WITNESS STATEMENT OF BHARTI PATEL

I, BHARTI PATEL, of ECPAT UK The Stableyard, Broomgrove Road London SW9 9TL will say as follows:

1. I am the CEO of ECPAT UK and make this statement pursuant to the Rule 9 request from the Inquiry dated 3 August 2018. The facts stated within this statement are within my knowledge and belief, save where otherwise stated. I exhibit to this statement copies of relevant reports referenced in this statement under the exhibits marked “BP 1-7.” References to page numbers in square brackets in bold refer to internal page numbers of the exhibited reports.

2. This statement is made without the benefit of having site of the disclosure or other witness statements. As such, I have set out a brief history of the legislative framework to help explain ECPAT UK’s work on this issue. I have not gone into technical details in relation to the different orders which are being considered in this Inquiry. I am happy to provide a supplementary statement providing more detail and materials to the Inquiry on the issues set out below. Following receipt of the disclosure, I may wish to respond to some of the issues raised in the materials or in the other statements and I hope that I will be given an opportunity to do so.
3. I would like to begin my statement by contextualising the Inquiry’s case study into the civil framework for the prevention of, and notification of foreign authorities of, foreign travel by individuals known to the UK authorities as posing a risk to children. The sexual exploitation of children is a grave violation of children’s human rights and constitutes an affront to our collective dignity.\(^1\)

4. The UK Government must accept responsibility for the failure to manage sex offenders and prevent these crimes against vulnerable children in the UK and abroad. They must demonstrate urgent commitment if we are to stop this vile ‘export’ of sex offenders to other parts of the world.

5. As the CEO of ECPAT UK I have commented regularly on cases of UK nationals committing offences abroad. Such cases highlight the complexities of transnational child sexual abuse, particularly how offenders exploit technology, collaborate with criminal trafficking networks and target vulnerable children abroad for their own sexual or financial gratification.

6. The impact of child abuse on children cannot be underestimated and children abused sexually can have a wide range of physical and psychological problems. Without the right support, the effects of childhood abuse can last a lifetime. Compensation is vital to help children rebuild their lives and recover from such abuses. Companies as well as government must recognise the impact of their overseas operations on vulnerable children and take steps to prevent child abuse and child trafficking or face financial and reputational repercussions.

7. The failure to manage UK sex offenders is shocking and compounds the already huge threat to children in the UK and abroad. We must acknowledge that the UK is responsible for failing to prevent its nationals from sexually

\(^1\) http://www.ecpat.org/wp-content/uploads/legacy/cst_faq_eng.pdf
abusing children abroad. Much more needs to be done to monitor and manage them.

8. Children are sexually exploited by travellers and tourists, in what is sometimes referred to as “child sexual tourism.” The sexual exploitation in travel and tourism is defined by ECPAT as the “sexual exploitation of children by a person or persons who travel from their home district, home geographical region, or home country in order to have sexual contact with children.” Child exploitation in this context often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment.

9. Travel and tourism is an industry which has been highly vulnerable to facilitating the exploitation and abuse of children. Other industries and institutions overseas also present at particular risk of facilitating the sexual abuse and exploitation of children. Some of them include international non-governmental organisations, charities, schools and orphanages.

10. The landscape of international sex offending is one where offenders exploit vulnerable children often in a context of poverty and corruption. The sexual abuse of children by British nationals who travel abroad has been entrenched over many, many years. Children are abused in many, many countries including Cambodia, the Philippines, Kenya, Ghana, India, the Dominican Republic, Colombia, Spain, Malaysia, the USA and the United Kingdom but to name a few.

11. On 12 March 2018 Sarah Champion MP asked the Secretary of State for Foreign and Commonwealth Affairs, ‘what information his Department

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2 We do not approve of this term because it down plays the criminal nature of the behaviour; these are not tourists but sex offenders.

holds on the number of UK nationals who have been arrested for child sex offences overseas in the last five years; and in what countries such nationals have been arrested over that period.’ The reply was that ‘from 2013 to 2017 the Foreign and Commonwealth Office (FCO) responded to 361 requests for consular assistance from UK nationals who had been arrested for child sex offences. The FCO are not routinely notified of the arrest of all UK nationals overseas. The Vienna Convention on Consular Relations 1963 (Article 36) provides for an embassy to be informed of an arrest only if the individual requests it.’ 50 different countries were listed in the table [BP1/1-2] provided with the answer showing the spread of countries concerned and the global nature of the problem.

12. From ECPAT UK’s work over many years, we have seen a clear pattern of repeat offenders travelling from country to country to avoid the sex offender management mechanisms in the UK. In this context, ECPAT UK has consistently called on the UK government to prevent, detect and manage British nationals who abuse children abroad.

