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<td>organisations, which I think APLE chairs, and, for the</td>
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also internally defined by APLE as street-based child sexual exploitation, which is mainly perpetrated by a foreign travelling sex offender.

Overall in our statistic, the number of sex offenders being investigated by APLE has been majorly the Cambodian nationals themselves as part of the money-making crime. For example, facilitating sexual abuse perpetrated by a foreign sex offender, or things involving child trafficking for sexual purposes which were perpetrated by a foreign child sex offender.

So that's why in our statistic you saw the majority of the offenders in our list was actually Cambodian, which is the top one country, and the top two is Vietnamese national, and then top three you have the US and then followed on by the French, the German and the British, and so on and so forth.

Q. I think you're referring there, Mr Samleang, to a report that the chair and panel have, and I'll bring this up, please, if I may. It is your exhibit SS1. It is INQ003685, and if we can go, please, to internal page 9, this is your report from February 2014, "An analysis of the trends and challenges in the field of child sexual abuse and exploitation in Cambodia". Internal page 9, table 1. So we are looking at table 1 on page 8 of the report.

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Can I go on, please, to our internal page 11, your internal page 10, where you refer to your table 2, and that's the number of victims divided by gender, and we see across the victims 492, 303 were boys, that's 61.6 per cent; 189 were girls. And the report goes on to say:

"It might surprise some that most victims in APLE cases are male. Considering that our focus is street-based exploitation, the findings are not surprising."

You go on to explain why in the report. I think we will come back to some parts of this report later, but we can take it down for now, please.

Going back, please, to your witness statement, in your paragraph 11, Mr Samleang, there's a section in your witness statement here where you give a lot of information to the panel about the particular context of child sexual abuse in Cambodia. Can you try and distil the key themes from those paragraphs for the panel, please? What are the key things about child sexual exploitation and abuse in Cambodia that you would like to stress to the panel?

A. So from that paragraph, I would like to highlight some of the key things there.

Q. It is the whole of that section, please. Sorry, it's

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Just to orientate the panel a bit, if I may, you will be very familiar with this report --

A. Yes.

Q. -- this is an analytical report based on a series of cases looked at by APLE. In this section of the report, your analysis is around offenders and victims and the legal process. This table indicates the number of child sex offenders in the sample divided up by nationality. I think the point you're making is that Cambodian included the number of 118, or 41 per cent. We see British, 18 in the number. We see American, 36; French, 25. They seem to be the highest numbers, apart from, over the page, if we can scroll down, please, to the next page, Vietnamese, 26, and that's of the total of 288 offenders that your analysis looked at.

While we are in the report, Mr Samleang, can I pick out perhaps some further details for the panel. Can we go back, please, to our internal page 7, your internal page 6, under the heading "3.2. Methodology".

A. Yes.

Q. Can we scroll in on that first paragraph, please? The database contained offenders from 26 different nationalities, and noted that male offenders were disproportionately represented. Of the 288, 234 were male, compared with 54 who were female.

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from paragraphs 11 to 23?

A. Paragraphs 11 to 23. So in this section, I try to highlight some of the key things that are actually the push factor for child sexual abuse and exploitation that are still happening in the country. So one of that is poverty. Cambodia is still being affected by poverty. Many families are poverty affected, and that's why many children have been left behind, the poverty, and being forced to work on the streets or living on the street, who are then vulnerable to sexual abuse or exploitation.

Here, the second thing is about the legal system here. Not all cases are properly investigated or not investigated to the fullest extent possible in the country. A lot of cases have been reactive rather than proactive. That means there were less possibilities that the Cambodian police were able to prevent abuse from happening rather than allowing the abuse to take place and then react to it happening.

Q. Just pause there, please, Mr Samleang. We are having a little trouble hearing you. I think some of the evidence is a little difficult for us to follow. Could you speak a little more loudly or slowly? That perhaps might help in making it a bit more audible for us. I will perhaps just also, if I can, help by bringing up, please, paragraph 12 of your witness

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provide with any information we hold and we would request the background checks. So the background checking information also helps us to determine whether police.

So with that information, if any, I will then co-ordinate that information or such intelligence with the Cambodian national police just to make sure they are informed of whatever available information from the host country, from the home country, and then they would consider using that information to consider their potential or official investigation. Then my role would be to keep the concerned law enforcement agency informed of the updates to our progress. Another fact is, if APLE has taken any steps or (inaudible), that would be my role, to keep them informed, provide them more information, and also to advise our -- my local (inaudible) of what needs to be done and what kind of action needs to be taken by the Cambodian and the (inaudible).

Q. One of the themes that you have drawn out of your section here, between paragraphs 24 and 30, is the contact that you have with law enforcement agencies from different countries. You have mentioned that you work with those from the US, Australia, France, Germany, the Netherlands, Sweden and the UK. Can you tell the chair and panel, first of all, broadly, what your contact with law enforcement agencies normally involves? What do you normally do? I'm sorry, I don't know if we have lost the link again to the witness. It seems we may have a frozen screen again. I will just wait for the link to be restored.


Q. You have done, I think -- just scroll down, please, to paragraph 14 -- specific research on the grooming techniques used by perpetrators in Cambodia and provided a report to the panel about that. Perhaps at paragraph 16, please, of your witness statement, you indicate that you have assisted up to the end of 2012, perhaps you have assisted with the prosecutions of 248 offenders and intermediaries, assisted in rescuing 565 children, provided social support to 689 victims and legal assistance to 551 children. In your Ten-Year Review, the panel can read that the investigation of 1,505 cases of child exploitation alongside the police, although those figures will have increased to date. Is that right?

A. That's correct.

Q. Can I ask you now some questions about your contact with law enforcement agencies. That begins at paragraph 24 of your witness statement.

A. Yes.

Q. If you need some time to find any pages, please do let me know, Mr Samleang?

A. Yes.

Q. You make the point I think at paragraph 24 of your statement, Mr Samleang, that the US and Australian law enforcement agencies are on the ground and work with the Cambodian police in the country and gather evidence, which is different to the British approach. Can you tell us what your views are about that issue?

A. With US and Australian (inaudible) normal coordination (inaudible) ...

Q. I'm sorry, Mr Samleang, just pause there.

Chair, I wonder if we might try to terminate the link and reinstate it. I think the shorthand writer is having difficulty hearing, as we are having difficulty following.

Mr Samleang, we are struggling to hear your evidence very clearly. We are just going to try to improve the link. I'm sorry for the difficulty. If you just wait there for a moment.

A. Sure. No problem.
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<td>Q. Mr Samleang, I think we are told that perhaps if you try to speak slowly, we might be able to pick it up -- the speed might be able to accommodate it a bit better. The question I asked you -- A. Sure. I will try. Q. -- was about, what is your view of the difference in approach between the US and the Australian law enforcement agencies that have officers on the ground and the NCA, the British approach, which is different? What's your view about that, Mr Samleang? A. Okay. With my insight, the relationship and co-operation with the US and Australia, for example, I have found it very convenient to work with them. For example, when we have any information about suspected cases, I can easily reach out to their contacts just to discuss initially about what we can do in that case, and whether there should be a meeting in person to discuss, you know, and talk through some confidential informations, and then I do find it very convenient, you get fast feedback and response without having to wait for email communications or anything like that. Some of the communication would be also easier ... (Break in transmission) MS HILL: I'm sorry, chair, we now have a frozen screen. This is definitely the link issue.</td>
<td>Mr Samleang, I think you just said in evidence that you found that the on-the-ground approach with the Australian and US authorities made communication with them easier. Is this the case, that once an investigation is opened by the local police, APLE also sometimes becomes involved or carries out an investigation itself? Just help us understand who is doing the investigating here? A. So initially, APLE would provide information to the police, just to request them for investigation interviews initiated by themselves, but during the meantime, we are also trying to facilitate some contact with international resources to find out whether there is information available somewhere to support the local investigation. So the initial investigation -- but, technically, we don't call it investigation, we call it observation and information gathering, in order to help the police to determine whether it is a case to be investigated by the police, and whether there would be enough information for the police to open their investigation. So APLE, during that kind of initial information gathering, will try to contact sometimes possible victims, families, children, witnesses; also, foreign police in the home country to find out whether they have any intelligence or evidence that would support the local investigation. Officially, the police, Cambodian police, is the actor of the investigation, so they conduct the investigation according to the law and then they make contact with the local court in order to get an initial (inaudible) or investigation order from the prosecutor, and then APLE will continue to assist the police, and where (inaudible) and when they need it. For example, if they would need additional information or clarification, or whether they would need APLE's assistance to locate possible victims or families and prepare the ground for that (inaudible). Q. Can I bring up, please, paragraph 25 of your witness statement, INQ003720_008. I think by way of a summary, you advocate, in appropriate cases, for the other victims of the same offender to be included in a particular investigation, and you have made the point here that the role that some foreign law enforcement agencies assist with is the more complex aspects of the investigation, such as tracking down new victims, IP addresses, potential distribution of child sexual abuse materials when the abuse is online, et cetera. This generally, you say, does not happen in cases where UK or European sex offenders are involved. Is that because of the different approach between the UK and European agencies and other agencies, or something else? A. I think that is because of the different approach and also the communications between the Cambodian national police with the agencies that are not present in Cambodia. So communication may have difficulty to share sufficient informations with each other. Q. Just scrolling down, please, to paragraph 26, you clarify that these different approaches lead to different ways in which the investigation operates. If we can go down to the next page, please: that sometimes police investigations run in parallel. In the US, an investigation is always conducted by their own law enforcement even if there is a local investigation going on in Cambodia. Is that right? A. Yes, that is correct. Q. You have made clear, I think, earlier in your statement that one of your key roles is, when the investigation or law enforcement process ends, you, on APLE's behalf, follow up on the deportation or otherwise of the individual. Is that right? A. That is correct. Q. You indicate here at the end of this paragraph that when the case comes to an end in Cambodia, if the offender is deported home, they may be arrested at the airport and prosecuted in their country of origin, sometimes for</td>
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<td>Q. You, I think, try and encourage the use of co-ordinated deportation through the use of Cambodia's immigration laws; is that correct?</td>
<td>MS HILL: I'm sorry to take you back, Mr Samleang. I have been asked to address a further point with you under the last heading. Could you go back, please, to paragraph 24 of your witness statement, internal page 8. I think you were talking there at the end of paragraph 24 about a different approach that the NCA takes. You say there: &quot;I'm concerned about what I believe are important gaps in communication and follow-up between the NCA and the Cambodian authorities.” Is there anything further that you would like to say about that topic?</td>
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<td>A. Yes, that's correct.</td>
<td>A. Well, I have a belief that efficient communication and follow-up on some of the cases would actually result in a different, you know, outcome of the prosecution here. For example, once the British sex offenders are released from bail or released after serving the sentence, the case should be reviewed, some follow-up questions should be asked to the Cambodian national police whether there was anything else that should be done by the UK or whether there would be potential deportation and consideration by the Cambodian national police to report the person back to the UK and then a possible prosecution in the UK can be actually organised in order to look at the same issue again.</td>
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<td>Q. Can I ask you some questions now, please, as best I can, about the Civil Orders regime in particular. You have given a certain amount of evidence in your witness statement about the Green Notice system, which I think is a slightly different process. That is the Interpol process for notifying risks posed by individuals, for passing warnings and intelligence on, but is not quite the same, is it, as the Civil Orders regime -- that is something slightly different. What you say in your witness evidence is that you don't have such understanding -- or much experience, forgive me, of the Green Notice scheme, but you do, I think, generally suggest that involving NGOs in these notifications would be a significant improvement. Scroll in, please, on paragraph 35 of your witness statement. It is internal page 11. I think what you are saying is, if NGOs are made aware of these notifications, not just the immigration authorities, they are more likely to be effective. Is that fair?</td>
<td>Q. You indicate at 29 that when someone is due to be released from a prison sentence, you personally inform the NCA about that. If there is no deportation order in place, though, you say that a sex offender is free to leave the country. You make the point that there is no duty on the Cambodian authorities to inform the UK authorities about the release of a sex offender from prison. There are no Civil Orders in Cambodia to create restrictions on travel, and in theory, therefore, you say a person is free and can continue to live in the country, but you try and co-ordinate with the NCA and alert them to the risks around that person. Is that right?</td>
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<td>A. Well, most of the time when we discuss potential investigations back in the UK, I often heard about the challenge of double jeopardy rule in the UK in which the same person cannot be prosecuted the same -- again for the same crime, and I understand that is the rule in the UK. But also, my advocacy point in this area is for the UK to perhaps consider reviewing the case here and see if there is any potential case or new case or compelling piece of evidence that could lead to prosecution of the same person in the UK, and that has been always the case for advocacy for APLE.</td>
<td>A. That's right.</td>
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<td>Q. You make the point in this last part of your evidence that because the UK generally does not conduct its own parallel investigation, unlike some of the other authorities, it's often difficult to find that new evidence. Is that fair?</td>
<td>Q. You have summarised, I think, already what you say at paragraph 28, that your contact with the NCA, the British authorities, is normally via email rather than in person, and that, I think you said, makes it more difficult to communicate; is that right?</td>
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<td>A. So, yes, that is correct, and mostly the application done by the Americans and also by the Australians.</td>
<td>A. That's right.</td>
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<td>Q. You have made a point in your witness evidence at paragraph 27 about your understanding of the double jeopardy rule and the potential limitations that that has on investigating crimes in Cambodia by the British police. What's your evidence about that in summary, Mr Samleang?</td>
<td>Q. You indicate at 29 that when someone is due to be released from a prison sentence, you personally inform the NCA about that. If there is no deportation order in place, though, you say that a sex offender is free to leave the country. You make the point that there is no duty on the Cambodian authorities to inform the UK authorities about the release of a sex offender from prison. There are no Civil Orders in Cambodia to create restrictions on travel, and in theory, therefore, you say a person is free and can continue to live in the country, but you try and co-ordinate with the NCA and alert them to the risks around that person. Is that right?</td>
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<td>A. We agree, if you're talking about the activities in Cambodia, there's a description of what the American authorities do, or is that of wider application?</td>
<td>A. That's right.</td>
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<td>Q. You, I think, try and encourage the use of co-ordinated deportation through the use of Cambodia's immigration laws; is that correct?</td>
<td>A. Well, I have a belief that efficient communication and follow-up on some of the cases would actually result in a different, you know, outcome of the prosecution here. For example, once the British sex offenders are released from bail or released after serving the sentence, the case should be reviewed, some follow-up questions should be asked to the Cambodian national police whether there was anything else that should be done by the UK or whether there would be potential deportation and consideration by the Cambodian national police to report the person back to the UK and then a possible prosecution in the UK can be actually organised in order to look at the same issue again.</td>
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Offences that are not prosecuted in Cambodia, such as child grooming. When you're talking here, is that a description of what the American authorities do, or is that of wider application? The British authorities, is normally via email rather than in person, and that, I think you said, makes it more difficult to communicate; is that right?
So my recommendation here would be for the NCA to:
- increase communication and also add further resources to:
- follow up on some of the cases that have been prosecuted in Cambodia.

