Does that represent your overall view?                  16 <b>A. Yes, it does. I believe that, although -- and</b>                  17 <b>I acknowledge there has been some progress on this issue</b>                  18 <b>over recent years, however, given how sophisticated in</b>                  19 <b>domestic laws the UK is, and our economic standing in</b>                  20 <b>the world, we are a long way from where we should be in</b>                  21 <b>relation to both the prosecution of British nationals</b>                  22 <b>who travel abroad to abuse children and also in</b>                  23 <b>extending the protection rights to children abroad.</b>                  24 Q. You indicate in your witness statement that you don't                  25 believe that the reason for this is a lack of police</p> <p style="text-align: center;">Page 156</p>

1 training or awareness, but you suggest it's a more  
 2 deeply rooted or conceptual problem. Please help the  
 3 panel with what you mean by that?  
 4 **A. Thank you. I believe this issue has suffered for many**  
 5 **years because of a lack of political leadership and**  
 6 **separation between responsibilities of different**  
 7 **agencies. So, for example, I understand that there's**  
 8 **not a single ministerial responsibility which carries**  
 9 **with it accountability for the whole range of issues,**  
 10 **and we have split responsibilities, but I also**  
 11 **understand that, at the same time, there is what I might**  
 12 **call a territorial problem between local police forces**  
 13 **and their responsibilities and the role of the National**  
 14 **Crime Agency and the role of CEOP in the past, where we**  
 15 **have problems because there hasn't been a progressive**  
 16 **leadership that has overcome, or sought to overcome, the**  
 17 **significant barriers that are there and these various**  
 18 **barriers are -- realistically, they are there and we**  
 19 **need to have an approach to this that actually seeks to**  
 20 **accept that some of those barriers are there and work**  
 21 **with that to achieve the best outcome for children.**  
 22 **In my experience, we haven't yet found that.**  
 23 Q. You talk perhaps more specifically at paragraph 3 of  
 24 your witness statement about a myopic world view  
 25 embedded in policy and the criminal justice system where

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1 that when you have spoken before to police officers in  
 2 the UK and abroad, they themselves were often quite  
 3 positive about working on joint investigations, but you  
 4 seem particularly concerned about the quality of legal  
 5 advice and the scrutiny of that advice given to police  
 6 officers from either the in-house, if you like, force  
 7 solicitor or the CPS?  
 8 **A. That's correct.**  
 9 Q. So please tell the panel a little bit more about that?  
 10 **A. Yes, one of the very long-term issues I think I've seen**  
 11 **over the last 10/15/20 years in this area of my work is**  
 12 **that, often you find individual dedicated police**  
 13 **officers or individual dedicated people who really do**  
 14 **want to do the right thing, but they are often stopped**  
 15 **from being able to pursue based on the legal advice or**  
 16 **the advice that they're given because when -- in the**  
 17 **international context, the advice to them from CPS on**  
 18 **the charging decision, or before that in relation to**  
 19 **more general legal advice that they're given, is that**  
 20 **they're not able to pursue it because of the belief that**  
 21 **it wouldn't meet the realistic charge of conviction test**  
 22 **which we would see within the CPS's normal approach to**  
 23 **these cases, and historically, that has stopped a number**  
 24 **of investigations from being progressed.**  
 25 **I also have experience where police have, because of**

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1 the UK always sees itself as superior to less-developed  
 2 countries in matters of law. You reference there and  
 3 elsewhere an idea about an inbuilt bias against evidence  
 4 obtained overseas. So please help the panel understand  
 5 what you mean by that a little more?  
 6 **A. Thank you. I think in local parlance we would refer to**  
 7 **this a lot as the threshold problem. We have thresholds**  
 8 **here which we deal with both in terms of our evidence**  
 9 **requirements, but also thresholds in what we determine**  
 10 **to be sufficient risk, and that's particularly of**  
 11 **concern when we are talking about the Civil Orders.**  
 12 **I think the difficulty we have in an international**  
 13 **context is that often those thresholds just seem**  
 14 **insurmountable for local context. And when that**  
 15 **information and evidence has to be brought back to the**  
 16 **UK to be reaching our evidence threshold tests,**  
 17 **everything just seems to collapse inwards, and I think**  
 18 **this problem that we have, where we continue to see our**  
 19 **standards as so high against some of the countries where**  
 20 **the offending takes place, we are seeing attitudes**  
 21 **around things not being able to be achieved because our**  
 22 **system is so good, whereas other systems are less good.**  
 23 **This continues to be a problem in this area of both**  
 24 **policing and more broadly in child protection.**  
 25 Q. You suggest at paragraph 4 of your witness statement

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1 **good working relationships, off the record talked to me**  
 2 **intensely about their frustration with CPS not being**  
 3 **able to recognise that these realities are there and**  
 4 **being stopped, if you like, from really wanting to do**  
 5 **the right thing. I think that is part of the problem**  
 6 **that we have got, is bringing these different aspects,**  
 7 **these different silos, of the criminal justice system**  
 8 **together in order to get the best protection for the**  
 9 **most vulnerable children.**  
 10 Q. You suggest at the end of paragraph 4 of your witness  
 11 statement, I think -- perhaps we can bring this up,  
 12 INQ003740\_003 -- talking I think perhaps more about this  
 13 idea of a threshold and the realistic prospects of  
 14 conviction test that you have alluded to. At the end of  
 15 paragraph 4 at the top of the page you say:  
 16 "If a section 72 case can only be successful where  
 17 there is a trusted UK official representative on the  
 18 ground to test and safeguard the evidence, then in my  
 19 opinion the problem does not lie with the legislation  
 20 but with the culture and practices of UK institutions."  
 21 Are you suggesting there that the problem might be  
 22 that there's an assumption that unless the evidence can  
 23 be double-checked, if you like, by a British person on  
 24 the ground, it isn't as reliable?  
 25 **A. Yes, I believe that is my experience from conversations**