13. We have also called for a major national public awareness campaign in the UK on the prevention and reporting of the sexual exploitation of children in tourism. We are hopeful that this Inquiry will bring much needed public attention and awareness of this issue to the general public and lead to concrete actions which will prevent the sexual exploitation of children abroad by British nationals.

Overview of ECPAT & ECPAT UK

ECPAT

14. In 1990 an organisation known as ECPAT was set up in Bangkok. The acronym ECPAT then referred to that organisation’s original aim, being a
campaign to “End Child Prostitution in Asian Tourism”. ECPAT was central in bringing a global focus to these issues over the following number of years, culminating in the World Congress against the Commercial Sexual Exploitation of Children held in Stockholm, Sweden, on 27th - 31st August 1996. The Congress was co-organised by ECPAT, UNICEF and the NGO Group for the UN Convention on the Rights of the Child. It concluded with the unanimous adoption of the Stockholm Declaration and the Agenda for Action, with 122 States committing themselves to this Agenda.

15. By the time of the 1996 Congress, ECPAT had grown from a campaign focusing on children in Asia into a global movement, with organisations established in many countries around the world, including the UK. It was agreed that ECPAT should have a wider mandate, encompassing children sexually exploited in pornography and trafficking worldwide. The ECPAT network now spans 93 countries. The Secretariat of ECPAT International is located in Bangkok.

16. A second follow-up World Congress was held in Yokohama, Japan, in 2001. At this event, governments were asked to report on their achievements and also to reaffirm promises made at the Stockholm World Congress. The UK Government sent a delegation and reported on new laws and policies introduced since the Stockholm Congress and announced the development of a new National Plan of Action against the Commercial Sexual Exploitation of Children.

17. The global nature of the ECPAT movement is apt because of the global nature of child sexual exploitation and which has proliferated with the growth of and access to the internet.
ECPAT UK

18. ECPAT UK was originally established in 1994 as “The Coalition Against Child Prostitution in Tourism” with a mandate to campaign against the sexual exploitation of children in tourism, lobby for laws and policies to protect children and for the prosecution of British nationals who sexually abuse children abroad. In 1997, largely as a result of these campaigns, led by ECPAT, the UK Government introduced new legislation, to prosecute UK nationals for abusing children abroad and to close loopholes in law so that children overseas can be better protected from British sex offenders. ECPAT UK continues to monitor international cases. The Coalition became the UK national representative of the international ECPAT network in 1997 and in July 2004 became a UK registered charity. The acronym now reflects its broader work, and it is registered as standing for ‘Every Child Protected Against Trafficking’.

19. ECPAT UK is now one of the UK’s leading children’s rights organisations, working to protect children from child trafficking, being abused as the subjects of on-line abuse, and transnational child exploitation in all its forms. ECPAT UK campaigns for the rights of children everywhere to live a life free from abuse and exploitation.

My role within ECPAT UK


21. My role within ECPAT UK to give overall direction and leadership toward the achievement of ECPAT UK’s mission ensuring that the values and ethos of the organisation are guarded. In particular:

- ensure that ECPAT UK is represented in a variety of settings including government, industry and NGO partnership work;
• ensure that all internal and external stakeholders are aware of ECPAT UK’s mission, vital activities and success;
• advocate for children and young people;
• be committed, at all times, to working for the best interests of children;
• ensure that the views of children and young people are represented both in the external arena and within the organisation.

22. I also have the lead responsibility for ECPAT UK’s transnational child exploitation work. ECPAT UK defines transnational child exploitation as the exploitation of children beyond country borders. It is where a citizen or citizens of one country exploit a child or children in another country. Transnational child exploitation includes the exploitation of children by a foreign national travelling, residing or working in another country. It also includes the sexual exploitation of children online where neither the child nor the exploiter is in the same jurisdiction or country.

23. Transnational child exploitation takes many forms, however ECPAT UK’s work on this area focuses primarily on the sexual exploitation of children abroad perpetrated by UK citizens or residents, particularly in the travel and tourism industry.

24. I regularly comment on cases of sexual abuse of children outside the UK, raising concerns on the need for the UK to take seriously their responsibility to protect children against sexual abuse by UK nationals and to accept responsibility for the failure to manage sex offenders and prevent these crimes against vulnerable children in the UK and abroad. ECPAT UK works to promote greater international multidisciplinary approaches to combating sexual exploitation and protecting the rights of children across borders.

25. I am also ECPAT UK’s representative member of the Child Exploitation and Online Protection Command (CEOP) International NGO (INGO) Advisory
Group. As a member of this group focusing on child abuse outside UK, we help inform the development of CEOP’s programme of work with its law enforcement partners and identify opportunities to coordinate activity on the ground. This maximises our impact in assisting partner countries to implement comprehensive national responses to prevent and tackle child sexual exploitation and abuse overseas.