Q. If we can scroll down, please, to the second part of paragraph 33 on page 11, and paragraph 34. Broadly, you refer there to communications with the NCA. At the end of paragraph 33, you say that in a particular case there was a British offender suspected of abusing children in Cambodia. The Cambodian police only interviewed some of the children. You did not receive an update from the British law enforcement about the case. You received an email from the NCA to inform you that the liaison officer in Bangkok was no longer the point of contact for Cambodia, that Vietnam is now where the liaison officer will cover Cambodia. Your experience is that the US law enforcement takes a very different approach because they are on the ground. You have gone on to explain that in further detail at paragraph 34.

The advantages of having foreign liaison officers based in-country are that the Cambodian police do not have the capacity or expertise to examine digital evidence and cases are facilitated where foreign law enforcement agencies assist with this. They might deploy a specialist team. It is easier to collate information from communities where foreign ex-pats are present where it is difficult for the Cambodian police to get information. The Cambodian police benefit from the use of undercover techniques which foreign law enforcement agencies employ because they lack the resources to conduct full investigations. They also lack the expertise in cross-border crimes. Does that provide a summary of the benefits of the on-the-ground approach that you are describing?

A. Yes, that's fair.

Q. Then I was actually asking you about paragraph 35, where you suggest that if there are to be notifications of the movements of sex offenders via either civil notices and notifications or Green Notices, sharing them with child protection NGOs and civil society would be beneficial. Can you explain to the panel why you think that would be the case?

A. Sharing of information with NGO would be essential, for example, affirmative action to be taken. For example, if APLE is seeking information about a concerned individual, APLE would take a preventative approach to actually assess the risk of the person on the children or communities, the person he is actually associating with and then find a reasonable ground to contact law enforcement agencies to provide them with information and their thoughts. There have been examples, and very good examples, in which the information shared with NGO has led to the prevention of child abuse. For example, the more recent two cases involving Australian national, we were informed of the concerned individual from Australia and we were able to assess the situations involving the person and children in the community, and we were able to take action that led to the prevention of this person, and in particular the person was actually deported from -- forgive me, not deported, but he left the country and his visa was not ...

(Break in transmission)

MS HILL: Can I scroll in, please, on paragraph 36 of your witness statement at internal page 12.

A. Yes.

Q. Looking there at what happens with the US authorities where an individual goes back to the US, you make the point that information gathered by the on-the-ground teams is used when the individual goes back to America. You understand that some countries, like Australia, have a travel ban, but you make the point at the end of 36 that, what would happen if a travel ban is imposed on someone in Cambodia but they choose to remain in Cambodia or travel back to Australia on another passport? Can you help the panel with what your concerns are about those ways in which travel bans might operate or might not work effectively?

A. I think my concern is about the individual Australian suspected of child sexual abuse to remain in the country and then be -- might not be implemented in Australia. We have been discussing the possibility where the person with the ban should not also be allowed in Cambodia and then information should be shared with the immigration to discuss a potential deportation of the person to execute the ban imposed on that individual. But so far, we have had that challenge in which the individuals are still very keen to remain in the country. So nothing could be done in that situation.

Q. I think in your report from 2014 that we looked at before, you had a specific section looking at the problems around deportation. Can I bring up, please, INQ003685. So it is your exhibit 1, Mr Samleang, your 2014 report, and it is the internal page 19 of that report under the heading "Deportation orders". In this section of the report, our internal page 20, there's a section here that describes what powers are in place in Cambodia. But, very broadly, the point is made that deportation is not mandatory in Cambodia. If you go, please, just over the page -- I'm just summarising this -- there's a paragraph, three paragraphs down, on
A. Well, I don't think so. That's covering all the detail that's in that report already.

Q. Just while we are in this report, please, if I may, can you cite a few of the reports that are under the heading of "Offenders' occupation"?

A. Yes, certainly. On page 24, table 7, of APLE's database, 27.6 per cent of the travelling sex offenders...had a previous conviction. There's further detail given at the foot of that page under the heading "Offenders' occupation": From the 210 perpetrators, 61 were tourists and 149 others over the page at 5.4 and 5.5.

Q. I just go back, please, to your internal page 12, your internal page 11 and just pull out a couple of other points from the report, please. Under the heading "Prior convictions":

A. "In APLE's database, 27.6 per cent of the travelling sex offenders...had a previous conviction."

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A. Well, a lot of the cases involving child sex offenders from overseas are very complex and victims are not very willing to come forward, and generally one of the techniques used by the sex offender is grooming, and in our experiences, in most of the cases involving foreign sex offenders, grooming is used, in which money was spent on the families and victims, and therefore they were not willing to come forward to give evidence.

Locally, the Cambodian police would be more reactive and responsive if there is a formal complaint filed by the victim, and then they would be able to request an investigation from the court.

In cases in which the victims were not confident to come forward, then that would be a very challenging situation, in which the foreign law enforcement agency should be involved and try to support as much as possible the local investigation by providing reassurance and support from the foreign law enforcement agency itself and also any kind of information that could be shared with the local investigator so that it, you know, would be a motivation for the local police to investigate as well in the situation of a victim not willing to come up and complain.

Generally, the challenge with the local investigation when there are no victims filing a complaint is that the investigation is generally not approved by the court for the police to carry out criminal investigation, and the court would require substantial information, for example, any kind of reasonable ground to suspect the person, and in this situation, I am personally still convinced that the information about, you know, previous background, for example, conviction or formal investigation back home would be crucial for the local police to actually convince the court to get the preliminary investigation order. And this is why I am still convinced that the involvement of foreign law enforcement agency would, first of all, secure local investigation; second, expedite the process, the investigative process; and, third, the abilities to investigate the case to the fullest extent, for example, the possibility to look at financial transactions if there was an indication that they were paid as part of the grooming process or maybe some sort of electronic communication between the suspect and the victim or the family that could be evidence for the police investigation or any type of activity in Cambodia?

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Q. There are perhaps some particular reasons that you give there about difficulties with prosecutions in Cambodia.

A. Yes, I did.

Q. Are you saying to the panel effectively that the use of section 72 to prosecute somebody in England and Wales has the benefit of potentially filling a gap where a criminal offence has not been committed in Cambodia?

A. Yes, that's correct.

Q. You make the point at paragraph 40 that the successful prosecution in England and Wales under section 72 might have a deterrent effect on individuals in Cambodia; is that the case?

A. Yes, that's the case.

Q. I have a few questions for you, please, about Disclosure and Barrowing or background checks. I am going to bring up, please, paragraph 37 of your witness statement, where you have given some examples of institution-based abuse, about which we have heard, where you have referred there to some cases where a teacher from Australia and two from the US and the UK worked in NGOs. Two of them were found to have previous convictions. One was wanted in his home country for child sex crimes. You wrote in that report that the number of institution-based exploitation cases is rising and you

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<td>heard most of those perpetrators had previous convictions which you say underlines the need for preventative measures. You quote -- perhaps you can scroll in on the top of internal page 13 -- from that report questions about how can somebody with a previous conviction find a job in an institution, and you say: &quot;People applying for a job in an NGO or school are rarely asked to provide a police clearance certificate in Cambodia. Convicted child sex offenders know this and misuse the situation. Cambodia lacks control and sanction mechanisms for [this]. Unregistered NGOs or NGOs that do not meet the minimum standards for alternative care are often allowed to continue their practice for a long time with no oversight.&quot; As far as the British international certificate is concerned, you welcome that, I think, as a step in the right direction, but you indicate this hasn't yet had a significant impact in Cambodia; is that right? A. Yes, that is fair. Q. One of the concerns you have, you say at 38, is that checks are often a voluntary process. A lot of NGOs have some awareness around this issue and make requests but many private companies do not. The biggest problem, you say, is there are public sector bodies that work with children, such as schools, which do not ask for a background check. And at a domestic level, Cambodia needs to revise its law as well. Is there anything else you want to say about the processes in England and Wales, about the international certificate or anything else about the English and Welsh system for Disclosure and Barring and how it impacts on Cambodia? A. Information about international child protection certification increasing in Cambodia, and it should be promoted as well, especially when businesses or investments by British national; especially, British schools should be well informed and should be motivated (inaudible) to implement this initiative. For me, I was involved in some of the situations in which I was asked for advice on the issue with international child protection certificates, in which I instructed the people to go online and asked them to apply for the application online. But, in fact, some of the schools that I talked to, they said that they had some challenges to implement that rule, because, first of all, the applicant was not willing to spend more money to get that certificate and, also, in Cambodia, it is not compulsory to provide that kind of background check for employment. It is -- it has also been a large (inaudible)</td>
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| businesses for recruiting international worker, such as British national, and especially in a particular school. Schools in Cambodia, international in Cambodia, are in high demand for British teacher. Generally, the employer would be very keen just to accept anyone who could take the position as soon as possible and they would not be actually very much keen to pursue the application of the international child protection certificate. So my understanding about this issue, it's actually the awareness of that certificate itself and also the sanctions or restrictions in Cambodia, and which the government should impose, for schools to implement that initiative. Q. Can I ask you, please, to go to the end of your witness statement. INQ003720 015. Scroll in, please, on the last of the recommendations for reform that you make. You say there that one of the proposals for reform you make is specifically around improving the effectiveness of the ICPC through concrete actions such as mandating UK-based or registered companies, businesses or NGOs operating in Cambodia to undertake the background checks of their prospective employees. So you would make the international certificate process mandatory in Cambodia for those based in England and Wales; is that right? A. That is correct. Q. Perhaps we can scroll back to the beginning of your list of recommendations, internal paragraph 41. It is on page 14. You make some broad proposals at the top of paragraph 41 that the implementation of the regulatory framework needs to be enhanced; all legislative, administrative, social and other measures necessary to prevent and eliminate exploitation of children in travel and tourism; you propose a sex offenders' registry to ensure the activities of offenders are adequately monitored and restricted; improve practices in relation to the Green Notice system about warning other member states if a sex offender is travelling, including warning NGOs; increase presence and support of foreign law enforcement agencies in Cambodia by increasing support to the NCA; to simplify UK and Cambodian communications and enable the presence of NCA liaison officers in Cambodia; strengthening extra-territorial co-operation and practices with various countries; timely information sharing and responses to mutual legal assistance; a legal condition or provision that makes deportation of UK-convicted foreign child sex offenders mandatory; denying entry to any visitor for which the immigration authorities have received notification that they might pose a danger to children; and prosecuting UK national child sex offenders to the fullest potential of 9 (Pages 33 to 36)
I hope, Mr Samleang, you have had the chance to reflect on this document?

A. Yes, correct, I have.

Q. Is there anything in particular you would like to say that you disagree with or agree with from what's set out in this document based on other people's witness evidence?

A. I don't have any disagreements.

Q. Is there anything further that you would like to say, Mr Samleang?

A. No.

MS HILL: Those are all my questions for you, Mr Samleang. Thank you very much indeed. The chair and panel may have some questions for you.

THE CHAIR: Yes, we do. Ms Sharpling does.

Questions by THE PANEL

MS SHARPLING: Hello, Mr Samleang. Can you hear me all right?

A. Hello, yes, I can hear you well.

MS SHARPLING: Thank you very much. Just one question from me: you very helpfully said in your report that 27% of the travelling sex offenders had a previous conviction. That's right, isn't it?

A. That's correct.

MS SHARPLING: I'm just wondering, were you informed of sex offenders, only foreign perpetrators were included in this analysis, had a previous conviction. In about 70% of the cases, the information is not known.

MS SHARPLING: It was the nature of the previous convictions I was concerned about.

MS HILL: The point perhaps is there was a significant number about whom the background wasn't known. It went on to say: “When all unknown cases are excluded, the situation appears even more shocking.”

Is what the report goes on to say.

A. That's correct.

THE CHAIR: Sir Malcolm?

PROF SIR MALCOLM EVANS: Thank you, Mr Samleang. Just two questions from me, if I may, of a rather general nature.

In your experience, what is the nature of the evidence and the threshold of evidence which appears to be necessary to secure a conviction for child prostitution in Cambodia?