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<p>1 <b>and communications on individual case examples.</b>                  2 Q. You mention at paragraph 5 of your witness evidence the                  3 "UK policy", that it is better for victims if the case                  4 is heard in the country where the offence takes place.                  5 What's your understanding of that and your view of it?                  6 <b>A. This has dogged me since I first took up the post with</b>                  7 <b>ECPAT UK in 2004, although I had previous history with</b>                  8 <b>ECPAT more globally, in that when the rest of the world</b>                  9 <b>was coming together after the various international</b>                  10 <b>conferences, and we talked earlier and in the evidence</b>                  11 <b>this morning about the plans of action and so forth,</b>                  12 <b>that when everyone was talking about the potential for</b>                  13 <b>doing good things with extra-territorial jurisdiction,</b>                  14 <b>I found myself in the position when I started at</b>                  15 <b>ECPAT UK in speaking to police from as early as 2004 and</b>                  16 <b>subsequently that, "Oh, we can't use that. We are only</b>                  17 <b>using that as a sort of last resort and it's our</b>                  18 <b>policy". I have never been able to track down a single</b>                  19 <b>policy document as such. I have asked over many, many</b>                  20 <b>years what evidence base that comes from and what</b>                  21 <b>discussions that comes from at a ministerial level, and</b>                  22 <b>I have never been able to trace that. So it feels like</b>                  23 <b>it has been a bit of a phantom policy handed down and</b>                  24 <b>passed between police and the NCA over years which</b>                  25 <b>doesn't really have a strong rooted cause in terms of</b></p> <p style="text-align: center;">Page 161</p>	<p>1 <b>the policy document itself.</b>                  2 Q. You say that you suspect it is only hearsay, you can't                  3 find a defined document that sets this out. But is this                  4 what you summarise, that your concerns about it are that                  5 there might be some merit in that policy, if it exists,                  6 if in fact the conditions in the local country are                  7 perfect and the perpetrator does not flee. So there                  8 might be some merit in prosecutions taking place in the                  9 country of origin?                  10 <b>A. Yes. The position would be, and I think this is</b>                  11 <b>a position that's adopted in other countries that do</b>                  12 <b>have extra-territorial law, that as soon as the</b>                  13 <b>allegations about a perpetrator may be known or a case</b>                  14 <b>comes to the attention of authorities, it's a risk</b>                  15 <b>assessment about what is right for that individual case,</b>                  16 <b>and if the circumstances are right between the country</b>                  17 <b>of the offender and the country or the authorities of</b>                  18 <b>where the victim is, is to decide in which country it</b>                  19 <b>would be best to hold the criminal justice process, and</b>                  20 <b>if the circumstances were perfect, as you mention, that</b>                  21 <b>there was no chance of absconding if that person was in</b>                  22 <b>custody, if the victim has a good support network, and</b>                  23 <b>so on and so forth, then it may be an option to look at</b>                  24 <b>the criminal justice process continuing in the country</b>                  25 <b>in which the offence took place.</b></p> <p style="text-align: center;">Page 162</p>
<p>1 <b>However, what we know is that, in many instances,</b>                  2 <b>those perfect scenarios actually aren't there, and</b>                  3 <b>particularly when there is freedom to flee, and that's</b>                  4 <b>what we see. At the moment, there doesn't seem to be</b>                  5 <b>a clear understanding of how to establish, at the outset</b>                  6 <b>of a case, whether or not section 72 is the right way to</b>                  7 <b>go. That doesn't appear to be the way in which</b>                  8 <b>decisions are made.</b>                  9 Q. You say in your witness statement that your concern is                  10 that the existence of this policy, insofar as it does                  11 exist, is, in your view, too often used as a "get out of                  12 gaol free" card not to take every action possible to                  13 pursue the alleged offender under the territorial                  14 jurisdiction. You refer to it as a simplistic,                  15 throw-away excuse. Are you saying by that it is your                  16 concern if there is this policy it is used as a reason                  17 not to pursue section 72 --                  18 <b>A. Yes.</b>                  19 Q. -- in situations where it would be otherwise                  20 appropriate?                  21 <b>A. Yes, and I have had communication particularly with the</b>                  22 <b>NCA and CEOP over quite a number of years where, when</b>                  23 <b>I have raised concerns about an individual case, it</b>                  24 <b>comes back in various ways, that it can only be used as</b>                  25 <b>a last resort, and so the burden is left on the country</b></p> <p style="text-align: center;">Page 163</p>	<p>1 <b>where the victim is rather than actually looking at all</b>                  2 <b>realistic prospects of a section 72.</b>                  3 Q. In your witness statement, you have also compared the                  4 experience of the UK with extra territoriality and the                  5 US and Australia, and you do seem to suggest that the                  6 greater use of the extra-territorial provisions in                  7 Australia, the US and Canada and New Zealand may well be                  8 explained by this slightly different culture that you                  9 have identified. Is that fair?                  10 <b>A. Yes, I think it is fair, and if I could perhaps explain</b>                  11 <b>by saying that in different countries, when you travel</b>                  12 <b>around and you speak, especially if you work in the</b>                  13 <b>sector and are moving from country to country or going</b>                  14 <b>from conference to conference as the case may be, it is</b>                  15 <b>often referred to, for example, as "the Swedish way of</b>                  16 <b>doing things", "the American way of doing things" in</b>                  17 <b>relation to investigating and prosecuting offenders or</b>                  18 <b>"the Australian way". It is clearly branded and</b>                  19 <b>labelled because they're out there doing it and that's</b>                  20 <b>the way in which everybody knows they do it.</b>                  21 <b>When it comes to looking at the British way,</b>                  22 <b>everyone is really confused, because we don't have</b>                  23 <b>a strong brand out in the international world about how</b>                  24 <b>we do it. We don't have a front gateway, if you like.</b>                  25 <b>Only this weekend, I have been on the websites of CEOP,</b></p> <p style="text-align: center;">Page 164</p>