ECPAT UK’s work

26. ECPAT UK’s work has six main strands:

(i) Policy, advocacy and campaigns: ECPAT UK takes action to persuade the UK Government and other governments, where relevant, to improve legislation, policy and practice to protect children; prevent child trafficking; and implement tougher action against those who abuse children. For example, ECPAT UK petitioned the NCA to set up a dedicated law enforcement unit to work with local Kenyan police to combat child sexual exploitation by UK offenders. We amassed tens of thousands of signatures for the petition. The campaign was a success and there is now a NCA presence in Kenya working in cooperation with local police. In 2015- ECPAT UK 10,000 supporters who called on the Foreign Secretary to immediately introduce measures that make it easier to investigate and prosecute travelling British offenders, and protect vulnerable children, by implementing international obligations and setting up national and international law enforcement teams to protect children everywhere. In 2017 - ECPAT UK had 38,543 supporters who called on the Government to hold online offenders financially accountable and enable child victims of online sexual abuse to claim compensation from their abusers.
(ii) **Youth work:** ECPAT UK directly supports children who have been trafficked, provides expertise in children’s cases; and ensures their voices are represented in all its work;

(iii) **Training:** ECPAT UK delivers rights-based, practical training to professionals working with children;

(iv) **Research:** ECPAT UK publishes cutting-edge research on child trafficking and exploitation, informed by its direct work with exploited and trafficked children and the professionals who support them;

(v) **Awareness raising:** ECPAT UK works in partnership with various organisations to build a common understanding and to enhance expertise on protecting children against transnational child exploitation, including trafficking and sexual exploitation;

(vi) **Policy development and legal reform:** ECPAT UK works with children’s rights organisations, anti-trafficking NGOs, child protection agencies, communities and governments to identify strategies to combat child trafficking and the exploitation of children overseas.

27. Specifically, in relation to transnational abuse, ECPAT UK has been monitoring and recording cases of UK nationals prosecuted and convicted for child abuse offences outside the UK.

28. ECPAT UK has also been monitoring the use and effectiveness of civil preventative orders, including Foreign Travel Orders (“FTO”), Sexual Offences Prevention Orders (“SOPO”) and Risk of Sexual Harm Orders (“ROSHO”) under the Sexual Offences Act 2003 (“SOA”). We have also campaigned and continue to call for the greater use of the extra territorial powers under s.72 of the SOA.

29. Our work and campaigns have led to key changes in the national legislative framework to restrict the overseas travel of known child abusers and to
enable the prosecution of UK nationals for sexual abuse of children outside the UK. These include:

a. The removal of the ‘dual criminality’ measure from the Sexual Offences Act 2003 as recommended in our 2006 report *End of the Line for Child Exploitation [BP2/43]*. Its withdrawal now allows a UK national to be prosecuted in the UK for a crime committed abroad, even if the offence was not a crime in the country where it was committed.

b. Closure of the ‘three-day loophole’ in the SOA after many years of lobbying by ECPAT UK. This loophole allowed registered British sex offenders to travel abroad for up to three days without having to notify the police of their intention to do so. This put children abroad at risk of abuse. The SOA was amended in 2012 which now requires sex offenders to notify the police of all foreign travel plans.

c. ECPAT UK co-authored the ACPO Child Protection and Abuse Investigation Working Group commissioned review of the existing statutory Scheme and recommendations for reform [xx]. The civil orders in the SOA were reviewed and the report published in May 2013. The review concluded that the existing civil prevention orders were not fit for purpose and failed to deliver adequate protection for children from sexual abuse. The report recommended a simplifying and strengthening of the civil orders provided for in the SOA, to provide enhanced protection for both the public in the UK and children and vulnerable adults abroad. The new orders were introduced in the Anti-Social Behaviour and Policing Act 2015, repealing the SOPO, FTO, and ROSHO in England and Wales and replacing them with two new orders: the Sexual Harm Prevention Order ("SHPO") and the Sexual Risk Order ("SRO").

30. Despite ECPAT UK’s efforts campaigning for the protection of children against sexual exploitation outside of the UK and successes in amendments
in the SOA 2003, we continue to have significant concerns about the adequacy of the current legislative framework for a number of reasons. Significantly low numbers of child sexual abusers are extradited and prosecuted under Section 72. We are aware of only five cases brought under this section since its introduction in May 2004. In ECPAT UK’s report, Return to Sender, [BP3/7] set out in greater detail below, we stated that “extraterritorial legislation has been in place for over ten years we are no closer to preventing sexual abuse of children of foreign tourists and this is supported by case evidence across the globe.” The underutilization of this measure means that it has not had the deterrent effect that was intended.