A. Under the Cambodian law, there is an article that says a criminal investigation can only be initiated with substantially incriminating evidence. The law doesn't define specifically what it means by "substantially incriminating evidence", and that is always interpreted differently by different agencies in law enforcement.

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the law, including under section 72, where possible.

Those I think are the recommendations that you made in your witness statement. Is there anything in particular on those recommendations that you would like to add, Mr Samleang?

A. I would actually like to add on the recommendation number 5, five down from the top, "strengthen extra-territorial co-operation and practices with the various countries". I still appreciate and, logically, timely information sharing would lead to prevention, and also there needs to be some immediate discussions and considerations around the application of the unusual legal system between Cambodia and the UK, and especially looking for - sexual interest in children. That should be actually prioritised and the information should be shared as soon as possible with the Cambodian authorities.

Q. My final question for you, Mr Samleang: I think you have been provided with a document that the inquiry has prepared, the inquiry legal team has prepared. It is called "a list of key concerns and proposed reforms", and it tries to summarise evidence that you and other people have given about particular concerns about these three legal frameworks and about particular reforms.

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the nature of those previous convictions? Were they related to child sexual abuse or exploitation, or were they previous convictions -

A. Yes, they were specifically related to child sexual abuse offences in their home country. So as soon as we receive information about any suspected individual, then we will provide that initial information to the law enforcement agency of that country concerned, and then, in those cases, they would advise us whether the person was known in their system and, when they advised that the person was known, then we would ask for specific information, whether - what kind of offence they were known for. Information we received was such as they were convicted or prosecuted for a child sexual abuse offence or for rape or, you know, so on and so forth.

So all these cases were related to child sexual abuse offences only.

MS SHARPLING: That's very helpful, thank you.

MS HILL: Perhaps I can assist, Ms Sharpling, if I may: in the report that Mr Samleang exhibits there is some further detail on this: INQ003685_012 under the heading "Prior convictions". It is your internal page 11 of your report, Mr Samleang.

There's a table there "Previous convictions of foreign perpetrators". 27.6% per cent of the travelling foreign perpetrators’
In my experience, dealing with sexual offences of children, in most cases the police would consider the reasonable grounds to ask for a criminal investigation when there is a complaint by a victim that is testifying to the fact that he or she has been sexually abused. Abuse in the form of touching, penetration or non-contact abuse, such as online and webcams or production of child pornography. And then, depending on the interpretation of that article by the police investigator in consultation with the prosecutor. So, in some cases, the information or evidence was actually perceived differently by the police investigator and the prosecutor. But in most of APLE cases, the threshold would be at least testimony of the victim, one or two confirming the sexual act by the sex offender.

PROF SIR MALCOLM EVANS: Could I ask, that may be sufficient then to launch the permission of the court to undertake the investigation. What, in your experience, is the court looking for in terms of the evidential threshold for securing a conviction?

A. It depends on what offences have been suspected or investigated. For example, if they are suspecting a person committing an indecent act or sexual touching, of course the minimal evidential threshold would be the testimony of the child to confirm the sexual act of performing, and, secondly, the evidence of financial or economic evidence or monetary exchange. So if the person is paying the child for a prostitution service, that would be a child prostitution offence. So the court would have to prove the exchange of financial benefit or gain as part of the sexual interactions.

PROF SIR MALCOLM EVANS: Very briefly and finally, I notice that in your report when you were talking about the usefulness of countries exercising extra-territorial jurisdiction rather than prosecutions taking place locally, it is said in the report it is important that the prosecution is in no way manipulated by corruption. To what extent, in your experience, is that a difficulty?

A. Well, unfortunately, we have found the issue of corruption still common in a lot of these cases, especially a perpetrator with monies and power are coming here to abuse children and were able to pay for -- you know, to escape justice was a common challenge for us here. So when we talk about local prosecution, we need to make sure that the prosecution will be handled properly and free of corruption. When we suspect that potential corruption or bribery is involved in local prosecution, we seem to be having trouble. There were cases in which the perpetrator came out after one year, two years, in gaol and then misinformed the public that they were wrongly accused or prosecuted by the Cambodian court. They were trying to re-engage with the community again and complained that they were still innocent, although the conviction was actually given by the court.

That was a different situation, when we heard about the prosecution back home in which the positive image then we would encourage the foreign law enforcement to consider extra-territorial prosecution because then it is absolutely free of corruption and bribery. So that is always our recommendation when we are looking at a child sexual -- territorial prosecution. If the case is handled properly by the local proceeding, we are happy that the prosecution should take place in the country where the offence is committed. But from our experiences, there have been circumstances in which we were more convinced that the individual sex offenders should have been prosecuted back home for some of the benefits. It would be sending the (inaudible) also when the person was convicted also back home that everybody was informed back home, the media attention would be on the person's crime back home and the person had no possibility to bribe the system, and also to manipulate. There were cases in which the perpetrator came out after one year, two years, in gaol and then misinformed the public that they were wrongly accused or prosecuted by the Cambodian court. They were trying to re-engage with the community again and complained that they were still innocent, although the conviction was actually given by the court.

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That was a different situation, when we heard about the prosecution back home in which the positive image then we would encourage the foreign law enforcement to consider extra-territorial prosecution because then it is absolutely free of corruption and bribery. So that is always our recommendation when we are looking at a child sexual -- territorial prosecution. If the case is handled properly by the local proceeding, we are happy that the prosecution should take place in the country where the offence is committed. But from our experiences, there have been circumstances in which we were more convinced that the individual sex offenders should have been prosecuted back home for some of the benefits. It would be sending the (inaudible) also when the person was convicted also back home that everybody was informed back home, the media attention would be on the person's crime back home and the person had no possibility to bribe the system, and also to manipulate. There were cases in which the perpetrator came out after one year, two years, in gaol and then misinformed the public that they were wrongly accused or prosecuted by the Cambodian court. They were trying to re-engage with the community again and complained that they were still innocent, although the conviction was actually given by the court.

That was a different situation, when we heard about the prosecution back home in which the positive image
was actually promoted as more – much more severe sentencing given back home. For example, we talk about one year in Cambodia for a US national, but we were talking about 230 years for the same person back in the US. So that is really an active approach that we like to see in some of the cases here.

PROF SIR MALCOLM EVANS: Thank you very much indeed.

THE CHAIR: We have no further questions. Thank you,

Mr Samleang, for your evidence and for tolerating the technical difficulties.

MS HILL: Thank you very much, Mr Samleang.

(The witness withdrew)

MS HILL: Chair, I think we will have a couple of minutes to close down the videolink and then my learned friend will read the statement of Carol Smolenski, which I think you will find towards the back of your bundle.

Statement of MS CAROL SMOLENSKI (read)

MS BENFIELD: Chair, good morning, I will read the statement of Carol Smolenski of ECPAT USA. It is dated 23 November 2018 and is at tab D, document 1, and is referenced INQ003704:

"I am the executive director and one of the founders referenced INQ003704:

2018 23 November 2018 and is at tab D, document 1, and is of Carol Smolenski of ECPAT USA. It is dated MS BENFIELD: Chair, good morning, I will read the statement of Carol Smolenski of ECPAT USA. It is dated 23 November 2018 and is at tab D, document 1, and is referenced INQ003704:

"I am the executive director and one of the founders of ECPAT USA. As executive director, I am responsible for the strategic overview of the organisation, youth empowerment and awareness of sexual exploitation,

"As part of ECPAT International, ECPAT USA had initially focused on US perpetrators who travelled to South-East Asia to exploit children. In the late 1990s, we started to understand the scale of the problem and that US citizens were travelling to many other countries, including Mexico, Belize, the Dominican Republic and Brazil. For example, in Mexico it was well known that people were travelling to Acapulco to sexually exploit children. In Belize, I was informed that many US offenders went since they were able to drive there from the United States, speak English and that the country was poor, meaning that children were vulnerable.

"Through our research we identified a number of case studies of US perpetrators travelling abroad to sexually exploit children. In this statement, I will focus on one case study to illustrate some of the challenges that we continue to face in the US. I am not able to respond to the questions set out in the Rule 9 letter which are specific to the UK legal regime as this falls outside of my expertise. However, I hope my evidence will assist the inquiry with its investigations concerning England and Wales by providing a comparative perspective.

"The problem: the Manaus example.

"Manaus is a Brazilian municipality in the Amazonas state and is the main financial, economic and corporate centre of Northern Brazil. It serves as a major port for people seeking to travel through the Amazonian rainforest. It is an urban coastal city which attracts tourism from all around the world. It is also known as the environmental capital of Brazil. However, as documented in Brazil's ECPAT's country report in 2015, Manaus also has a sinister side, with high levels of sexual violence and which serves as a key transit stop where the transportation of sexually exploited children occurs. High levels of poverty mean that children are vulnerable to sexual exploitation in tourism and travel.

"We chose to work in this city in Brazil as part of our State Department funded programme because we had learned about a shocking case of an American fishing tour operator in the Amazon. Allegations were made by four Brazilian women, against the former operator of a fishing tour company called Wet-a-line which sold trips to the Amazon. The company closed down in 2009. The allegation was the American who owned the company would recruit underage indigenous girls to come onto the boat, and who were then coerced into performing sex acts with tourists. The girls were between the ages of 12 and 17 years old.

"A civil case was filed against the tour operator in South America and we joined forces with the ECPAT USA campaigners to help. The case was heard by a Brazilian court who agreed with the allegations. After the court judgement, the case was put to the US State Department who closed down the tour operator.
The case is also illustrative of a number of wider phenomena which makes the prosecution of United States offenders who perpetrate sexual offences abroad difficult. These factors which hamper the prosecution of offenders include: the lack of co-operation from local law enforcement; the need to gather evidence in a way that can be presented in a US court; and the challenges of bringing the children who have been exploited to the US to testify. In addition, the ability of perpetrators to pay bribes to children or their families to prevent them from testifying is a major problem.

**"The current proactive attitude of the US embassy staff and police comes from sustained training on this issue, and changes in the law in 2002 which allowed for extra-territorial prosecutions. Before this, embassy staff did not consider it to be a priority to investigate US nationals committing sexual offences abroad and the approach was to protect US nationals. In**

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<td>1 the United States, which alleged that he actively recruited sex tourism customers from the US to come on the tours. The case was widely reported at the time.</td>
<td>1 a minor, and is a covered sex offender pursuant to 22 United States Code Section 212b(c)(1).</td>
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| 2 The defendant filed for a stay of the proceedings as he was being investigated for criminal charges at the time by both the US and Brazilian Governments. In 2012, the US Government ended their criminal investigation. The tour operator was thus never prosecuted in the US. He was, however, indicted in Brazil on April 29, 2009 for rape, attracting minors and facilitating their prostitution, benefiting from the exploitation of prostitution, and recruiting, transporting and hosting the minors who were forced into prostitution. It is understood, however, that he remains in the United States and I do not know why he has not been prosecuted for these crimes in the US or in Brazil. | **"This law was controversial, and some people argued that it would violate constitutional rights. Practically speaking, it may also not prevent all sex offenders from travelling abroad, given that the information may not be understood by foreign immigration officials or some immigration officials may still allow entry. However, my experience is that those working in US embassies have found that the measure assists with policing sex offenders who travel abroad. On balance, I think it is a good measure to have because it has the desired effect to limit the travel of sex offenders.** "To my knowledge, there are no other Civil Orders which regulate US citizens who travel abroad, given the challenges of bringing the children who have been exploited to the US to testify. In addition, the ability of perpetrators to pay bribes to children or their families to prevent them from testifying is a major problem."

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| 1 "I highlight this case as it illustrates the challenges of prosecuting transnational child sex offenders, and the scale of the problem. Some offenders travel abroad as tourists to commit criminal acts against children. Others embed themselves within the travel and tourism industry to facilitate and perpetrate this violence against vulnerable children, within vulnerable communities. "The case is also illustrative of a number of wider phenomena which makes the prosecution of United States offenders who perpetrate sexual offences abroad difficult. These factors which hamper the prosecution of offenders include: the lack of co-operation from local law enforcement; the need to gather evidence in a way that can be presented in a US court; and the challenges of bringing the children who have been exploited to the US to testify. In addition, the ability of perpetrators to pay bribes to children or their families to prevent them from testifying is a major problem."

|THE CHAIR: Thank you, Ms Benfield. We will now take the mid-morning break and return at 11.45 am.|
|MS HILL: Chair, we will need slightly longer, in light of the videolink. So we will return, I think, at 12 noon to allow for the videolink to be changed over.|
|THE CHAIR: Thank you. (11.30 am)|
MS MARIE-LAURE LEMINEUR (affirmed)

Examination by MS HILL

MS HILL: Thank you very much, Ms Lemineur. Your witness statement makes clear that you are the deputy executive director for programmes at ECPAT International and you live and work in Bangkok, Thailand; is that right?

A. That is correct.

Q. You have helpfully provided a witness statement to the chair and panel which I will adduce, please, if I may in full. It is INQ003703. Very briefly, you explain in that statement, Ms Lemineur, that you have two decades of experience in the field of human rights education and the protection of children from abuse and exploitation, and became deputy director of programmes at ECPAT International in October 2018, but against a background of very extensive work in the field; is that right?