1 NCA, CPS to actually try and -- if I was somebody  
 2 abroad, where would I go for information about how to  
 3 get into the system, and there's nothing on any of those  
 4 websites that immediately is accessible to the  
 5 international world.  
 6 I think this is part of our problem, is that between  
 7 the jurisdictions and the territoriality of  
 8 the individual departments, we don't have a particularly  
 9 well-framed approach to investigating and prosecuting  
 10 this crime of British nationals who travel abroad.  
 11 Although that could seem quite a simplistic approach,  
 12 I think it is really important when you're dealing in  
 13 the international world that everybody understands how  
 14 you work, and with the Swedish model, for example, the  
 15 Australian law and the American law and indeed the  
 16 Canadians, I think they have been more well defined and  
 17 therefore potentially more successful at being able to  
 18 bring prosecutions under their extra-territorial powers.  
 19 Q. You also suggest, I think, in your witness statement,  
 20 that there seems to be a sense that you have identified  
 21 of the UK imagining itself at the top of a hierarchy  
 22 when dealing with particular countries rather than as an  
 23 equal partner. You describe this idea of us training  
 24 them perhaps causing offence to some people in different  
 25 countries and things like that. Please tell us a bit

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1 A. That's correct. I think partly because, being around  
 2 for such a long time, I have an institutional memory of  
 3 the discussions that took place in the era post 1996,  
 4 and 1996 was the -- in the international world, was the  
 5 first World Congress on the commercial sexual  
 6 exploitation of children and that sparked off quite  
 7 a lot of international debate and the UK was very much  
 8 a part of that and the dialogue that followed in  
 9 relation to the development and formulation of better  
 10 extra-territorial laws and powers.  
 11 During that period of time, and then leading up to  
 12 1998, 1999, 2000, the Foreign Office and Home Office  
 13 were jointly engaged and the Foreign Office had  
 14 a London-based responsibility to look at some of  
 15 the matters regarding extra-territoriality and  
 16 facilitating international dialogue, and so on and so  
 17 forth.  
 18 In my opinion, they had very much an outward view.  
 19 You know, engaging with diplomatic missions, but also  
 20 looking at the relationship to international human  
 21 rights instruments, and so on and so forth. So building  
 22 children's rights into the dialogue.  
 23 However, moving on in time, the Home Office  
 24 eventually took over and the Foreign and Commonwealth  
 25 Office were pulled back from the UK-based engagement on

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1 about what you mean by that part of your evidence?  
 2 A. Absolutely. In having discussions, particularly around  
 3 cases that have either been in the process of being  
 4 investigated or cases that have subsequently failed or  
 5 collapsed, the response and the communication that  
 6 I have with -- whether it's individual law enforcement  
 7 agencies abroad or in terms of the child protection  
 8 organisations, they feel often quite affronted that they  
 9 are not seen as equal partners, that there is this sense  
 10 of, you know, "You're happy to come and spend money to  
 11 train us but you don't want to sit down as equal  
 12 partners in this".  
 13 You know, I think there is -- this doesn't obviously  
 14 cover every single case and there will be good case  
 15 practices, but I think in my experience there has been  
 16 a tendency towards this attitude of, "These people are  
 17 not up to our standard", and this can come over as very  
 18 arrogant at times and, indeed, quite racist.  
 19 Q. You identify the change in policy responsibility from  
 20 the Foreign Office to the Home Office as a factor you  
 21 would like to talk about. What would you like to say  
 22 about that, and please just explain for the panel the  
 23 change in policy lead agency from the Foreign Office to  
 24 the Home Office, which I think is what you're talking  
 25 about?

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1 this issue, and I think that for me really signalled  
 2 quite a turning point in relation to the way in which  
 3 the whole discussion, in policy and other ways, changed  
 4 because of the withdrawal of the Foreign and  
 5 Commonwealth Office in this area.  
 6 Now, that's not to say that there wasn't some sort  
 7 of exchange over the years in the involvement of  
 8 the Foreign Office, but I think it has changed quite  
 9 remarkably since there was a pullback on the UK-based  
 10 engagement process.  
 11 Q. Specifically at the end of paragraph 8 you say:  
 12 "In my view, the withdrawal of the FCO as an active  
 13 lead agency in the UK on these issues was a distinct  
 14 turning point. It created a loss of focus specifically  
 15 downgrading the implementation of UK's international  
 16 obligations on the rights of children. I think the  
 17 Home Office has never achieved the same tone or gravitas  
 18 in outward-facing leadership and as a policy lead. In  
 19 her time as Home Secretary, I don't believe Theresa May  
 20 showed any interest in this area of Home Office policy  
 21 and as a result the situation has stagnated."  
 22 Is that a summary of what you think?  
 23 A. That's correct, yes.  
 24 Q. You have made one further point before I come to look  
 25 briefly at two of the cases about some of