31. Similarly, there have been low numbers of FTOs imposed under both the old and new regimes. In 2016/17 of the 5,931 SHPOs imposed, only 4 had foreign travel restrictions; (see the table below at paragraph 60 below). This means in practice that offenders are not being prevented from travelling abroad outside the UK. Such lack of controls of the movements of offenders means that they are liberty to offend with impunity. ECPAT UK considers that the lack of FTOs being imposed is an indicator of the UK authorities’ failure to understand the global nature of child sexual abuse. Allowing offenders to travel to countries where systems are weak amplifies the need to have these orders in order to prevent sexual exploitation.

ECPAT UK’s work on Civil Orders

Timeline of relevant legislation

32. The notification requirements for sex offenders can be traced back to the Sexual Offenders Act 1997. This introduced a notification requirement. Offenders convicted of certain sexual offences would have to notify certain personal details to the police and any subsequent changes to these details.
33. The register was launched on 1 September 1997 and was not retrospective. This meant it did not apply to any one committing offences before that date unless they were still in prison or under supervision.

34. Notification requirements were underlined by the Crime and Disorder Act 1998 which introduced Sex Offender Orders ("SOO"). These were previously named community protection orders. SOOs were civil preventative orders imposed to prohibit an offender from doing anything specified in the order, so long as it is necessary to protect the public from serious harm from the defendant. Anyone subject to a SOO is also subject to the notification requirement for the duration of the SOO.

35. The Criminal Justice and Court Services Act 2000 introduced a requirement for registered sex offenders to notify the police if they intended to travel overseas for 8 days or more. In addition, the CJCSA introduced sex offender restraining orders, they are very similar to SOO but can be imposed by a court at conviction for a relevant sexual offence, rather than through application by a chief officer of police.

36. The Police Reform Act 2002 made amendments to the SOO regime, including introducing interim sex offender orders.

37. The 2003 SOA repealed all of this prior legislation and re-introduced most of the provisions. It introduced FTOs, SOPOs, and RHSOs.

38. Under the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004 No. 1220 registered sex offenders had to notify the police if they were going abroad for more than three days. Previously it was eight days.

39. In 2008 the SOA was amended to remove the requirement of ‘dual criminality’ in s.72 of the Sexual Offences Act 2003.

41. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced SROs and SHPOs. It repealed FTOs, SOPOs, and RHSOs.

Foreign Travel Orders (“FTOs”)

42. ECPAT UK believes that FTOs can be a useful tool to combat transnational child abuse. However, it is not a substitute for a criminal conviction where this may be possible.

43. Our 2006 report ‘End of the Line’ [BP2/42] emphasised the need for a comprehensive, co-ordinated partnership between many stakeholders: not only the police and the Home Office, but prosecutors, lawyers, embassies, NGOs, the travel industry and the media.

44. We noted in that report that unlike Australia, New Zealand for example the UK did not introduce a separate Act of Parliament specific to child “sex tourism” offences. ECPAT UK also considered it redundant to have to name a specific country or region on the FTO application. International case evidence suggests that offenders prohibited from travelling to one destination will simply choose another.

45. Our 2008 report ‘Return to Sender’ [BP3/6] called for a review of the effectiveness of FTOs.4 This is a detailed report which we invite the Inquiry to read in full. To summarise briefly, we found that there was a lack of awareness of the availability of such civil orders amongst police forces. Further, police forces referred to FTOs as involving too much paperwork and being an unwieldy tool. It was at that time seemingly easier for Police forces

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4 https://www.ecpat.org.uk/return-to-sender-british-child-sex-offenders-abroad
to ban the travel of football hooligans than it was for those who committed sexual offences against vulnerable children abroad.

46. We recommended stronger bi-lateral cooperation agreements with relevant countries and help with the vetting and barring concerns [BP3/13]. The Report also questions the role of British diplomatic missions such as Embassies and Consulates and asked why the Foreign and Commonwealth Office did not have a consistent policy around the globe on pro-active liaison with foreign governments at the time of arrest on cases of child sexual abuse. We understand that there is still no consistent policy due to the different relationships between governments which impacts the engagement between the UK and the law enforcement agencies across different jurisdictions. The International Development Secretary announced on 17 October 2018 the creation of a global register run by INTERPOL and ACPO for charities to access when doing criminal records checks.

47. We also highlighted the example of Australia which had signed a number of Memorandums of Understanding (MOUs) with countries in Asia, the Pacific and South America to facilitate efforts to combat child sex offences. Through these MOUs, international cooperation, information exchange and capacity-building programs have enhanced efforts to identify and investigate those involved in the sexual exploitation of children.