A. That is correct.

Q. You have provided the panel with several reports, and I'd like formally, please, to adduce your exhibit LM2, which is INQ003711, and your exhibit LM5, which is INQ003707. Can I ask you to turn up, please,

A. As of today, we have 107 members in 95 countries. The mandate of our organisation is to -- all manifestations of sexual exploitation of children, including the exploitation of children in the context of travel and tourism, the sexual exploitation of children through the medium of technology in situations of trafficking and prostitution. Can I bring up, please, that paragraph and the sections that follow it? It is INQ003703_002. You give, at paragraphs 4 to 12, Ms Lemineur, an overview of the work that ECPAT does on these issues. Can you perhaps just draw out the key points for the chair and panel?

A. Yes, I can. ECPAT International is a network of NGOs. As of today, we have -- can you hear me?

Q. Yes.

A. As of today, we have 107 members in 95 countries. The mandate of our organisation is to -- all manifestations of sexual exploitation of children, including the exploitation of children in the context of travel and tourism, the sexual exploitation of children through the medium of technology in situations of trafficking and prostitution.

Q. You have a number, I think, of specific programmes, and you make clear, at paragraph 7 of your witness statement, that a particular focus at the moment is the sexual exploitation of children in travel and tourism and online exploitation, but you make the point that these often overlap. So perhaps help the chair and panel understand that, please?

A. Yes, we do provide different programmes tackling those two issues. However, through the work we have been doing, advocacy, research, capacity building, we realised that there is a lot of overlap, specifically when it comes to legal challenges, number one --

Q. Sorry, Ms Lemineur, could you say the last part again?

A. I think we couldn't hear the last part?

Q. I think we couldn't hear the last part?

A. Specifically when it comes to some legal challenges that are shared, and also when it comes to the misuse of technology, that is a common thread for some manifestations.

Q. I think you made the point at paragraph 7 of your witness statement that often travel and tourism and online exploitation overlap, in that a travelling offender may take videos and photographs, and that may be seen as a way of generating income. So there is a practical overlap between those two areas as well.

A. You have made clear in your witness evidence that you work in partnership with police agencies and the relevant Crimes Against Children Team within Interpol, and I think you've generated with Interpol a joint publication around -- towards a global indicator on unidentified victims in child sexual exploitation material. That's your exhibit LM1. Is that right?

A. That is correct. This is a form of criminality, so the
only data available that we have is either confidential figures from the police, so we can't share, or our own research that is usually qualitative research, not so much quantitative.

Q. You have also I think made the point in paragraph 8 of your witness statement -- perhaps we can bring that up, internal page 4 -- that although there are those limitations on the data in 2013, the UN Special Rapporteur estimated that 2 million children are sexually exploited each year worldwide. You go on to say --

**A. That is correct.**

Q. -- that research that you and others had done was cited to explain that the fear of negative repercussions may lead to difficulties in disclosure, which, again, is a further challenge on the data. Is that right?

**A. This is correct.**

Q. Just some final observations, please, in terms of the context. You go on to say at paragraph 9 that your position from ECPAT International is that this situation is a dynamic one:

"A few decades ago, the prevailing assumption was that travelling sex offenders came almost exclusively from western countries and went to poor, developing countries. Today, we know that the lines between children who are portrayed exclusively on pictures that are called child sexual abuse images. I'm not talking about children victims of travellers or tourists.

Q. I see. You have made the point, I think, that there is a range of nationals and a range of countries from which offenders come. You have referred, I think, there to LM5, and I will perhaps just bring up that report if I may, because it is a substantial piece of work. This global study contained a list of other reports that had been prepared, but also you have gone through this report in some detail in your witness evidence. Perhaps we can just bring up paragraphs 14 and onwards of your statement. It is INQ003703_006. The report itself we will come to, but in summary, this made the point that SECTT has expanded across the globe and outpaced efforts to respond at the international and national level; stressed the impact on individual children; looked at nine global regions. Then the main conclusions are at paragraph 16 of your statement: tourism is soaring while child protection lags behind; the growth of travel and tourism carries specific risks for children; there is no typical victim; no typical offender; power imbalances.

Q. You make the point that the changes -- I think paragraph 11 -- in particular countries can also generate new challenges or different situations for the law enforcement agencies. The end of the civil war in Sri Lanka has meant it's become a major tourist destination, but your partners in Sri Lanka have drawn out the need for extra protection measures around hotels, airports, restaurants, and so on, that are needed if there is to be a greater influx of tourists?

**A. Correct.**

Q. You make the point, I think, at paragraph 12, that although the profile is high of travel and exploitation by western men, children are most often abused in their homes or by persons in their circle of trust, and in particular you flag, as others have, the issue of foreign offenders setting up orphanages or schools in which sexual abuse is perpetrated. Is that right?

**A. Yes. May I -- this is correct, but may I clarify something?**

Q. Please do.

**A. When I talk about "circle of trust", I'm talking about children who are portrayed exclusively on pictures that are called child sexual abuse images. I'm not talking about children victims of travellers or tourists.**

Q. You have also I think made the point in paragraph 13 of your statement: tourism is a dynamic one; it is a very substantial document. It runs to some 150-something pages. The executive summary at internal page 4 -- that although there are those regional trends but flagged that UK nationals abroad, taken in context, represent a small proportion of child sex offenders. Overall, tourism and SECTT in the South Asian region appears to be dominated by Asian men. Abuse in the region by foreign nationals from countries like the UK are of lower volume, but attract more attention. There would appear to be a stronger array of law enforcement options from their home jurisdiction available. Is that right?

**A. That is correct.**

Q. If I can bring up, for completeness, the report itself, INQ003707. The panel can see in this report that it's a very substantial document. It runs to some 150-something pages. The executive summary at internal page 13, please. If we scroll in on the key findings by region, and then, over the page, it makes those key global findings, which I think reflect, if you scroll
down, perhaps, it reveals the need for a broader view of
the SECTT issue and, over the page, that the child
protection issues are not keeping up with the growth of
tourism and points about there being no typical patterns
to offenders and victims?

A. Correct.

Q. The policy recommendations are found at internal
page 56, under the heading "Implications for policy and
action", on the left-hand column, towards the bottom.

There is a need for broader policies and actions to
encompass a far wider range of offenders. Efforts need
to look beyond tourism and focus on travel. Develop
global, national and local situation analyses to define
the scale of offending. Specialised agencies have quite
rightly focused on rescuing the victims, but those
dealing with perpetrators have valuable knowledge and
experience that should be gathered and shared.

Information and awareness raising for the general
public, as well as capacity building, was also
important.

For completeness, can I direct the panel's attention
to your chapter 5 which begins at internal page 85.

That is an overview of the different responses to child
sexual exploitation in travel and tourism. I will
perhaps flag, as I think there was a question about it

identified proper response to the issue we are dealing
with today and legislation is part of the response. It
is a vital part of it and it is not enough. It needs to
be a solid piece of legislation needs to be put in
place. It needs to be implemented. But we do think
that, unfortunately, this is not enough to tackle the
problem and to move towards an efficient solution.

Q. Can I bring up, please, paragraph 23 of your witness
statement. It is INQ003703_009. You make the point
there that this is an area in which offenders use online
forums to share tips and strategies on buying children.
They operate with a sense of impunity and, therefore,
one of the issues about the efficacy of legislation is
that offenders keep themselves very well informed about
the gaps in the legislation and, when a country tightens
its laws, the offenders move elsewhere?

A. Correct. This is ironic -- the irony in becoming
more efficient and in adopting a stronger legislation is
that somehow we have noticed that it will force or --
yes, it will push the offenders to go somewhere else.

They are always searching for legal loopholes and places
where impunity is widespread.

Q. As far as the Civil Orders regime is concerned in the
UK, I think you defer to your colleague, Ms Patel, who
gave some evidence about that yesterday, but you have

yesterday, there is a heading "International framework
for action" that sets out the different sources of human
rights standards, political commitments and initiatives
and various regional actions, and then, if one looks at
internal page 95, I think this was the source of
a question yesterday from the panel member Mr Frank,
there is a section on the national plans of action that
have been made by particular countries.

Finally on this report, internal page 105, please,
is chapter 6, which deals with proposals for next steps
that we will perhaps come to in your evidence generally.
But there is a section that runs through to page 109,
I think, on that.

Going back, please, if I may, Ms Lémétier, to your
witness evidence, you talk about legislation at
paragraph 22 and onwards of your witness statement.
Help us, please, with what your general view is on the
ability of legislation in this area to effect change?

A. I do think -- we do, as an institution, follow the model
national response when we think of responses to
manifestations of sexual exploitation and, in other
words, we -- I mean, the model national response has
been referenced in one of the documents that I read
coming from you. We do think that this is a policy
model that has a comprehensive focus when it comes to

A. We agree with this. We do think it's a valuable
measure. We also think that we need to take some time
to see the results and the impact of it based on the
practice in Australia and the US, and so, with time, we
will be able to document whether it's working and, if
it's working, what are the consequences, whether this
means that some offenders, instead of travelling,
because they are banned from travelling, they then move
on to internet and go and offend using internet instead
of travelling. That could be, I guess, a consequence of
being prevented from travelling.

Q. I think you make the point that, just because it might
be difficult to enforce a Civil Order or a travel ban,
at paragraph 26, it doesn't mean that it shouldn't be
done. You give some potential negatives at paragraph 29
of a travel ban. Let's scroll in, please, to
paragraph 29 where you say in some contexts there might
be a concern that this measure could be used for other
purposes, such as targeting political dissidents rather
than travelling sex offenders, so it is a complex issue,
but, overall, you are in favour of this sort of measure;
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| **A. This is correct. This is correct. We promote the idea of travel ban and we try to educate policy makers and CSOs to put the topic on agendas when we have discussions and discuss their concern and explain to them how it works and how it is working in other countries so that they are educated about it and the benefits of it.** | **A. Correct.**
| **Q. You also indicate that your organisation is in favour of countries enacting a sex offenders register, but there's also been some resistance to that. Is that right? We may have lost our link. (Break in transmission)** | **Q. You make clear at paragraph 24 that ECPAT International's position is to advocate for all countries to enact extra-territorial legislation. You make the point that many or most European countries have and some countries in South-East Asia have, including the Philippines, Malaysia and Indonesia for internet-related or internet-facilitated crimes. Your position overall is to advocate all countries do this and close those loopholes that presently allow offenders to commit those crimes with impunity. Is that right?**
| **A. As an organisation, we agree with it. We also acknowledge that there are cultural contexts where there is a lack of understanding of what it implies and a lot of concerns regarding possible misuse by local authorities of this type of (inaudible), given the political context and -- yes, given the political context.** | **A. That is correct.**
| **Q. I think, again, is it a concern about there being a lack of trust in government and potentially such a register being misused?** | **Q. I think you make the point, in fairness, at 25, that even the most well-resourced countries find that CSE is a major issue and it is difficult to prosecute those who offend in this manner and countries with limited resources perhaps find that even more difficult. Is that correct?**
| **A. My experience is that officers and civil servants who are engaged in identifying offenders and working on cases are overstretched, highly committed, struggling a lot, willing to do the best they can, but they're struggling with maybe challenges that are proper to the cultural/social environment, and sometimes they are successful and sometimes they are not that successful, though they try very hard to make it happen on their hand.** | **A. That is correct.**
| **Q. You reference in particular your contact with the UK liaison officer. Is this a UK liaison officer for the NCA in Thailand?** | **Q. Then help us, please, with what your experience is, at paragraph 27, of contact with the NCA and Interpol in these sort of cases?**
| **A. Yes, it was until -- I haven’t talked to her until -- I think one year ago, so I’m not sure if it’s still her, the same person, but, yes, we have contact with her.** | **A. My experience is that officers and civil servants who**
| **Q. You make the point that this liaison officer is very involved, attends regular meetings with her counterparts in a group known as the FANC, meets to discuss operations regularly and collaborate with local police. Is there anything else that you wish to say about the work of liaison officers on the ground?** | **are engaged in identifying offenders and working on information with them and it’s sort of a relationship in that sense, we can share information with them and they can help us. We do receive referrals from the general public, so we immediately send it on to them -- to some of them, and they very actively cooperate with us when this is the case.**
| **A. Yes, that the contact we have been having with a UK liaison officer and the -- many others from different countries, they are willing to collaborate with us. They understand us -- when I say "us", I mean civil society organisations. They do understand the value of having us on board, in the sense that we can share** | **Q. I think you, on this issue, make the point at paragraph 28 of your witness statement that sometimes in particular countries there’s a lack of understanding that child sexual exploitation is a priority and a lack of understanding of the trauma sustained by children that’s present, you say, through the whole state system, from police and lawyers and members of the judiciary. Is that something that you have witnessed in different countries?**
| **A. Yes, even across sectors. You could have some departments within the police where they have been trained and they understand, but the rest of the system doesn’t follow, or vice versa, you can have some judges or prosecutors but then the police is not properly trained, they are understaffed, they just don’t work the way they should be working to be efficient.** | **A. Yes, even across sectors. You could have some**
| **Q. You have made a series of proposals, I think, at the end of your witness statement, paragraph 30. Could I bring that up, please. It is INQ003703_011. Your proposals** | **departments within the police where they have been trained and they understand, but the rest of the system doesn’t follow, or vice versa, you can have some judges or prosecutors but then the police is not properly trained, they are understaffed, they just don’t work the way they should be working to be efficient.**
| **A. Correct.** | **A. Correct.**
| **Q. You make clear at paragraph 24 that ECPAT International's position is to advocate for all countries to enact extra-territorial legislation. You make the point that many or most European countries have and some countries in South-East Asia have, including the Philippines, Malaysia and Indonesia for internet-related or internet-facilitated crimes. Your position overall is to advocate all countries do this and close those loopholes that presently allow offenders to commit those crimes with impunity. Is that right?** | **Q. You make clear at paragraph 24 that ECPAT International's position is to advocate for all countries to enact extra-territorial legislation. You make the point that many or most European countries have and some countries in South-East Asia have, including the Philippines, Malaysia and Indonesia for internet-related or internet-facilitated crimes. Your position overall is to advocate all countries do this and close those loopholes that presently allow offenders to commit those crimes with impunity. Is that right?**
| **A. That is correct.** | **A. That is correct.**
| **Q. Then help us, please, with what your experience is, at paragraph 27, of contact with the NCA and Interpol in these sort of cases?** | **Q. Then help us, please, with what your experience is, at paragraph 27, of contact with the NCA and Interpol in these sort of cases?**

IICSA Inquiry Children Outside the United Kingdom Investigation 12 February 2019
for reform are to this effect. At 30(a), that there is
greater funding from the British Government to train
local actors through judicial training and law
enforcement academies; that embassy, DFID and/or the
Department for Foreign Affairs, perhaps the FCO, through
bilateral co-operation programmes, play an important
role in raising awareness and placing pressure on other
states when engaging with them to make child protection
a priority; you believe this should be a priority policy
item for the British Government and advocate for
measures that would further enhance the protection of
children through participation in multilateral
organisations at regional and international levels;
again, you stress the need for, in your view, more
budget allocation to the NCA/CEOP; that the tourism
element of government should engage with its
counterparts and embed strategies with an element of
child protection; you think there's a greater need for
the IT sector to play a more active role; a greater need
for a budget for campaigns within schools; and then,
perhaps more specific to this phase, the British
Government could consider assessing the travel ban
legislation in place and its results as per UK laws in
light of the systems in place in Australia and the USA
to decide if there is a need for enhancing/improving the

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provided that we bear in mind there are ethical issues
at stake. Unfortunately, not all NGOs are legitimate
NGOs. We even know that -- you know, offenders are
setting up NGOs. So standards need to be put in place
and background checking needs to happen to make sure
that they are legitimate NGOs.