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<p>1 the prosecutions under section 72, including what you 2 have described as a variation of the Al Capone approach, 3 ie, prosecuting on some offences that are considered 4 winnable rather than prosecuting charges where there is 5 less certainty of conviction. What's your understanding 6 or your evidence about that, Ms Beddoe?</p> <p>7 <b>A. On a number of cases that I have been able to monitor in 8 relation to the international victims, one in 9 particular, where the person was convicted in the UK. 10 However, in what came out of that case, he was convicted 11 in the UK for offences relating to historical charges of 12 child abuse in the UK. However, what came out of that 13 was quite a substantial amount of evidence that he had 14 travelled abroad, he had abused children in India, but 15 those charges were never pursued when the indictments 16 were there.</b></p> <p>17 <b>I just happened to be in the same location in India 18 six months after the case, purely coincidental. I was 19 able to meet with the local police force in the area 20 where those children came from, the child victims. The 21 police -- the senior police officer there said that 22 nobody from the UK had ever asked -- never approached 23 them -- to take evidence from the children or any other 24 witnesses, and, had they been asked, they would have 25 gladly taken that on and -- to provide it.</b></p> <p style="text-align: center;">Page 169</p>	<p>1 <b>Those children in India never, ever saw a day in 2 court. They never got the chance to see their day in 3 court. And so that's one example, but there are others, 4 where the local offences and, indeed, the production of 5 online images, or the viewing of online images, has been 6 the offences where the indictments have come from and 7 the actual contact offending has been left off.</b></p> <p>8 Q. You have referenced in your witness statement at 9 paragraphs 10 and 11 two particular case examples, that 10 of Raymond Varley and Patrick Matthews. Dealing with 11 the Raymond Varley case first, I think the understanding 12 is that the offending that was alleged in that case 13 dated back to the early 1990s and so would have been 14 before the implementation of section 72. But are there 15 any particular themes that you draw from that case that 16 you consider may be pertinent to the panel's 17 consideration of how section 72 operates?</p> <p>18 <b>A. Yes, I was particularly concerned at the end of 19 the extradition process. So the extradition failed, and 20 there are issues about that, but in relation to the 21 ongoing protection of children, both in the UK and 22 abroad, is the application of Civil Orders when a case 23 like this collapses.</b></p> <p>24 <b>I understand that the Met's Extradition Unit, which 25 handles the extradition process, is not involved in any</b></p> <p style="text-align: center;">Page 170</p>
<p>1 <b>of the monitoring or engagement with local forces in 2 regards to the evidence for pursuing Civil Orders. That 3 may be an area of concern as well. However, 4 specifically, the relationship between the gathering of 5 relevant evidence following a failed extradition case 6 like Varley and what then happens further down the 7 track. So there are just these gaps, I think, in terms 8 of a system of being able to see where -- rather than 9 see an end-to-end process, it looks at the protection of 10 children. Things in the Varley case fell apart on 11 a number of grounds, but at the same time the theme, 12 I think, was that it wasn't connected -- the evidence in 13 India was not used in order to look at the ongoing risk 14 that this person posed to children either in the UK or 15 abroad.</b></p> <p>16 <b>So I think there was a really significant gap in 17 looking at the transition between an extradition process 18 and the ongoing risks that are faced as a result of 19 whether that case then collapses.</b></p> <p>20 Q. I think as far as the actual extradition process is 21 concerned, you suggested in your witness evidence that 22 you felt that you were trying to perform a role of 23 brokering a way for the two countries, if you like, to 24 communicate more effectively with each other because you 25 felt, I think, from your witness evidence that there</p> <p style="text-align: center;">Page 171</p>	<p>1 wasn't enough communication about things that might be 2 done to make the extradition succeed. Is that a fair 3 summary?</p> <p>4 <b>A. Absolutely. If you will allow me to read three small 5 sentences that sort of sum this up, during this process, 6 I received -- I was in court during the extradition 7 process monitoring the trial as it was ongoing, the 8 hearing. I was contacted through various contacts that 9 I had that there were concerns being expressed by the 10 senior investigating officers in India about the conduct 11 of CPS during the trial.</b></p> <p>12 <b>I then attempted to make contact to facilitate some 13 dialogue in real time. I contacted counsel of the case 14 on 15 May. This is the British CPS counsel. Asking if 15 it was possible to have some way to have a discussion. 16 On 21 May, I was sent a communication from India to say 17 "They're not allowing us", meaning the Indians, "to 18 brief counsel". I didn't get a response back from 19 counsel. We -- and expressing the Indian side's 20 frustration that they needed to brief counsel.</b></p> <p>21 <b>I made a further complaint and escalated it to CPS 22 through another contact I had on 23 May. So this is 23 happening in a quite short period of time. And their 24 response was:</b></p> <p>25 <b>"The Extradition Unit is not aware of any concerns</b></p> <p style="text-align: center;">Page 172</p>

1 in this regard. The Indian authorities have been  
 2 involved. Relevant Indian officials have attended  
 3 conferences."  
 4 So it seemed like it had been done.  
 5 However, then three days later, I received another  
 6 communication from India that said, "The CPS neither met  
 7 our team nor arranged a conference with senior counsel".  
 8 So there is a sort of sense that there should have been  
 9 an independent person able to broker some sort of  
 10 relationship that wasn't -- that was neutral. I felt  
 11 frustration, but I know that our colleagues in India  
 12 were frustrated. There may have been reasons why, but  
 13 you can sense the frustration on the Indian side. This  
 14 was an extradition case that the UK weren't fighting  
 15 India, they were representing India, for the  
 16 extradition.  
 17 Q. Just trying to draw some themes out of this, trying to  
 18 pull this away from perhaps the facts of that particular  
 19 case, the issue of the need for communication, I think  
 20 are you saying that that's a general theme that you draw  
 21 from this that would still apply even in  
 22 a post-section 72 case?  
 23 A. I think the issue is about case management, and the  
 24 theme is about ensuring that there's end-to-end case  
 25 management, that where there is potentially a role for

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1 had happened with this trial, you wrote a letter of  
 2 complaint to the then DPP, Mr Starmer QC, and this is  
 3 the response letter that I think you received. It is  
 4 CPS004668\_001, a letter of 27 August 2010. I think this  
 5 refers to a review that had taken place where the CPS  
 6 was trying to perhaps look at why the case had not  
 7 succeeded?  
 8 A. Yes. I had requested a review on the case after the  
 9 case had collapsed.  
 10 Q. Let's just see if we can bring that up to assist you.  
 11 A. Thank you. In the judge's summing-up in the judgment of  
 12 the case, he did refer quite critically to the CPS  
 13 conduct in the Matthews case, which is why I felt  
 14 I needed to take it up with the DPP.  
 15 Q. If we can just scroll in on the bullet points. What was  
 16 being said here was that the CPS was accepting here that  
 17 there had been issues about recording the initial  
 18 advice, and that meant there was a lack of an audit  
 19 trail and a lack of progression, there was a lack of  
 20 appreciation of the wider implications of mounting  
 21 a complex prosecution involving victims and witnesses  
 22 from abroad without specialist assistance from the  
 23 Regional Complex Casework Unit, a lack of guidance to  
 24 prosecutors on our internal info net in respect of  
 25 the potential delays and problems associated with