48. We recommended that the UK develop joint investigation teams with other national law enforcement agencies [BP3/14]. We noted that Australia has achieved a much higher level of success by having Australian Federal Police based in a number of countries under cooperation agreements with a specific mandate to work together with their law enforcement colleagues from other countries on joint investigations. A good example of this sort of successful cooperation with UK law enforcement is that with the Kenyan authorities which has led to successful prosecution of UK offenders. The first Kenyan
Police unit dedicated to fighting child sexual exploitation was set up in October 2016 with support from the National Crime Agency following a 3 year programme of collaboration between the National Police Service of Kenya and the UK’s National Crime Agency.

49. It was also recommended that agreements with foreign governments should be constructed to deport and chaperone convicted offenders back to the UK after sentencing to be placed on the Sex Offenders Register [BP3/14].

50. We noted how it is possible for a British sex offender to be arrested, charged and/or prosecuted abroad and for the British authorities never to know because the system of reporting the prosecution or conviction to the UK is not mandatory between governments. Such reporting relies heavily on the role of British Embassies and missions abroad and even then they do not necessarily have knowledge about the case. This is another reason why bilateral cooperation agreements are so important.

51. We believe that British law enforcement agencies and diplomatic staff must start the process as soon as the individual is arrested abroad so that the case can be recorded, monitored and managed from the outset. While this process has been evident in one or two high profile cases it is far from being the norm and so it must be put on a mandatory footing.

52. We recommended an immediate review of the MAPPA model (Multi-Agency Public Protection Arrangements) to be more inclusive of the context of abuse in other countries [BP3/16] and an immediate review of the use and effectiveness of Foreign Travel Orders (FTOs) to restrict travel for high risk sex offenders or consider other models [BP3/17]. In order for MAPPA to be more effective this kind of monitoring and control of such offenders is necessary.
53. In our 2011 report ‘Off the Radar’ [BP4/24] we highlighted the problems of British sex offenders who travel aboard to abuse children.\textsuperscript{5} This was the third report on this issue which highlighted the ongoing weakness in policy and legislation. The report also highlights ECPAT UK’s concern over children in international schools and orphanages because of a lack of information sharing between jurisdictions. We found that there was evidence to suggest that serious sex offenders who are known to the authorities in the UK were seeking out teaching or volunteer jobs abroad for child to abuse children. The report also found that child sex offenders convicted abroad could slip back into the UK undetected creating a risk of British children [BP4/4] since there is no legal mandate that compels perpetrators to disclose these offences immediately upon their return to the UK.

54. We provided five recommendations [BP/25] to the government; these were to:

(a) Ratify and implement Council of Europe’s Convention on the protection of children against sexual exploitation and sexual abuse (the Lanzarote Convention) to allow for greater international cooperation and information-sharing across borders to investigate and prosecute offenders' sexual crimes against children in the UK and abroad. In addition, the UK will be required to implement preventative measures such as screening, child protection training and the collection of data on convicted offenders.

(b) Close the three-day loophole referring to section 86 of the Sexual Offences Act 2003 requiring registered sex offenders to notify travel abroad;

(c) Convene a review of information sources to produce a precise report on the numbers of British nationals who have been prosecuted abroad and in the UK for crimes committed abroad is published before the end of 2011;
(d) Require the CPS to improve its knowledge and practice in prosecuting cases of child abuse and exploitation committed overseas. Specifically, we recommended that the CPS should establish a review of the use and efficacy of Section 72 of the Sexual Offences Act 2003 which allowed for the extraterritorial application of UK law for the prosecution of sexual offences;
(e) Provide training on relevant legislation and investigation of international offences across the UK not, only for the police. We recommended that a wide range of agencies should be made aware of the key issues including those responsible for customs, immigration, consular services, passport and Visa offices and probation. Furthermore, we recommended a review of training for staff at bail hostels and prisons so they may identify early warning signs of offenders aiming to travel abroad with the intention of sexually abusing children.

55. Of the five recommendations, ECPAT UK was pleased to note that the government finally ratified the Lanzarote Convention on 20 June 2018. The government also closed the ‘three day loophole’ identified by ECPAT UK in the travel notification requirements under the SOA on 28 July 2012. ECPAT UK cannot identify that the UK government has complied with the other three recommendations.

7 https://www.legislation.gov.uk/uksi/2012/1883/contents/made
56. In 2013 the Davies Report \(^8\) [BP6] on civil prevention orders under the SOA called for a simplification of the civil orders regime as they apply to children and highlighted the large and increasing scale of transnational child abuse and the inadequacy of the civil order regime to tackle abuse abroad and against non UK nationals.

57. The Davies Report highlighted the reluctance of police forces to make use of the civil order regime and that the secondary forms of prevention such as Interpol notices were inadequate and ineffective in preventing international sexual exploitation.

58. Specifically, in relation to FTOs, the Davies Report called for much greater powers to impose such restrictions, removing the need for a qualifying conviction for example and introducing a much lower threshold in order to secure such an order.