Also, it's not the role of NGOs to play the role of
the police. One thing is to support the police, the
other is to substitute the police. There is a fine line
between the two. So we need to be very aware of that.

I have another comment regarding, actually, 32,
footnote 32.

Q. We will bring that up on the screen. That's about
I think your proposal, in fact, around more resourcing
to NCA/CEOP?

A. I'm still talking about footnote 32 on page 5.

Q. Forgive me, it is footnote 32 on page 5, I'm sorry. Is
that right? It's footnote 32?

A. Correct. So there is a comment about some governments
not cooperating because of their penalty issues and
human rights issues. Even though we agree with that, we
could see the problem -- this is an offenders' right
perspective, it is offenders' focus. If we look at the
other side of the coin, if we have a victim-centred
perspective, a child rights perspective, we might have

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a different opinion and decide to cooperate with those
countries.

Q. Thank you.

A. Also, on page number 8, paragraph 8, where it says that
the victims' cases heard in the countries --

Q. Which numbered paragraph are you on? Page 8, and which
number is it?

A. No, page 6, sorry.

Q. It is (viii) on page 6, I think?

A. Correct.

Q. The view that it is better for victims to have their
cases heard in the countries where offences occur, which
may be right. That's reflecting the evidence to date.

What's your response to that, Ms Lemineur?

A. Whereas I do agree, it's not always the case, because,
actually, we do know that some victims are being
threatened, so being in their home country can be a
situation preventing them from participating or
testifying.

I just heard a case from group ECPAT Colombia this
morning and they were saying they arrested a (inaudible)
gang within Colombia, but they are all non-Colombians,
and that they are threatening the victims and the judges
and that, even though they moved from one province to
the other, they simply -- the judges and prosecutors are
backing out and they are clearly not addressing the case as they should be because there are threats to the victims and to the prosecutors and the judges within the country.

Q. Thank you. Are there any other observations you have on this document, Ms Lemineur?

A. Yes. Page 7, number 22.

Q. Bilateral agreements.

A. Correct. Along with this, we do think that we need some political pressure to sort of work with the governments of the countries and make them understand that it is an important issue and that it needs to be -- the legal issue needs to be developed and implemented.

Q. Thank you.

A. You’re welcome. Other than that, I would like to say that I agree with all of the proposals.

(Break in transmission)

A. I’m back.

MS HILL: Thank you, Ms Lemineur. Was there something you were in the middle of saying? Have you completed your observations on that document?

A. I have.

Q. Finally from me, for completeness, I mentioned earlier on your exhibit LM2. Can I just formally bring up, please, on the screen INQ003711. It is a short expert statement so that we can try and keep the evidence within topic.

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Dealing first of all with his background, and I'm at the first witness statement, paragraphs 2 to 10, in summary, he was the founding member and president of the People's Recovery Empowerment and Development Assistance Foundation, or PREDA, based in the Philippines where Father Shay has been working since 1969. PREDA was founded in 1974 with local people. It provided assistance in various ways and expanded activities to assist with recovery of victims of sexual abuse.

At paragraph 6, the witness refers to having had ongoing involvement in the prosecution of child sex offenders, and he and staff at PREDA continue to collect evidence for local and international prosecutions. The work of the organisation includes the protection of therapeutic intervention of children who are victims of sex trafficking, and it is licensed to carry out child protection functions in the Philippines.

Now dealing with the topic of Civil Orders from paragraph 11 of his first witness statement, he says as follows, and I will read out paragraphs 11 to 13:

"I have been advised on the FTO, RHSO, SHPO and SRO (I will collectively refer to these as the 'Orders') framework available in the UK.

"I have not been directly involved in any cases..."
"Mr Slade was convicted in 2016 of sex offences committed against children in the UK between 1965 and 1980."

At paragraphs 17 to 18, Father Shay refers to Mr Slade being named in the press in the 1970s as being associated with Paedophile Action for Liberation and the Paedophile Information Exchange. Then in paragraph 19: "I first became aware of Mr Slade in the 1990s when Mr Slade had taken up residence in a prosperous area of Angeles City and had a swimming pool. He was accused and charged in the Philippines of sexually abusing the boys as he taught them to swim and was first prosecuted for child sex offences in the Philippines. Later, he bought a house directly adjacent to a primary school in Angeles City in the Philippines and lured boys into the house with sweets and to watch television."

The witness then goes on to explain that he was prosecuted in the Philippines for alleged sex crimes against children in 1995 and 2014. He was acquitted but, according to the witness, was captured on film in 2014 admitting to escaping conviction with bribes. Despite having been well known to the British authorities, it seems no action had been taken to notify the Filipino authorities. No steps were taken to prosecute him in the UK. He was never subject to any prosecution in the UK.

I am going to now jump ahead -- I am going to return knowledge, at any stage prior to the introduction of the sexual offences Act 2003 or after its implementation notified of Mr Slade's history and significant risk of offending."

The witness says at paragraph 31 that with the introduction of Sexual Risk Orders, a person like Mr Slade could be prevented from travelling. However, it would not be able to capture a person not known to the authorities in the UK or who is able to leave the UK prior to an order being made.

At paragraph 33, the witness raises systems for information sharing. I am going to now jump ahead -- I am going to return to Mr Slade when dealing with section 72, but I'm just going to jump ahead now in the statement, still on the topic of Civil Orders, to paragraph 42, please. Could I ask the evidence handler to put up on the screen INQ002621, the witness statement, page 7, and in particular paragraphs 44 to 48, please. Under the heading “Father Cullen and/or PREDA’s observations on the efficacy of the Orders, including any observations on the ways in which their efficacy could be improved”, the witness at paragraphs 44 to 48 sets out a number of proposals for improvements in the system. As we can see, he says that -- suggests
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<td>investment in UK law enforcement agents posted abroad who will be mandated to conduct investigations with local enforcement agencies, and so forth.</td>
<td>remained in the Philippines from 2015 to 2018 before being returned. He was never, it seemed, placed under any Civil Order, despite offending.</td>
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<td>Robust systems of co-operation between the UK authorities and local law enforcement. And supporting the protection of child witnesses, including therapeutic intervention post rescue. Cancelling the passports of child sex offenders, such as is the case in Australia, and/or placing a stamp in the passports of convicted child sex offenders, such as is the case in the US. And ratifying and implementing the extradition treaty between the UK and the Philippines.</td>
<td>At paragraph 91, the witness refers to posts online which sex offenders share tactics by which they can enter countries with lax entry requirements. At paragraph 92, the witness refers to the requirement for registered sex offenders to notify of foreign travel and says this is simply not effective enough.</td>
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<td>The witness goes on at paragraph 49 to paragraph 50 to say that, while he is aware of a recent example of an SHPO regime order working, he suggests they fail to prevent or deter the most difficult offenders to detect.</td>
<td>At paragraph 93, the witness refers to the Australian approach that has already been referred to, and cancelling passports in certain circumstances, and suggests that it should not need a court order -- dealing with paragraph 95 now -- but, rather, it ought to be recognised that any person who commits a child sex crime is a risk to children outside the UK.</td>
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<td>Just moving on now to paragraph 86 -- that can go down, thank you, now. Paragraph 86 of this witness statement, still on the topic of Civil Orders, and continuing the theme of passports, at paragraphs 86 to 90 he refers to recommendations in relation to passports. He refers to the case of Leslie Russon, who was seemingly able to travel between the UK and South-East Asia after being released from prison for committing sexual offences against teenagers. He</td>
<td>At paragraph 96, the witness suggests consideration of the efficacy of the international Megan's Law in the United States, which places a unique identifier in the passports of individuals. Then, at paragraph 101, a subject which overlaps between the Civil Orders and section 72 issues, suggests there should be ratification of an extradition treaty between the United Kingdom and the Philippines.</td>
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<td>back to paragraph 35. At paragraphs 35 to 41, this is going back to the case of Slade, and the witness refers to the failure, as he sees it, to prosecute Douglas Slade for crimes committed in the Philippines which heightens the injustice suffered by the children that Mr Slade is alleged to have abused. He asks the inquiry to consider taking action as referred to at paragraph 38.</td>
<td>Just going back to section 72 evidence, could we go back to paragraph 35. At paragraphs 35 to 41, this is going back to the case of Slade, and the witness refers to the failure, as he sees it, to prosecute Douglas Slade for crimes committed in the Philippines which heightens the injustice suffered by the children that Mr Slade is alleged to have abused. He asks the inquiry to consider taking action as referred to at paragraph 38.</td>
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<td>At paragraphs 40 to 41, the witness cites an example of a successful prosecution in Germany as a case in which extra-territorial jurisdiction worked. Then, paragraph 51, also on the topic of section 72, he says as follows, and I will read this out: &quot;It is a common perception amongst international sex tourists who travel abroad and offend against poor vulnerable street children, children at risk or children who are victims of human traffickers and forced into commercial sexual exploitation that they, as travelling sex offenders, are outside the scope of prosecution. This perception is largely correct as, taking the UK as an example, where no evidence of sexual offending against children is collected abroad, there is subsequently no basis to prosecute the offender back in the UK. &quot;Moreover, those same sex offenders also offend in the United States, which places a unique identifier in the passports of individuals. Then, at paragraph 101, a subject which overlaps between the Civil Orders and section 72 issues, suggests there should be ratification of an extradition treaty between the United Kingdom and the Philippines.</td>
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| "This does not have to be the position. As noted above, a sex crime committed abroad is considered a sex crime for the purposes of the Sexual Offences Act. As such, there is scope to effect prosecutions of UK child sex offenders who commit sex crimes against children in the Philippines and other disadvantaged countries if resources are dedicated to collecting evidence, securing witnesses and cooperating with local police and NGOs protecting child victims." Still on the topic of section 72, at paragraphs 55 onwards, the witness gives an example of a case of Mr Benjamin, a US national. This is an example of investigators in the Philippines working in conjunction with foreign law enforcement. Mr Benjamin ran a bar in the Philippines in which underage girls were offered for sexual exploitation to foreign sex tourists, but steps were taken by PREDA to assist and make law enforcement aware. Paragraph 59, if I could pick it up there: "In February 2013, the joint operation between PREDA social workers, the DSWD social workers [the Philippine
At paragraph 82 he says:

"Mr Benjamin was held in prison and tried and later pleaded guilty to sex charges and was sentenced to a prison term and, after imprisonment, was ordered to pay significant compensation to the main complainant child victim."

The witness goes on to explain that Mr Benjamin was also prosecuted in the USA after being returned there in March 2018.

At paragraph 62:

"The prosecution of Mr Benjamin in the US was only made possible through the involvement of US law enforcement officials who were able to gather reliable, credible evidence in relation to the investigation and collect that evidence through direct involvement in the investigation."

Just summarising paragraphs 63 to 64, the witness says:

"The case of Mr Benjamin is a perfect example of the positive results ... where there is co-operation." And it can also serve to deter others. At paragraphs 65 to 75 the witness cites another example of a case that is currently being investigated involving a US national which again provides an illustration of positive results from co-operation between PREDA and US law enforcement.

At paragraph 75, the witness says that there are examples, however, of where a lack of co-operation and the presence of the UK authorities can result in lost opportunities. He goes on at paragraph 76 to refer to the sexual assault and murder of a child in October 1994 in East London, and how one of the perpetrators fled to the Philippines and was able to hide out in a sex tourist enclave. The UK authorities, he said, had no investigative officers in South-East Asia and so asked the Australian federal officers in Manila to help find the alleged perpetrator.

They contacted PREDA to assist and the suspect was located and he was eventually returned to the UK and prosecuted.

The final sentence of paragraph 77, the witness observes:

"Without the Australian Federal Police and the PREDA team, he would not have been found and brought to justice for his despicable crime."