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1 a neutral broker, maybe the Foreign Office, maybe  
 2 another office. It shouldn't be left to organisations  
 3 like myself to try and broker this, or individuals. But  
 4 definitely a case management process that is much better  
 5 than what it is at the moment.  
 6 Q. The second example you give, of the Matthews case, was  
 7 a case where the prosecution did not succeed at trial.  
 8 We have heard some evidence already about it in brief  
 9 terms. The concern that you have identified about that  
 10 was that there had been some delays by the CPS in  
 11 processing that case and getting it ready for trial.  
 12 What else would you like to say about that case in terms  
 13 of the themes that you draw from it, Ms Beddoe?  
 14 A. In relation to the themes, particularly from the  
 15 collapse of the Matthews case and the acquittal of  
 16 Matthews as a result of the failings and delays, the  
 17 main thing I wish to draw from this is that it's what  
 18 happens to provide some sort of redress for the victims  
 19 in the aftermath of this.  
 20 I noticed and have read the communication that was  
 21 in the evidence subsequently from CPS that has listed  
 22 the results of the complex casework unit review.  
 23 Q. I'm just going to pull that letter up to assist you. It  
 24 is CPS004668\_001. Just to anchor this in your evidence,  
 25 you indicated that because you were concerned about what

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1 letters of request to India and more generally in  
 2 prosecuting cases where a number of witnesses were due  
 3 to give evidence from abroad.  
 4 The writer, Mr Starmer, was indicating that the  
 5 Chief Crown Prosecutor for Gloucestershire had given  
 6 guidance to his lawyers and managers across the  
 7 southwest that any further requests of that nature  
 8 should be referred to the Regional Complex Casework Unit  
 9 for the guidance and assistance they could give.  
 10 Do you have any further comment to make on this  
 11 letter or this case, Ms Beddoe?  
 12 A. Yes, I do. Until this letter was uploaded to the  
 13 evidence and I believe it was passed on through the CPS,  
 14 I haven't actually seen a copy of that, so although it  
 15 is addressed to me this is the first time, in the last  
 16 week or so, that I have seen it. It is dated  
 17 27 August 2010.  
 18 However, that's not the main point that I would like  
 19 to raise. Over the weekend, I have spoken to the senior  
 20 investigating officer in this particular case. I also  
 21 spoke to the support organisation and the child  
 22 protection organisation that was supporting the child  
 23 victims in the Matthews case. I asked both of them if  
 24 they had received a copy of the -- a similar letter or  
 25 some such information to be passed on to the children