59. Our research shows that the numbers of civil orders with foreign travel restrictions are low, seemingly without any explanation for this. Multi-Agency Public Protection Arrangements Annual Report - 2016/17 statistics show that that there is a huge disparity between those given a SHPO and those given an SHPO, which contains a foreign travel restriction.\(^9\) From the year 2006/07 the ratio was 371:1 whereas in the year 2016/17 the ratio was 1,483:1 - SHPOs: SHPOs containing a foreign travel restriction. It is noted that after the Anti-Social Behaviour, Crime and Policing Act 2014 came into force the threshold to securing a SHPO was lowered.

60. ECPAT UK believes that the data shows a need for a greater use of foreign travel orders post-conviction. Notification requirements are not enough because of the determined nature of those who commit sexual offences

against children. However, such restrictions must be applied proportionately.

Table 6: Sexual Offences Prevention Orders (SOPOs), Sexual Harm Prevention Orders (SHPOs), Notification Orders (NOs) and Foreign Travel Orders (FTOs) imposed by the courts

<table>
<thead>
<tr>
<th>Year</th>
<th>SOPOs/SHPOs imposed(a)</th>
<th>NOs imposed</th>
<th>FTOs/SHPOs with Foreign Travel Restrictions imposed(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/07</td>
<td>1,114</td>
<td>62</td>
<td>3</td>
</tr>
<tr>
<td>2007/08</td>
<td>1,440</td>
<td>70</td>
<td>1</td>
</tr>
<tr>
<td>2008/09</td>
<td>1,512</td>
<td>72</td>
<td>12</td>
</tr>
<tr>
<td>2009/10</td>
<td>1,862</td>
<td>67</td>
<td>15</td>
</tr>
<tr>
<td>2010/11</td>
<td>2,438</td>
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<td>3,243</td>
<td>116</td>
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</tr>
<tr>
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<td>3,706</td>
<td>137</td>
<td>4</td>
</tr>
<tr>
<td>2015/16</td>
<td>3,873</td>
<td>104</td>
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</tr>
<tr>
<td>2016/17</td>
<td>5,931</td>
<td>117</td>
<td>4</td>
</tr>
</tbody>
</table>

(a) From 2015/16, SOPOs were replaced by SHPOs and FTOs with SHPOs with a foreign travel restriction.

Reports ECPAT UK has produced on s.72 of the Sexual Offence Act 2003

61. ECPAT UK has closely followed cases of UK nationals abusing children abroad. In this statement I will highlight 4 cases. A fuller list is exhibited at [BP7]. Each of these 4 cases highlights the transnational element to the offending behaviour and the successful use of s.72 SOA:

a. Simon Harris committed offences in both the UK and Kenya. In the UK he was found guilty of sexual assaults, indecent assaults and possessing images of children. In 2014 he pleaded guilty to 6 counts of indecent assault committed against 3 pupils at a private school in Devon between 1982 and
1989. He was found not guilty of four charges of child rape, two of attempted rape, three further charges of indecent assault and a further charge of possessing indecent images.

His offending continued in Africa. He ran an educational charity and was living in Kenya when, using food and money, he lured vulnerable boys (who were living on the streets) to his home, in Gilgil, Kenya where he sexually assaulted them between 2002 and 2013. He was sentenced to 17 years and 4 months in prison by an English court.

b. Keith Morris abused children in Kenya. He visited Kenya for many years having got involved with charity work initially. He provided financial support to impoverished people in a rural area and gained a respected status. He used that status to abuse children but was caught as part of an investigation started by the NCA. Keith Morris was sentenced to 18 years in prison by an English court in July 2018. Morris’ case was an illustration of how having the dedicated child protection unit and an international liaison officer as well as good relations with the host country led to an effective investigation and a successful prosecution. One of his victims gave cogent evidence via video link at Leeds Crown Court.

c. Richard Huckle was sentenced to 22 life sentences for 71 counts including 14 rapes of a child. He abused children extensively in Malaysia, Cambodia and India. He also wrote a ‘guide’ called Paedophiles And Poverty: Child Lover Guide which he intended to post on the internet. He is noted to have stated online that, ‘Impoverished kids are definitely much, much easier to seduce than middle-class Western kids.’ This comment reflects the weaker law enforcement controls in some countries and emphasises the need for prosecutions under the extra territorial provisions of the SOA where possible. Huckle’s case was one of abuse on a vast scale which he
broadcast to other paedophiles over the dark web. The lead investigating officer said that he would be shocked if there were no UK victims as well.

d. David Francis Shepherd was found guilty numerous sexual offence against children including making indecent photographs. He paid for and arranged or facilitated child sex offences using internet messaging services to direct others to commit child sex offences. He travelled to the Philippines where he abused four children, including an 8-year-old, and filmed himself carrying out the abuse.