The witness goes on to give further examples of...
> MS HILL: Thank you very much, Professor Binford. You have just summarised what he believes are the shortcomings in the vetting and barring system. As he hasn't found others.

> He observed that this would appear to be a relatively simple prosecution. He goes into details at paragraphs 16 to 21 and in particular summarises the facts of the case at paragraph 17, as you will see. In summary, the witness believes it is not a representative example, though, of the difficulties associated with section 72 prosecution because, as the witness reminds us at paragraph 27, it can be fettered by the collection of evidence by UK authorities and in the Babic case there was a confession.

> Paragraph 28, and perhaps this could be put up, please. The reference is INQ003532_005. The witness sets out recommendations to improve the effectiveness of section 72, for the UK Government again to commit resources to the prosecution of UK offenders, and, again, reiterates his recommendation of appointing officers to the Philippines; that a budget is allocated for law enforcement for the gathering and collection of evidence; there is a higher level of co-operation between foreign law enforcement in those countries which are highly frequented by UK sex tourists; and there is a commitment to the preservation of key witness by the allocation of funds to their protection and therapeutic treatment.

> Moving on to the topic of vetting and barring, he deals with this from paragraph 31. He does not proclaim to be an expert in vetting and barring but suggests that there is a lack of clarity in schedule 1 to the Rehabilitation of Offenders Act (Exemptions) Order; to work with children; and considering the viability of a criminal offence such as the Victorian failure to protect offence that we have just seen.
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of platforms where child sex abuse imagery is being
hosted in the UK.

At the same time, as I started to move beyond my
core focus of research, which is the internet-based
crimes against children, and started to look at hands-on
offences, I was quite shocked to see that the UK appears
to be behind other developed countries with regard to
having boots on the ground in providing the support
that's necessary to support local law enforcement in the
region where our organisation primarily operates, and
I have tried to identify what might be the cause for
that disconnect between the progress that the UK has
been making with regard to internet crimes.

I mean, truly the UK has become arguably the
international leader in certain areas, so that, for
example, right now everybody has their eyes on you as
far as age verification is concerned with regard to
childhood exposure to toxic pornography and, if you're
successful in that undertaking, it's likely that many
other western and northern countries will follow suit.
But, you know, in reading the witness statements for the
inquiry, I noted that, again and again, it's been
pointed out that the experience of law enforcement and
civil society in the region where we focus the UK's
involvement has been largely absent in some of

of local advocacy projects related to children's rights
and the access to remedies. Is that a broad summary of
the work that CRI do?
A. Yes, it is.
Q. I'd like to turn now to paragraphs 15 to 22, please,
which is where you indicate or give an overview context,
if you like, for the issue of child sexual exploitation
by UK nationals. Are there some key themes that you
would like to draw to the panel's attention that you
have elicited from your work in this field about the
context that they might wish to have regard to, for
example, around the role of the internet, the increased
understanding of the impact of abuse on children? What
are the key themes that you would like to draw out for
the panel?
A. Well, one of the things that I've discovered in my
research focused specifically on the UK is that
a tremendous amount of progress has been made,
particularly around becoming aware of and putting
restrictions on the internet-based exploitation of
children. This appears to be under very strong
leadership of David Cameron, who recognised the type of
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the panel?
What's the understanding you have reached from your work on that topic?

A. As to the impact on survivors?

Q. Uh-huh.

A. So the survivor survey was quite shocking to us because we had theories going into it about what survivors were going to report, which was the significance of the harm that the imagery caused them. The reason why we were aware of that is because we had been reading victim statements in the US and the victims describe the impact that the trafficking and the imagery had, and, specifically, many of us, including myself, had made an assumption that the trafficking and the imagery wasn't as harmful to the survivors as the actual hands-on abuse, and what the survivors described -- some, not all -- is that it actually is far worse because the images they had no control over and it was being circulated, trafficked, again and again and again, and so they felt that they were being perpetually victimised. That created, you know -- I'm not a psychologist, but I just use this phrase, which is a continuous traumatic stress disorder, which is not an official disorder, or anything, but it just gives my mind a frame of reference that it's experiencing this trauma on a continuous basis each time another perpetrator is found trafficking in those images.

So when we conducted this survey, we were expecting to see that kind of trauma, which we did see in the survey, but then there were some trends that I had really underestimated, which was the number of children who were experiencing hands-on abuse through organised networks that I don't think that I appreciated how much of these abuses are happening in these organised criminal networks, and we were surprised by how young the victims were when they first started to become abused, and we also were surprised by how long the abuse lasted.

So for many of the victims, the abuse lasted until they reached adolescence. For others, the abuse lasted until they reached adulthood, and for some of them beyond adulthood. This is one of the reasons why it's so important to ensure that these victims have therapeutic interventions, because they grow up being sexually abused, they don't realise how abnormal the abuse is, and so, when a UK national or anyone is found to be abusing children, it's critical that we identify who those victims are and make sure that they have the therapeutic supports that they need to end the cycle of abuse that's likely to continue otherwise.

Even if you are able to remove that one or that group of abusers from the child, because it's something that they have become -- that's become normalised for them, unless they have a support system that helps them to understand what's happened to them and a way forward, then it's likely that they could end up in this cycle of continuous abuse, even independent of any imagery that may have been created of the abuse.

The other thing that was surprising to me was the number of parents who were involved in the abuse. You know, as a mother myself, it's hard for me to imagine, but not just -- you know, I, in my mind, had a framework that this was primarily, you know, mum's boyfriend, uncles, et cetera, and the reports from the survivors themselves indicated that, in fact, this is often mum and dad who are part of a criminal network and making them available for hands-on sexual abuse which, in our case, because we were focusing specifically on abuse that had been recorded, then is recorded online -- is recorded and then circulated online.

Q. I think you make the point at paragraph 21 of your witness statement that the particular need for support for the victims of online abuse is because of its potentially perpetual nature. You say here at paragraph 21: "Imagine if rather than treating former soldiers to cope with their memories of war, therapists had to treat their patients to function in a perpetual war zone", because of this concern of perpetual re-traumatisation which makes the need for support particularly acute. Is that fair?

A. Yes, that's exactly right. So it's trying to help someone learn how to cope, knowing that they're going to live the Vietnam War indefinitely, in reality. This is their continuing reality. This is what has led to the conclusion of Dr Julia von Weiler, which is that this type of crime, which is so new to society, is so severe that even the therapists don't know how to prepare their clients to cope with it and that they're experiencing that -- they, the therapists, are experiencing secondary trauma and reporting that they themselves are suffering psychologically from trying to support these survivors and not knowing how to treat them. So we really need to start to shift resources as an international community, given how prevalent this is becoming, to make sure that we are able to identify what are effective forms of treatment for survivors, and to ensure that therapists receive adequate training in order to support the children who live these experiences.

Q. Finally on this topic, can I come to the end of paragraph 19 of your witness statement, so internal
As children in the US with regard to the trafficking in their images that some of the children said, you know, a small amount of money to perform for this person and it was just once and I would never see him again and I was able to buy rice for my siblings, but when I found out that he in turn had trafficked those images, that's a result of the grooming of the child. The adult offender may then use the imagery of the child to extort more imagery from the child. Just help us understand that a little more, because this seems to be an element of experimentation or novelty that you are describing?

A. Right. So there are really two lines of practices that we are seeing here. So the one is what was covered in the Terre des Hommes report that discussed the exploitation of children in the Philippines by having them perform sexual acts live streamed primarily to perpetrators in developed countries, and that research, Terre des Hommes, found that the children in Philippines experienced some of the same psychological consequences as children in the US with regard to the trafficking in their images that some of the children said, you know, "It was one thing when I knew that I was receiving a small amount of money to perform for this person and it was just once and I would never see him again and I was able to buy rice for my siblings, but when I found out that he in turn had trafficked those images, that's a result of the grooming of the child."

Q. I'd like to turn now to the section of your first witness statement that deals with the UK's international obligations because you do anchor quite a bit of your later evidence in this. Can you perhaps give the panel an overview of why you say the UK's international obligations are relevant to these topics and what they are insofar as the panel need to understand?

A. Yes. This actually was the foundation of all my work in this area, so in working with the Dutch National Rapporteur, I studied the international legal framework and what the state's parties obligations are under both the Convention on the Rights of the Child as well as the Second Optional Protocol which deals with the sale of children, child pornography and child prostitution, which is the language the United Nations originally used. In looking at that, you know, in noting that the United Kingdom is a party to that treaty, to both the UN Convention on the Rights of the Child, as well as the Second Optional Protocol, I noted that the UK, for example, has obligations to provide support and collaboration, both with local law enforcement as well as with civil society. I noted also that there are obligations to make sure that the child is able to participate in the judicial process in a way that is sensitive to the unique needs of the child. These have to do with both the child's age and making sure that the child has her -- his or her privacy protected as well as when I had this feeling of loss of control and started to feel ashamed**, and they reported feelings of depression, anxiety, et cetera.

So that's something that we have been seeing for a number of years in South-East Asia and in particular we have taken a close look at it in the Philippines, but then there's another type of exploitation that's going on, and this is going on more in western countries, and what we are seeing there is, we're -- you know, perpetrators are developing relationships with children online and trying to convince them, either disclosing who the perpetrator is or not, pretending to be someone else, and trying to get them to, you know, share images of themselves in, you know, the nude, or at least part of their bodies. Sometimes they will -- it's sometimes referring to as "sexting" in the United States.

The concern is that we have both the remote exploitation of children going on in South-East Asia and Kenya and other countries where there's a heightened economic vulnerability, but it's not just unique to those children, it's also happening in the west on a more voluntary basis and usually not for money in the west.

Q. You anchor also the obligation in article 4 of the Optional Protocol in this way: "To take such measures as may be necessary to establish jurisdiction over these particular offences..."
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<td>where the alleged offender is present in its territory and it does not extradite him/her to another state party on the ground that the offence has been committed by one of its nationals.” So if an offender is in the UK, you make the point it has an obligation to establish jurisdiction with the only exception being that the offender has been extradited for the crime and the country to which they are being extradited is also a party to it. That's another element perhaps of the obligations here that you draw out? A. Absolutely. We often think of international law as making the exercise of extra-territoriality as being permissive, and there are a number of circumstances under the Second Optional Protocol in which it's actually restrictive and the prosecution is mandatory, similar to what we would see in the Convention against torture in section 7. So, you know, we have another example of it in international law, and this is one of those crimes that we consider to be so severe on a global basis, as a global community, that we want to make sure that those countries who are hosting perpetrators are clearly mandated to prosecute those crimes in their jurisdiction. This is especially important because, you know, even when we were drafting</td>
<td>the Second Optional Protocol, we understood that there was a lot of regional exploitation that was going on against children in developing countries that didn’t have the same resources as the countries — the source countries for the perpetrators, so particularly North America and Europe, and so, you know, the drafters of the Second Optional Protocol in those countries that have ratified it recognised that there's some vulnerability, some heightened vulnerabilities, that the population of children may have in these countries and thus it wanted to make sure that there was a mandatory obligation here to prosecute, and then there's a very generous optional, you know, or permissive opportunity to prosecute as well, and that's when I believe the UK should be guided by the best interests of the child. Q. We will come back to some points of detail on section 72. But before I come to the Civil Orders topic, can I ask you to adduce, please, CRS000022, paragraphs 5 and onwards, and, Professor, this is the area of your witness statement, the second witness statement, where you report, effectively, discussions that you have had with some lawyers, I think, in the Philippines and in India to try and illustrate some of these issues for the panel. So help us, please, with what you draw from your discussions with lawyers in the Philippines that you believe may assist the panel? A. So, basically, what we are being told is that because the United Kingdom isn't present immediately after an offence has been identified, it makes it difficult to identify the victims at that time, and to gather the evidence that would help ensure a successful prosecution. Because the victims were not identified in one of the cases that we offered assistance on, the children have -- were afraid of being re-traumatised and their families were afraid of being re-traumatised by participating in a process, even though that judicial process would have hopefully entitled them to therapeutic intervention as well as compensation, but we believe that if the UK were on the ground at that time and providing support alongside the local authorities, that they would have had the same level of success that the US and Australia does, both of whom have boots on the ground in many of these locations. Q. I think the particular example that was given to you from the Philippines was around an individual understood to be from England and Wales, named Mr Griffiths, who was reported to have abused, kidnapped and killed a 7-year-old boy in the Philippines, and the concerns that you have raised around that case are that you were told by your contact in the Philippines that it was understood that he had frequently visited the Philippines, had been in and out of the area some 17 times since 2006, and you set out information about your understanding about the prosecution or attempt to prosecute him; is that right? A. So, yes, and I apologise, because I thought you were talking about one of our other contexts in the Philippines. The context that I was referring to was where we were trying to provide support. This was a different situation, and the relevance of this particular individual is that he was able to travel frequently, 17 times in one year, to the Philippines, even though he had engaged repeatedly in really egregious crimes against children, and it shows that the current system of travel restrictions isn’t effective. And we have heard this at Child Redress International from the immigration officers who are on the ground there in South-East Asia, that many of them don't recognise what their restrictions are, they are not able to run background checks, the information doesn't go out, and it is one of the reasons why we are asking for a uniform travel ban to be placed on everyone convicted of child sex offences in the UK, and it would</td>
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be presumptive, and so they would have to prove that
they should be allowed to travel and that the people
who — the information that you have about who has been
subjected to travel restrictions be not only shared with
local authorities, but be shared with trusted civil
society organisations as well.
Q. In a similar way, please go on to the next page of your
witness statement and help the panel with the key points
that you learnt from your discussions with colleagues at
the iProbono organisation, I think in India, about some
particular cases that were taking place there?
A. Yes. In this case, basically, we saw a similar issue
with regard to a UK national committing multiple crimes
against multiple children, all of them egregious. One
of the lessons that we learned from this particular case
study is that the background checks that are done
currently are ineffective in identifying who are
problematic and, you know, making sure that certain
people are not given access to children.
A lot of these crimes happened in a school and it
also highlights the level of corruption that is
witnessed in some of these countries, and that’s one of
the reasons why it’s important for the UK to make sure
that it has support personnel on the ground, including
prosecutors and social workers, as well as law