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<p>1 <b>and their families looking at the result of the CPS case</b>                  2 <b>review.</b>                  3 <b>Both of them said, absolutely not. It raises</b>                  4 <b>a point to me, and the major theme here is, what is the</b>                  5 <b>redress for children when the collapse of a case or the</b>                  6 <b>reason the case isn't pursued is part of the failings of</b>                  7 <b>a British institution? In this instance, we have</b>                  8 <b>a clear break between the case review itself, which</b>                  9 <b>identified particular issues and failings, and then the</b>                  10 <b>lack of communication of that and the potential for</b>                  11 <b>redress for the children in that case.</b>                  12 <b>So, as far as I know, those children have never been</b>                  13 <b>told, and their families, about what happened and the</b>                  14 <b>reasons why from the CPS or from the British Government</b>                  15 <b>as a whole.</b>                  16 Q. So in some senses, the theme that you draw across both                  17 of these cases is, where the cases had failed for                  18 different reasons, there may nevertheless be a need to                  19 either initiate a Civil Order process and/or make sure                  20 that the children are made aware of their rights and                  21 given support?                  22 <b>A. Absolutely.</b>                  23 Q. Turning now to some of the detail later on in your                  24 statement, please. We have heard that you were involved                  25 in the 2013 review of Civil Orders. You gave some</p> <p style="text-align: center;">Page 177</p>	<p>1 evidence at paragraph 12 about the nature of the risk                  2 threshold for applications for Civil Orders. What's                  3 your concern, if it be a concern, about that, Ms Beddoe?                  4 <b>A. I have a number of concerns about the risk threshold,</b>                  5 <b>but one point I would like to raise is, we know, and</b>                  6 <b>I know the inquiry will have heard, that there are</b>                  7 <b>offenders who travel from country to country to country.</b>                  8 <b>They don't -- you know, there may be a situation they</b>                  9 <b>don't return to the UK and then travel somewhere else,</b>                  10 <b>they may just be passing from country to country.</b>                  11 <b>In relation to what is often referred to as "the</b>                  12 <b>currency of information" or how current the information</b>                  13 <b>needs to be in order to determine risk for the</b>                  14 <b>application of notification or Civil Orders is that, in</b>                  15 <b>building a -- if you like, a package of evidence, there</b>                  16 <b>will be gaps in many offenders' history, and often those</b>                  17 <b>gaps, where there is an absence of evidence, is seen to</b>                  18 <b>be not current, and yet we know that absence of evidence</b>                  19 <b>is not evidence of absence. So in relation to the</b>                  20 <b>difficulties in reaching a conceptual understanding of</b>                  21 <b>risk, where the offender has maybe travelled two or</b>                  22 <b>three countries but the information that is held on them</b>                  23 <b>may be four years before that and is -- there may be</b>                  24 <b>historic offences before that and there may be historic</b>                  25 <b>offences in the UK before that. But the concept of</b></p> <p style="text-align: center;">Page 178</p>
<p>1 <b>building a picture that addresses what is deemed to be</b>                  2 <b>the currency, the current risk, where there are gaps in</b>                  3 <b>this offender's history because they have been</b>                  4 <b>travelling, I think is a real problem. It is one in</b>                  5 <b>which I have seen very practically the difficulties</b>                  6 <b>where there is just nothing known because nothing has</b>                  7 <b>been documented about that person's travel history. So</b>                  8 <b>that's one area of risk.</b>                  9 <b>The other issue that I would like to raise just in</b>                  10 <b>a more general theme is that often there's a sort of</b>                  11 <b>incoherence about what constitutes risk. So one police</b>                  12 <b>force may have a really good ability because they have</b>                  13 <b>had multiple cases that they have worked with, they have</b>                  14 <b>got good experience in that. Another police force, who</b>                  15 <b>has never dealt with this before, may be struggling. So</b>                  16 <b>the potential for inconsistent approaches to risk</b>                  17 <b>I think is remaining a quite substantial problem.</b>                  18 Q. You give an example, I think, at paragraph 13, of two                  19 individuals who were both convicted in India in the                  20 Anchorage Orphanage case, I think about which we heard                  21 earlier. You make the point one was the subject of                  22 a Civil Order application within the Metropolitan Police                  23 and one returned to his home in a different county and                  24 there was no Civil Order made?                  25 <b>A. That's correct.</b></p> <p style="text-align: center;">Page 179</p>	<p>1 Q. You have made the point already, I think, that your                  2 understanding is that after the Varley prosecution you                  3 don't understand that Civil Orders were made in his                  4 respect; is that right?                  5 <b>A. Yes. I know that his member of parliament was also</b>                  6 <b>trying to identify, and both he and I were unable to</b>                  7 <b>identify, whether or not it was made. It wasn't clear.</b>                  8 <b>It was indicated to me that there was no Civil Order</b>                  9 <b>made after the Varley case.</b>                  10 Q. You have given another example of an individual,                  11 Jonathan Robinson, who was convicted, I think, in India                  12 for child sexual offences and returned to the UK.                  13 Again, you are not sure whether or not any restriction                  14 order has been made in that case?                  15 <b>A. That's correct.</b>                  16 Q. In terms of the themes that you draw, perhaps we can                  17 bring up paragraph 16 of your witness statement,                  18 INQ003740_006, paragraph 17.                  19 In summary, you say that the regime has never really                  20 worked in the way it was lauded, as part of a toolbox                  21 for protecting all children, no matter where they are.                  22 "Outside of the Met specialist jigsaw team, there                  23 are very few examples of how Civil Orders have become a                  24 routine process when managing those who have offended or                  25 are alleged to have offended abroad."</p> <p style="text-align: center;">Page 180</p>

<p>1 You talk about the number of requests for consular 2 assistance made, 66 cases of Britons arrested on 3 allegations of child sex offences were opened on 4 Compass. 5 "If this trend continued, it would mean another 500 6 potential offenders may have sought consular assistance 7 since 2012. As far as I am aware, there is no way of 8 knowing how many of these cases resulted in a conviction 9 or whether a Civil Order application was considered if 10 the person returned to the UK. The lack of joined-up 11 data on offences abroad by UK nationals is a continuing 12 problem." 13 Do you share some of the concerns that were 14 expressed this morning by Ms Patel about the dataset on 15 which this policy framework is being operated? 16 <b>A. Yes, not only is there a lack of data, but I think part 17 of the problem -- and this covers so many areas that the 18 inquiry itself would have looked at, is that you have to 19 instruct people to collect data in the first place. If 20 people aren't instructed to collect data, then we won't 21 have the data, no matter how hard we look for it. 22 So there is such fragmentation about where we go for 23 this, you know, building a picture, but we have to start 24 somewhere, and I think the lack of data has been -- the 25 lack of, let's say, joined-up data and analysis is</b></p> <p style="text-align: center;">Page 181</p>	<p>1 <b>a problem.</b> 2 Q. In the latter part of your statement, you talk about 3 a specific type of offending that is, in your view, 4 developing, where an individual sets up a shelter or an 5 orphanage or a school, involves perhaps others who visit 6 or volunteer, and that this then becomes a framework for 7 sexual abuse of children. 8 You say that you believe that this is being done in 9 a way that you say is often seen as direct copycat 10 methods, almost as if there is a guidebook how to do it, 11 as if this is a pattern that you have seen in several 12 different countries, and you believe that this is 13 effectively similar to serious organised crime, in the 14 sense that it involves individuals working together, but 15 you don't believe, I think, that this has been 16 understood as much as other serious organised crime. Is 17 that a fair summary? 18 <b>A. Yes, it is.</b> 19 Q. You have made points about how in one particular case -- 20 I think the Robinson case -- again, this had involved 21 the setting up of a charity. You requested information 22 from the Charity Commission. I think you then did 23 liaise with the NCA about this particular case. I think 24 the response you received was that this had to be dealt 25 with view a FOI request, about which you have some</p> <p style="text-align: center;">Page 182</p>
<p>1 concerns; is that right? 2 <b>A. Yes, it is.</b> 3 Q. You broadly say at the end of 20 in your witness 4 statement that if the only way you can be engaged with 5 as a specials in the field is through a FOI request, 6 then you question how other members of the public who 7 would wish to report things in confidence could have 8 their voices heard? 9 <b>A. That's right.</b> 10 Q. You have dealt in some parts of your witness statement 11 later on with section 72 in the context of that 12 particular case. Is there anything else about 13 section 72 in a thematic sense that you would like to 14 draw out for the panel? 15 <b>A. I think they're a potential for positive engagement with 16 international authorities in the better and more 17 effective use of section 72. I don't think it's just 18 a matter of a cumbersome piece of legislation, although 19 I know that has been a theme that's been said to me over 20 many years by individual officers and civil servants, 21 that they don't like using it. 22 However, I don't believe that that's necessarily 23 just the barrier. I think with section 72 part of 24 the problem we have is, because there are so few cases, 25 we haven't been in a position where we have enough to</b></p> <p style="text-align: center;">Page 183</p>	<p>1 <b>analyse through those cases about whether it's good 2 legislation or not good legislation.</b> 3 <b>Although we understand that CPS now refers, or 4 should be referring, all extra-territorial cases through 5 to their Complex Case Directorate, I think it may be 6 called, looking specifically at giving advice on those, 7 we don't have the same thing with policing.</b> 8 <b>So there was no guidance under the -- previously 9 ACPO, Association of Chief Police Officers, and 10 subsequently on the use of section 72. However, I was 11 absolutely gobsmacked, to use a word I don't normally 12 use, but I was, at the 2018 Home Office guidance on the 13 part 2 of the Sexual Offences Act which, out of 14 a 70-page guidance report, there are only five small 15 paragraphs on the use of section 72.</b> 16 <b>I think this is a real problem that if we cannot 17 provide adequate guidance on the use of section 72, then 18 we will always be chasing our tail about it. So the 19 theme that I would raise from this is that I don't think 20 we have had enough opportunity to really be able to tell 21 whether section 72 is the right legislation, because we 22 haven't used it that much. But, equally, I think that, 23 by not providing adequate guidance, we are also not 24 advancing the cause of it. As mentioned earlier, 25 I think the problem is around, you know, someone to</b></p> <p style="text-align: center;">Page 184</p>