62. The above cases demonstrate that successful prosecutions using s.72 are possible and effective. In our 2006 report ‘End of the Line’ we highlighted deficiencies of s.72 and explained that, in order to be consistent with the United Nations Convention on the Rights of the Child, s.72 must be amended to include offences against all persons up to the age of 18.

63. We recommended a review of the role of the Foreign and Commonwealth Office, including embassies and missions, in monitoring cases of British nationals arrested abroad and how this information is passed onto law enforcement agencies in the UK. We also recommended a review of training needs for UK-based police, for the Crown Prosecution Service and the Judiciary around offences committed abroad.

64. We recommended a review of how the UK police can assist local police to support in-country investigations. A very positive example of this would be the development of Rapid Deployment Teams with a UK multi-agency team of police, legal advisor and social worker to work in tandem with their international counterparts. This would provide immediate assistance when children are being abused by a British national and where the local authorities do not have the capacity to respond.
65. In our 2008 report 'Return to Sender' we highlighted that with only a handful of convictions in the UK, s.72 has not had the deterrent effect as was first thought because it has not been widely used. We noted [BP3/11] that from discussions with individual law enforcement officers they said how challenging they think it would be to use s.72 due to international cooperation and evidentiary issues.

66. Our 2010 report 'Off the Radar' highlighted the fact that the UK government was not able to put a figure on the number of prosecutions under extra-territorial legislation when asked by Parliament. We acknowledged the problems with prosecuting under s.72, namely; "Differing resources, languages and investigative methods frequently hinder co-operation and more informal routes often open up better co-operation than formal mutual legal assistance processes that can be hindered by bureaucratic obstacles." We noted that the 3-day loophole at that point had still not been closed.

67. Notwithstanding the difficulties identified above we consider that s.72 SOA is powerful tool to combat the sexual abuse of children abroad by UK nationals. Its use sends out a strong deterrent message to UK nationals who travel abroad to abuse children that they are no longer able to carry out their sexual offences against children with impunity. Restrictions on travel do not affect offenders who have already set up a home abroad and consider themselves out of reach of the UK law enforcement authorities.

Statutory vetting and barring schemes

68. ECPAT UK has highlighted the deficiencies in statutory vetting and barring procedures in our various reports compiled over the years. In our 2006 report 'End of the Line' we highlighted the example of Nicholas Rabat who was blacklisted but still able to set up a care home and then flee to Thailand [BP2/19].
69. By 2008 we were again highlighting the failures by organisations to do simple checks to assess the suitability of those working with children with reference to UK criminal records or other sources. We noted recommendation 19 of the Bichard Inquiry Report that, "new arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. The register would confirm that there is no known reason why an individual should not work with these clients."

70. Our 2001 report 'Off the Radar' exposed how international organisations (overseas schools or organisations) are unable to access crime records checking procedures that would be expected as standard procedure of UK institutions.

71. We noted that some sex offenders deliberately target countries with less developed child protection systems to regulate employees and volunteers. Furthermore, some perpetrators set up their own orphanages/schools and although the Charity Commission has issued recruitment guidelines for UK charities working abroad, smaller locally run charities or institutions often lack resources to do intensive screening and background checking in the UK. As stated above a notorious example is that of Simon Harris who set up and ran a charity called VAE which helped arrange teaching placements in Kenyan schools for British gap-year students. He took up residence in a Gilgil, Kenya and groomed and exploited children for years. His offending against impoverished children was on a huge scale and conducted under the veneer of a respectable charity.

72. In 2011 CEOP reported 33 cases of British nationals travelling overseas and abusing children whilst in an educational position in one eighteen-month period: of these 33 cases, 23 were identified as having previous convictions for offences involving children.
73. In 2011 there was then no requirement for British citizens who have been convicted of sexual crimes against children abroad to register on the Violent and Sex Offenders Register ("ViSOR"). However, on the convicted person’s return to the UK, a summons can be served upon them to surrender themselves at a magistrate’s court for a notification order to be applied. The court must be satisfied that a notifiable offence has been committed abroad and then a notification order will be made. This order then requires the individual to register on ViSOR. Due to the difficulties in monitoring the movement of travelling sex offenders, many will be able to slip through the net and potentially continue to abuse children overseas but some do come back to the UK.

74. Figures showed that there were 44,700 sex offenders registered on ViSOR and 499 individuals registered on ViSOR as a result of offences committed abroad.

75. We highlighted in our 2011 report how a sex offender with previous convictions in a European country slipped through the criminal records check system to become a driver for a taxi company with a school contract. This man then went on to sexually abuse a child with special needs while driving the boy from school. [BP4/9].