there should be a presumptive travel ban and that for
those who have been identified as being at risk of
offending, that the travel restriction should be
utilised more robustly, and that’s not happening now.
Q. I’m just taking some points of detail, if I may.
Paragraph 16 of this witness statement, the next page,
please. You say there also that one of the main
weaknesses with the Civil Order system is that it places
reliance on a sex offender to notify authorities of
their intention to travel, and another weakness is the
notification being shared with immigration officers
rather than NGOs on the ground, if you like. You pick
that up at paragraph 18. Can you tell us anything
further about the first of those points? Is there
anything further you want to add about the onus being
put on the offender to notify of travel?
A. Yes, and thank you for bringing that up because I forgot
to say that when you first asked me what our concerns
were.
One of the things that was both reassuring and
disheartening at the same time is, in reading the
witness statements from the other participants in this
inquiry, some of the local law enforcements in the UK
reported that they, too, were struggling with the fact
that the perpetrators are not necessarily fulfilling

enforcement, so that they can provide support to these
children, you know, being aware of the corruption and
making sure that people don’t fall through the cracks
because of that corruption.
Q. I'd like to turn now to the evidence that you give about
Civil Orders in particular and travel bans more
generally. That begins at paragraph 15 of this witness
statement.
A. That is correct.
Q. Emerging from that casework or more generally, what are
the key concerns that you have around how the Civil
Orders system operates?
A. The key concerns that we have is that the travel
restrictions aren't placed on offenders nearly often
enough. It seems to be, you know, an extreme exception,
rather than a general rule, and so there appear to be
a lot of people who are falling through the cracks and
continue to be able to prey on children in South-East
Asia, Kenya and other countries of heightened
vulnerability for children.
We believe that, for those who are convicted, that

their obligations to notify and that they're also not
receiving enough information about where the offender is
going and with whom they are going and where they are
staying, so that the persons who are charged with
managing the offenders and making sure they don’t
re-offend are not able to conduct investigations to make
sure that they're not abusing children when they do go
abroad.

Basically, you know, there is too much reliance on
people who have a high level of incentive to not
disclose where they are going and, even when they do
disclose, it is not clear that the right people are
receiving the words so that their activities -- their
abusive activities in other countries can be monitored
and hopefully prevented.
Q. The second point that you made in paragraph 16 that you
pick up later in paragraph 18 was a proposal I think we
heard also this morning, that if there are to be
notifications of the travel of a known or suspected
offender, that NGOs, suitably vetted, and CSOs -- civil
society organisations -- also be brought into that
conversation, if you like. Can you tell us anything
more about that proposal, Professor?
A. Well, a couple of things. I mean, one is that the
United Kingdom has an obligation to do this, both under
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| **the Lanzarote Convention as well as under the Second**<br>**Optional Protocol, that you are supposed to be working**<br>**with both NGOs and civil society organisations, and in**<br>**our experience in South-East Asia, you don't appear to**<br>**be doing that on a routine basis. It appears to be**<br>**quite exceptional when it happens at all.**<br>**It really doesn't recognise the very crucial role**<br>**that these organisations play, particularly in**<br>**South-East Asia, that these are countries that don't**<br>**have the level of resources that you and I have in our**<br>**home countries. It's critical to recognise that they**<br>**really help to fill some of the crucial gaps,**<br>**particularly around, you know, identifying perpetrators**<br>**who are connecting with those who are known or suspected**<br>**of trafficking children, as well as making sure that**<br>**they're receiving the supports they need if, in fact,**<br>**the child ends up being abused.**<br>**So there seems to be a complete disregard for this**<br>**legal obligation under the international treaties, and**<br>**that's part of our concern.**<br>**Q. I think, for completeness, we still have on the screen**<br>**article 10 of the Lanzarote Convention that does talk**<br>**about the need to collaborate with civil society,**<br>**I think in article 10, paragraph 2?**<br>**A. Yes, that's correct.** | **Q. Moving on through your witness statement to paragraph 20**<br>**of this witness statement, you highlight there**<br>**article 26 of the Lanzarote Convention, the obligation**<br>**on states to ensure that there can be legal liability**<br>**for offences established in accordance with the**<br>**Convention, including companies, and I think you raise**<br>**here the issue of sanctions for companies involved in**<br>**facilitating child sexual exploitation abroad being**<br>**something that your organisation would also recommend?**<br>**A. Yes.**<br>**Q. Do you want to talk a little bit further about that?**<br>**A. Yes, it's interesting because when I woke up this**<br>**morning in my hotel, The Telegraph was on my doorknob**<br>**and it talked about how the NSPCC is talking about**<br>**holding -- imposing criminal sanctions for social media**<br>**platforms that fail to protect children. There is an**<br>**increasing recognition of the role that companies play**<br>**in modern society, and the facilitation that they may do**<br>**knowingly or, you know, maybe negligently, but, in any**<br>**event, they are facilitating the abuse of children and**<br>**we need to hold them responsible for doing a better job**<br>**of monitoring who is getting on the aeroplanes and where**<br>**they are going and do they have a right to go there.**<br>**Similarly to what we have done with terrorism. We have**<br>**taken terrorism very, very seriously. If an air carrier**<br>**allows a terrorist to get on their aeroplane and doesn't**<br>**properly vet them, they can be held financially**<br>**responsible for that. Certainly we should hold**<br>**child abuse perpetrators to the same standards and make**<br>**sure that corporate entities that are making, you know,**<br>**millions or even, you know, hundreds of millions or**<br>**billions of dollars off of their businesses, make sure**<br>**that they are not facilitating the abuse of children**<br>**globally.**<br>**So we would like to see more accountability on the**<br>**part of corporations for preventing these types of**<br>**crimes. It is just too easy to get on an aeroplane now**<br>**and abuse children and fly home. You referred to the**<br>**case a few moments ago where one perpetrator flew in and**<br>**out of the Philippines 17 times a year and nobody was**<br>**paying attention to him.**<br>**Q. Scroll in, please, to the end of paragraph 21, just to**<br>**amplify the example you have given which is in relation**<br>**to the regulations around terrorism. You point out that**<br>**this led to, in March 2015, it's been in force since**<br>**then, but in the first year of operation, 1,132 people**<br>**were refused travel because of the need for these checks**<br>**to take place. I think you're marry ing that up and**<br>**saying that sort of process could apply to the child**<br>**sexual exploitation context?** | **A. That's correct. I'd like to just add that, you know,**<br>**one of the things that happens with children who are**<br>**sexually abused and when their parents are involved,**<br>**which we sometimes see everywhere in the world, but**<br>**including in South-East Asia, is that when children have**<br>**been betrayed by a loved one, there is a particular kind**<br>**of harm that's caused children that we saw in our survey**<br>**of survivors that you don't see when it is a stranger,**<br>**and so, by having strangers coming in from out of the**<br>**country, providing financial incentives to your parents to**<br>**allow you to be abused, which the parents may agree to do out of an economic desperation, you're creating an even more profound harm than that suffered**<br>**if, say, you know, a terrorist who is a stranger harms**<br>**you for some reason. So it's really important to see**<br>**kind of the really insidious nature of child sex abuse**<br>**crimes, particularly where we're seeing, you know,**<br>**family involvement such as we are seeing in very poor**<br>**countries in South-East Asia.**<br>**Q. Moving then to the topic of a travel ban and trying to**<br>**pull together your two witness statements on this topic,**<br>**paragraph 23, please, the next paragraph down on this**<br>**witness statement, you make the point that you do have**<br>**some concerns as an organisation about the effectiveness**<br>**of travel bans because of the problem you have alluded**

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to, offenders not notifying the police of their
intention to travel and because, once notification is
made from the UK, it's not necessarily acted upon by
front-line immigration officers in the country of
destination.

Is there anything that you can amplify those two
points with, Professor?

A. Well, I may have misheard you, but I think you referred
to it as the travel ban. Our concern is not with regard
to the travel ban, it's the current scheme of Foreign
Travel Orders and those being ineffective.

Q. Forgive me, under the heading of "Travel ban" in your
statement, that's what you talk about. Amplify the
points about travel orders, please?

A. Yes. So currently, in addition to Foreign Travel Orders
not being frequently included with regard to sentencing,
what we are seeing is, once again, they're not notifying
the appropriate authorities before they leave. Even if
they do, the authorities in the country where they are
going to prey on children, that they are -- that those
authorities are not always recognising the restrictions
that are put on them and they don't really have the
resources to track them, make sure that they're not
making connections to known or suspected criminal
networks that might be trafficking in children, and

that's one of the gaps that both CSOs and NGOs can help
fill, by collaborating more with them, as well as if you
have foreign liaison or international liaison officers
in each of those countries, they then can be involved in
monitoring UK citizens who have a history or have been
deemed to be at risk of abusing overseas.

Q. Then turning to the issue of whether there should be in
fact more robust travel bans, I think one example that
you have given at paragraph 24 is from a mission that
was conducted to the Philippines by CRI where in
 Angeles City the understanding was that child sex webcam
dens were prevalent. This has been termed the second
largest sex tourism city in the world. One of
the findings from your mission, if I have understood it
correctly, was the concern that parents, local
officials, neighbours, police and government officials
were all involved in this exploitation creating
a general environment of impunity. You traced the
history, perhaps, of this area being prevalent for sex
tourism, if I can call it that, being from when there
had been an American military base in the area in the
early part of the 1900s.

Looking at whether there should be a ban on travel,
does this particular example help us understand whether
or not travel bans would be effective?

A. That is my view.

Q. Help us, then, please, with the current situation in the
US, about which we have heard a little, where
individuals have their passports revoked, when they
apply for a new passport their passport gets stamped in
the last page with details of their convictions. What's
your view on the effectiveness of that system?

A. I deem it ineffective.

Q. Can you help us with why?

A. Yes. The reason why is because the officers, the
immigration officers in the countries that are being
targeted by people travelling to commit sexual abuse on
children, they don't always look at the page, they don't
always recognise what it is that they're seeing, and
even if they do, they don't always have the resources to
prevent the person from coming into the country or they
might not be able -- they don't have the resources to
Q. Then if I can bring up, please, just to finish this topic, CRS000026_002. That's your third witness statement, Professor, by which point you clarified I think quite recently for us that the board of trustees of CRI have now had the opportunity to consider all of the evidence and its considered policy position, paragraph 7, is now that it does support a travel ban for convicted sex offenders akin to the Australian model. CRI remains concerned about how the current Foreign Travel Order system operates. You do not think a stamp ban akin to the US model would work in practice. Paragraph 9, overall considers that a travel ban would be a proportionate remedy, given that the UK is not otherwise able to control sex offenders once they travel to countries where there is a weak rule of law system. Is there anything else on the topic of travel bans that you would like to share?

A. I'm sorry, I organised some of our thoughts here. No. Just finally then on this topic, could I ask you to look at the list of concerns and proposed reforms document that I think you have been provided with, and perhaps

Q. Just finally then on this topic, could I ask you to look at the list of concerns and proposed reforms document that I think you have been provided with, and perhaps

A. That's exactly right.

Q. You have listed the cases of which you are aware at paragraph 35. The concern you have, I think, is that the underutilisation of this section means that it doesn't have, firstly, a deterrent effect or a preventative effect; is that right?

A. That's correct.

Q. And the concerns you also have, I think, relate to, as you say at paragraph 35, situations where there is a gap in the criminal law in the country where the offence is perpetrated. So you say at paragraph 35 that in many countries in South-East Asia being in possession of child sexual abuse material is not a criminal offence, and so, if, in those cases, the prosecution does not take place extra-territorially, it won't happen at all. Is that one of your concerns?

A. Yes, it is.

Q. You allude at paragraph 36 of your witness statement to the double jeopardy issue. What's your particular concern around that, Professor?

A. Well, my concern is that, you know, there is an exception for double jeopardy around the child sex abuse and it's not really being recognised, so that people are not being prosecuted by the UK, even when the UK could prosecute.
the Child, which of course is the most widely ratified human rights treaty in the history of the world, is the concern about discrimination and making sure that children are not discriminated against. What we are seeing here in the area of child sexual abuse, in particular with regard to travelling perpetrators, is kind of an intersectional discrimination, where different characteristics of the children that make them especially vulnerable to sex abuse are part of what is perhaps contributing to a lack of responsibility being taken by the home countries of the perpetrators, and so examples of characteristics that lead to intersectional discrimination would include poverty, nationality, race, whether or not they are a migrant child, etcetera.

Q. Just picking up this theme, then, please, in your second witness statement, paragraph 31, you go so far as to say this at paragraph 31 -- CRS000022_011, that your opinion, CRI's opinion, is that the underutilisation of section 72 itself amounts to a form of discriminatory treatment of these children, because you rely on data that indicates the number of convictions that have taken place in relation to children who were sexually abused in England and Wales and you compare that to the low numbers of prosecutions for crimes relating to children abused overseas, and your argument, therefore, if I have understood it correctly, is that those children overseas who are already the victims of the intersectional discrimination that you have described are then further discriminated against because prosecutions are significantly less likely in their cases. Is that a fair summary of what you have said?