<p>1 <b>champion at a very high level of leadership and the lack</b>  2 <b>of progressive leadership in the use of section 72.</b>  3 Q. I will pull up, please, on that theme, your concluding  4 remarks around these issues. It is paragraph 27,  5 please, of your witness statement, which is the next  6 page down. You recognise there that there have been  7 some success stories of section 72 operating but you say  8 that's often because there is a trusted person on the  9 ground who is British or has British connections and  10 with whom the UK relies upon to facilitate. "The  11 tendency to favour this way of working is badly letting  12 down the vast majority of highly vulnerable child sexual  13 abuse victims where these factors are not in play.  14 There needs to be a complete overhaul of the approach to  15 how we deliver justice to children abroad", and you  16 stand by the recommendation made in the 2013 review that  17 there needs to be a single, dedicated national policing  18 resource directed at extra-jurisdictional offending  19 against children. The conclusion that had been reached  20 in part in the review was:  21 "... the existing regime actively obstructs  22 international child protection and may mean that the  23 UK's basic human rights obligations are not being met."  24 Do you stand by those observations now?  25 <b>A. Yes, I do.</b></p> <p style="text-align: center;">Page 185</p>	<p>1 Q. You understand, you say at 26, that there may be  2 resistance to the using of section 72 because of costs  3 and resourcing, and go on to say that that's why it  4 makes so much more sense to upend the current system and  5 pool expertise and resources through a single  6 investigations unit. Alongside that should be  7 a specialist Prosecution Unit and a clearly defined  8 victim and witness Code of Conduct to provide further  9 support to the victims and witnesses?  10 <b>A. Yes.</b>  11 Q. You mention also, if we can scroll down, please, to 29  12 and 30, fast-tracked Memoranda of Understanding to  13 promote a high level of commitment to joint operations.  14 I think similar to the EU framework that you identified?  15 <b>A. Yes. The joint investigation team framework or the</b>  16 <b>JITs, as they're often referred to, which is an</b>  17 <b>agreement that includes not only an investigations team</b>  18 <b>involving police officers but also prosecutors and</b>  19 <b>others as required on a time-bound investigation, so the</b>  20 <b>JIT is time bound.</b>  21 Q. You reiterate at paragraph 30 that you think that  22 policy -- forgive me. What you describe as the phantom  23 policy of last resort needs to be shaken off and that  24 this issue will not be resolved by training alone.  25 So please help the chair and panel with your</p> <p style="text-align: center;">Page 186</p>
<p>1 evidence on the "boots on the ground" issue, if I can  2 call it that, but that's what you describe it as in your  3 statement. Please give your evidence about that topic?  4 <b>A. Thank you. Where we have seen successes by other</b>  5 <b>countries, particularly I think the model often used by</b>  6 <b>the US, where they do have investigative capabilities,</b>  7 <b>they have policing capabilities, in-country, and</b>  8 <b>therefore they are able to have, for example, to use</b>  9 <b>that phrase, "boots on the ground" to work</b>  10 <b>collaboratively with the local law enforcement agency</b>  11 <b>and other agencies to bring the perpetrator, if they are</b>  12 <b>in the country, back to the country to prosecute under</b>  13 <b>their extra-territorial powers.</b>  14 <b>So where we talk about "boots on the ground", it's</b>  15 <b>not just about having, as we do now, the capabilities to</b>  16 <b>provide intelligence advice or training on the ground,</b>  17 <b>but it's actually having the policing capabilities on</b>  18 <b>the ground as well for investigative reasons.</b>  19 Q. A couple more areas, if I may, Ms Beddoe. Could I take  20 you back, please, to 24 in your witness statement where  21 you give some brief evidence about vetting and barring  22 and disclosure issues.  23 Broadly, you observe that, in your experience, the  24 application of these regimes overseas is weak; in  25 particular, perhaps, in what you describe as the "good</p> <p style="text-align: center;">Page 187</p>	<p>1 Samaritan offender", so that's the offender who has set  2 up a charity of some sort as a way then of abusing  3 children. You describe, for affected communities, there  4 is no obvious mechanism for them to be able to be  5 debriefed by UK officials unless they have been directly  6 involved in a criminal investigation. Even then, it is  7 doubtful whether a public debrief occurs or if  8 information is circulated to victims' families about how  9 to maintain contact with the police or pursue a civil  10 claim. So again, that's about the follow-up, is it,  11 where a particular situation emerges and where there is  12 or is not a prosecution?  13 <b>A. Yes, that's right.</b>  14 Q. You also refer under the heading "Intelligence  15 gathering" to the naming of British sex offenders in the  16 media. Your concerns are here that caution must be  17 exercised, you say, about accuracy and due process, but  18 you have been asked many times by local child protection  19 groups why no-one from the British Government comes to  20 these communities afterwards to ask them to give  21 evidence. Is that a similar point about follow-up when  22 somebody is identified?  23 <b>A. Yes, and it also crosses over with the role of</b>  24 <b>the British Embassy or indeed any consular officers in</b>  25 <b>those countries. So it may not be a situation where</b></p> <p style="text-align: center;">Page 188</p>