76. In the 2013 Davies Report we referred to the International Child Protection Certificate. In 2012 CEOP initiated the International Child Protection Certificate, a procedure by which institutions abroad may require individuals to apply for a check similar to the CRB checks carried out in the UK before accepting applications for employment from persons who will be working with children. This is not a mandatory procedure, and the cost has to be borne by the applicant. Consequently, smaller organisations/institutions do not require individuals to apply for these due to costs. ECPAT UK has learnt through talks with contacts at CEOP that this
procedure has been extensively marketed, in the attempt to make it more universally known of and used. However, while there are no precise figures available of numbers of certificates applied for, this number is thought to be still quite low. In Cambodia, for instance, according to data compiled by Cambodian NGO Action Pour Les Enfants (‘APLE’), only one ICPC had been applied for since the launch of the procedure in 2012.

77. UK based charities, which are governed by the laws of England and Wales are regulated by the Charity Commission. The Charity Commission has published guidance for charities [BP6/14] working internationally, which states that:

"Charities working with children should have a child protection policy which clearly sets out procedures for identifying and dealing with possible abuse. Such charities should also make all possible checks on trustees, volunteers, employees and anyone connected with the charity that might have access to children. In the UK, these checks are administered by the Criminal Records Bureau (CRB). The CRB website also has some information about checks in other countries."

78. Guidance on the content and ambit of Child Protection Policies is detailed in the Charity Commission’s Safeguarding Children Guidance. The Commission does not, however, appear to have any authority to sanction organisations for failure to enact and implement such policies.

79. The lack of information sharing between jurisdictions, and the failure to make use of the mechanisms in place means that known offenders who have been convicted in one or more jurisdictions are still able to travel to other countries and reoffend. Gaps in information sharing with authorities in other countries are a barrier to effective investigation as well as identification and monitoring of previous offenders.
Recommendations for better practice

80. ECPAT UK recognises the progress that has been made in combating sexual offences against children, and particularly welcomes the ratification of the Lanzarote Convention. However, much more needs to be done, particularly in relation to the transnational abuse of children.

81. ECPAT UK observes that there is a distinct gap in the evidence upon which a proper qualitative analysis can be based. Currently there is little data to show how many British nationals commit sexual offences against children overseas. This is because there is no centrally held database to collect and collate data on this issue. This makes is very difficult to understand the scale, extent and nature of transnational exploitation of children by British nationals travelling, working or residing abroad. In order to assess the effectiveness and the value of the civil orders in protecting children outside the UK from sexual abuse by UK nationals, there is an urgent need for qualitative and quantitative evidence/data collation centrally by a single agency.

82. From 2013 to 2017, the Foreign and Commonwealth Office (FCO) responded to 361 requests for consular assistance from UK nationals who had been arrested overseas for child sex offences. However, this is likely to represent far fewer arrests than the true figure, as Embassies will only record this information when individuals seek assistance from the Embassy on arrest. In the Davies Review we recommended a review of the role of the Foreign and Commonwealth Office, including embassies and missions, in monitoring cases of British nationals arrested abroad and how this information is passed on to law enforcement agencies in the UK.

83. There is no data on the number of child victims who are affected in these cases or their outcomes. Local investigative bodies only share this
information in response to specific requests from UK authorities, which are made on a case by case basis, and often these requests do not receive a response.

84. There has been even less effort made towards identifying children who have been abused by British nationals overseas and ensuring that they are safeguarded and protected from further harm, or compensated for the trauma they have suffered, which includes physical and emotional harm.

85. Responses by UK authorities are hampered by a failure of collective action, meagre resources and a chronic lack of robust evidence and comparable data that, taken together, allow offenders to commit their crimes with impunity.

86. In light of the above we recommend:

a. The establishment of a dedicated investigation unit in every region for extraterritorial offences against children with multi-agency teams.

b. The Home Office, the National Crime Agency’s National Assessment Centre, the Child Exploitation and Online Centre and the Foreign and Commonwealth Office must produce reports on thematic risks which include the numbers of British nationals prosecuted abroad and in the UK for crimes committed against children abroad.

c. The establishment of a national approach to the policing of extra-territorial sexual offending against children, rather than the existing “local force” strategy.

d. Ensuring that information is shared between jurisdictions as early as possible to enable effective investigation and prosecution of offenders – this may be accomplished through the signing of bilateral agreements for regular information exchange, so that the process is on a formal footing, and can be monitored for effectiveness.
e. Provide training on investigation and prosecution of offences against children committed abroad for police forces and the Crown Prosecution Service.

f. Improve the knowledge of police forces on the use of civil orders to prevent British nationals abusing children overseas, by introducing mandatory training.

g. Enforce the use of the International Child Protection Certificate for those working or volunteering overseas.

h. Establish a government compensation scheme for injuries caused to children by British nationals overseas.

**Statement of truth:**

I believe that the facts stated in this witness statement are true.

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**DPA**

Signed: ........................................

(Bharti Patel)

Dated: 9 November 2018