<p>1 <b>consular advice has been requested and therefore the</b>                  2 <b>case comes to the attention of British authorities in</b>                  3 <b>that way. But just in generally, where there's</b>                  4 <b>information that circulates in the local media and where</b>                  5 <b>the local organisations on the ground do not have the</b>                  6 <b>outreach from the British Embassy staff to come and talk</b>                  7 <b>to them and to see whether or not there's anything that</b>                  8 <b>should be done.</b>                  9 <b>So that is a concern that I still have.</b>                  10 Q. You say at 26 that the role of the consulates in looking                  11 after the interests of British nationals can, in your                  12 view, at times get in the way of embassy staff being                  13 more proactive and using their official capacity to                  14 speak out about British sex offenders operating in that                  15 country. You say there may be some good examples, but                  16 you're not aware of a blanket policy in all FCO missions                  17 abroad in perhaps the same way the Australian Embassies                  18 once distributed leaflets about the extra-territorial                  19 law?                  20 <b>A. That's right, promoting the use of British laws.</b>                  21 Q. My final question, please, for you, Ms Beddoe, is this,                  22 which is that I think you have been provided with and                  23 have had some chance to look at a document that the                  24 inquiry counsel team has prepared that summarises the                  25 concerns and proposed reforms made by other witnesses,</p> <p style="text-align: center;">Page 189</p>	<p>1 including but not exclusively, yourself. Is there                  2 anything in particular in this document that you would                  3 like to respond to or comment on?                  4 <b>A. In general, no, I agree, certainly, with many -- or</b>                  5 <b>indeed, if not all -- of the proposals. One thing</b>                  6 <b>I would say, though, is that the points that I raised</b>                  7 <b>about leadership and the need for leadership, in my</b>                  8 <b>opinion, having had many years of direct engagement with</b>                  9 <b>very senior level of -- both in terms of police, but</b>                  10 <b>also politically, with ministers, with the</b>                  11 <b>Home Secretary, with the heads of CEOP and others, is</b>                  12 <b>that many of these issues could have been dealt with</b>                  13 <b>much -- I won't say easily, but they could have been</b>                  14 <b>dealt with over many years, and I think it's also</b>                  15 <b>important to understand that if there are structural</b>                  16 <b>problems about why they're not being implemented now,</b>                  17 <b>then it's equally important to understand why they</b>                  18 <b>haven't been implemented. Therefore, my point about the</b>                  19 <b>lack of progressive leadership is that I would expect</b>                  20 <b>somebody in a leadership capacity today, who oversees</b>                  21 <b>this area of business, to be able to have a really clear</b>                  22 <b>position on why these things haven't been implemented</b>                  23 <b>already. This is a crime, or a set of crimes, that we</b>                  24 <b>have been banging on about for 20-odd years. Why are we</b>                  25 <b>still doing it and still at this point? I think it is</b></p> <p style="text-align: center;">Page 190</p>
<p>1 <b>really incumbent upon the current leadership to be able</b>                  2 <b>to say why these things aren't in place already. So</b>                  3 <b>I agree with them all, but I also think that, you know,</b>                  4 <b>it is -- I wouldn't necessarily want to say it is just</b>                  5 <b>a vacuum in leadership, but I think we need to</b>                  6 <b>understand why they haven't been implemented in measures</b>                  7 <b>as well, and if there are problems, why have those</b>                  8 <b>problems still existed to today?</b>                  9 MS HILL: Chair, those are all my questions for Ms Beddoe,                  10 thank you.                  11 THE CHAIR: Thank you. We have no questions. Thank you,                  12 Ms Beddoe.                  13 MS HILL: Thank you very much, Ms Beddoe.                  14 <b>A. Thank you.</b>                  15 <b>(The witness withdrew)</b>                  16 THE CHAIR: Thank you. That concludes today's hearing.                  17 (4.04 pm)                  18 (The hearing was adjourned to                  19 Tuesday, 12 February 2019 at 10.00 am)                  20                  21                  22 I N D E X                  23                  24 Welcome and opening remarks by THE .....1                  25 CHAIR</p> <p style="text-align: center;">Page 191</p>	<p>1                  2 Opening statement by MS HILL .....3                  3                  4 Opening statement by MS GALLAGHER .....33                  5                  6 Opening statement by MS YOSHIDA .....46                  7                  8 Opening statement by MR GRIFFIN .....56                  9                  10 Opening statement by MS WEERERATNE .....58                  11                  12 MS BHARTI PATEL (sworn) .....66                  13                  14 Examination by MS HILL .....66                  15                  16 Questions by THE PANEL .....129                  17                  18 Statement of MS SHERRYL LOSENO .....134                  19 (read)                  20                  21 Statement of MS CATHERINE LOUISE .....142                  22 SPRECKLEY (read)                  23                  24 MS CHRISTINE DOROTHY BEDDOE .....154                  25 (affirmed)</p> <p style="text-align: center;">Page 192</p>



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