A. Oh, yes, it's a very accurate summary. I think part of my frustration is, in preparing for the inquiry, I looked at the Children's Act, and I saw that there is a responsibility to safeguard the welfare of the child, which is essentially what appears to be a domestication of the best interests principle from the UN Convention on the Rights of the Child. Yet it appears -- that applies, of course, to the NCA and, you know, due to a recent amendment, and what it appears is that, although there is no distinction between children in the UK and children who are harmed by UK nationals out of the country, there doesn't seem to be the same level of commitment to the prosecution of the UK perpetrators when the child is outside the country as is evident here in the UK.

Q. Your proposals in relation to section 72 are then picked up, I think, in this third statement. Please can I bring up CRS000026_003, please. You set out in the UK, and you flag recent indications around the rule responding immediately and were assisting with the investigation.

A. Yes. So, basically, we have a model for it in the national response framework that was developed through We Protect under David Cameron's leadership, and this provides for a multisectorial, multi-disciplinary approach to combating these issues and providing the victims with support, and we propose that a similar framework should be applied to these types of crimes, you know, with the hands-on abuse of children in South-East Asia. In addition to that, we believe that the British Government should allocate more resources to both prosecuting these crimes and providing support and this should include, for example, not only prosecutors, victim advocates, law enforcement, but also social workers and therapists to make sure that the children's rights under the Second Optional Protocol are fully realised.
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<td>them in bringing a damages claim against Mr Slade, there were difficulties in finding a litigation friend in Angeles City for them and they had difficulties in providing testimony. So I think a decision was taken by some families not to pursue the case. But your view is that, had there been a UK law enforcement professional involved from the beginning, they might have been more likely also to secure damages. Is that right?</td>
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<td>A. Yes. So this is the case that I referred to mistakenly earlier in my testimony. So, basically, what happened was, at that time, the local law enforcement did not fully investigate and there was a failure to identify all of the victims, and so, when additional victims were identified subsequently and we tried to provide support for them, at that point there was a fear of re-traumatisation, and we believe that if the UK were involved and had been providing investigative support on the ground and also had made available to the child victims who were identified at that time that they could have been supported in a way that would have made them more comfortable participating in both the prosecution process as well as their redress, which would include -- for example, could have included restitution or other forms of compensation.</td>
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<td>Q. At paragraphs 13 and 14 I think you pick up support for to have carried out any reviews on the efficacy of section 72?</td>
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<td>A. Yes, it is. Part of my concern is that the Lanzarote Convention compels the UK Government to conduct studies of this sort, and it doesn't appear that there's been any analysis that there's not sufficient collation and analysis of data to show whether or not this is working effectively. What we see is the back end of this, which is a significant number of UK nationals who are making it into South-East Asia and not being sufficiently prosecuted for their crimes in a way that's compliant with the Second Optional Protocol, the Lanzarote Convention and the Convention on the Rights of the Child.</td>
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<td>Q. I think you share the concern by others that section 72 is an in extremis option and you propose that the MoJ should issue guidance making clear that that's not the case; is that right?</td>
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<td>A. Yes. So what we’d like is for statutory guidance to be issued, both with regard to section 72 as well as with regard to the Children's Act, to make clear that it should be considered, you know, relatively common in light of the disparity between resources of the countries in which these crimes are being committed and the source countries of the perpetrators, that</td>
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<td>the request by Mr Samleang that we heard this morning, that the UK has a foreign liaison officer on the ground in every country where there's a credible suspicion that sex offenders travel regularly to abuse children. Some countries might well need more than one foreign liaison officer, but that would be the minimum requirement that you envisage. You go on to say at the very least you recommend there should be such officers present in Vietnam, Cambodia, Thailand, the Philippines, Indonesia, Malaysia and India. You also request the NCA to liaise further with other experts and civil societies and organisations in other parts of the world but this needs to be an ongoing and regularly reviewed position. Is that right?</td>
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<td>A. That's correct. What we would really like to see is a team of professionals being on the ground in each of these countries.</td>
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<td>Q. You express concern at paragraph 17 of your witness statement about where the policy responsibility for section 72 lies. You have identified evidence from the Foreign Commonwealth Office documentation, both of which further with other experts and civil societies and Ministry of Justice about this, and we will have some evidence read from the Ministry of Justice in due course. But is this right, that your concern is that the department with policy responsibility, the Ministry of Justice, does not appear</td>
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<td>to be an ongoing and regularly reviewed position. Is that right?</td>
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<td>A. That's correct. What we would really like to see is a team of professionals being on the ground in each of these countries.</td>
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<td>Q. Just to summarise perhaps what's at 19 through to 21 of your third witness statement, you have identified within the documentation that you have seen the operational guidance for ILOs -- NCA000305, I don't think you need to bring it up -- and you have also referenced some Foreign Commonwealth Office documentation, both of which you interpret as suggesting that both the NCA and FCO staff are being encouraged or informed by guidance to accept that section 72 is a last resort option, and you think this is incorrect?</td>
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<td>A. That's correct. It appears that there may be a crisis of leadership right now in the United Kingdom, such that there is a widespread recognition that there is -- everybody laughs.</td>
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<td>Q. I'm hearing laughter behind me, I'm sorry. Carry on. On this issue, you're talking about?</td>
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<td>A. Yes, that there's a crisis of leadership, you know, with regard to travelling to foreign destinations to sexually exploit children, and that in reading through the other witness statements, they affirmed what our suspicion</td>
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34 (Pages 133 to 136)
was, which is that there are many people who would support the -- or there are a number of people, I will say, that would support a greater exercise of section 72, but in fact, because they don't view it as their direct responsibility, they view themselves as being in a support role of carrying out a more robust utilisation of section 72.

Q. So you also would like to see, would you, that that documentation that is given to the NCA staff and the FCO staff you would propose be corrected so that staff are not under the impression that section 72 is to be rarely or uniquely used; is that fair?

A. Yes, and, based on the witness statements that I saw from the -- that we saw from the law enforcement in the UK, there seemed to be an underappreciation of, you know, the frequency and robustness with which law enforcement can utilise that particular section.

Q. Can I bring up, please, paragraph 22 of your witness statement where you deal with the dual criminality loophole, if I can call it that. Can you give the chair and panel your evidence about that, please, Professor?

A. Sorry, this is the third witness statement?

Q. It is. Paragraph 22:

"CRI is highly concerned about the dual criminality loophole in section 72."

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A. Yes, so I think it is necessary for the government to close this loophole.

Q. You draw the panel's attention very briefly, please, paragraph 24 of your witness statement, to a very recent case, something reported in the Guardian in January of this year, about a British man recently arrested on suspicion of child abuse in Nepal on his 16th visit to the country. I don't think we need to bring it up, but it is your exhibit CRS000027. You say there is obviously a question around why section 72 did not at least yet appear to have been used in that case; is that right?

A. That's correct.

Q. A few further points, please, on section 72 that I have skipped over that I should come back to on the documents, if I may. You have drawn the panel's attention to a document from a particular police force in this country, from Sussex Police. Can I have this document brought up, please, CRS000005. It is your exhibit WB5. You had found, I think, yourself, this document on the internet. It is some guidance that's given to police officers within that force. The point is made, I think, under the heading "Initial action" on the second page of this document, that the initial response to victims reporting offences which have occurred abroad should be no different to that for offences committed in this country. But I think over the page, under the paragraph headed "Civil action", you have highlighted for the panel that this police force seemingly is being told that the possibility of a criminal prosecution in this country is extremely unlikely, and then goes on to talk about a damages claim. But are you drawing that to the panel's attention because this is perhaps a further example, in your view, is it, of a negative interpretation of the use of section 72 being given?

A. Yes, and one of the other take-aways from this particular section is that it's a reminder that, even when a victim is entitled to bring a civil action, they won't be successful in prosecuting that action if there hasn't been a conviction that's already been achieved and sufficient evidence that's been gathered, which is another reason why it's so critical for the UK to provide backs on the ground in South-East Asia.

Q. Can I also now bring up your exhibit WB18, CRS000018. Again, this is a report -- I think it is fair to call it a report -- that's been prepared by the Human Trafficking Legal Center. This is providing the panel with some information about the US position. If you go through to the second page, please, it is the US legal
Q. Bear with me a second, please, Professor. You have dealt, I think, in slightly further detail with the US position at paragraph 30 of your witness statement, your second witness statement. Can I please bring up CRS000022_010. Scroll in, please, on paragraph 30. You have highlighted for the panel there the US Protect Act about which we have heard:

"It allows the US to prosecute anyone who travels to the US to sexually abuse a child. In addition to allowing the US Government to criminally prosecute offenders in a Federal Court and to seek restitution for victims, the Protect Act also creates a private right of action for victims so that they can seek civil remedies."

It also provides, as we have heard, for the remedies for minor victims of sex tourism and sex trafficking. This sets out -- if you go, please, to internal page 4, if you have it, it's the internal page 3 of the document. It sets out information about how offences are prosecuted in the US under the extra-territorial provisions under the Protect Act, and it details that, as of June 2018, federal prosecutors have brought at least 68 criminal cases for actual or attempted sexual abuse of children overseas. There is further information given on the next page, please, about the ability for perpetrators to be prosecuted in the US, even if they have been prosecuted abroad, and about sex tour operators being prosecuted and children testifying in the US courts in some cases.

Finally on this report, please, internal page 12 for our numbering, the report itself internal page 11, appendix A -- the panel can perhaps scroll through the appendix -- sets out all of the cases where there has been a federal criminal prosecution in the US and the extra-territoriality provisions. We can see in the middle column the country of abuse, I think it is done alphabetically, from which the offending -- where the offending was said to have occurred, and we can see the sentences imposed in some of these cases -- well, in all of these cases, in fact, except those that were in extra-territoriality. Approximately 68 offenders have been prosecuted, you draw out there the countries -- Cambodia, Haiti, the Philippines, Thailand and other countries. Over 19 have led to compensation for the victims, approximately 11 cases in a civil sense have been brought on behalf of foreign victims. You give the payout figures there for victims ranging between $950,000 to $12 million. Is there anything else about the US system for extra-territoriality that you would wish to draw to the panel's attention?

A. I think that there's an important point here that goes back to the crisis of leadership that I referred to earlier, that this came about under the second George Bush, and he had made it one of the priorities of his presidency to take on human trafficking, and particularly child sex trafficking. When you have that kind of national leadership, it can bring together different parties from society to set higher standards for protections for children. I think, just like the leadership that David Cameron has shown with regard to online sex offences, I think that the Protect Act and the entire legal framework that was developed during that period of the US history has proven that you can have a profound impact on the protection of children.

Q. Just finally on this topic, please, Professor, could I ask you to look at the concerns and reforms document. Perhaps we could bring this up, please, INQ004049_005, please.

You I think have had the chance to reflect on this, Professor. There is set out, at paragraph 20 and onwards, a list of concerns that others have identified, including yourself, around section 72. Then at paragraphs 22 through to 39, a list of proposed reforms. Is there anything you would like to add or comment on in terms of what's been identified here?

A. Well, we do agree with many of the concerns that have been raised, and, in addition to the low numbers of prosecution that have already been highlighted and the possible reasons for this challenge, which includes the lack of leadership at the ministerial level, as well as the varying media focus on these issues, I would like to try and emphasise the need for the model national response, similar to what we see under We Protect. We need to make sure that there is that fresh guidance that we talked about earlier with regard to the change of approach, so that this is not an in extremis act.

You know, finally, I want to make sure that -- this is something I have forgotten to say so far, which is with regard to the right of review. Currently, children who are located in the UK have the right to review
a decision not to prosecute, and we'd like to see — we believe that children outside the UK also have that right to review, but currently it's not being protected and they're not being allowed to exercise it because of a lack of outreach identification of victims and outreach to those victims by the UK. So we would like to make sure that not only those victims are able to exercise their right to review when a decision not to prosecute is made, but also that local NGOs and CSOs are given that right to review the case on the child's behalf and to exercise that right of review.

Q. I think, just to bring this up, and then perhaps we can take a short break, but if I bring up CRS000026_011, you have dealt in your third witness statement with the right of review issue. You make the proposal that the victims of child sexual abuse abroad should have the right to review both decisions not to investigate and decisions not to prosecute. Is that right?

A. That's correct.

MS HILL: Professor, I have a few more questions for you, I think probably about 15 minutes, and then we will have some reading, so perhaps we should take a short break.

THE CHAIR: We will return at 3.35 pm.

A short break

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senses is predictable but perhaps in some senses is less so. Is that right?

A. Yes.

Q. The report at internal page 20 -- the report itself, page 7 -- gives a breakdown of the nationalities of foreign perpetrators in Thailand on the left, which one can see from the statistics on this table UK offenders were 30 per cent of the perpetrators and, in Cambodia, UK was 9 per cent of the perpetrators.

The report also details certain types of grooming techniques, at internal page 23. We perhaps don't need to bring that up. But then, at internal page 38, there is a section about improving the response to this sort of abuse and exploitation, and talks in broad terms about the difficulties with local policing, the tension, perhaps, between traditional policing methods being ineffective and the need for more proactive policing methods and sets out a range of other issues around the criminal justice response.

At the top of internal 41, report page 28, specific mention is made of weaknesses with the alerting and notification systems of the sort that I think perhaps you have alluded to.

Just finally on this, can I take you to the last page of the exhibit that you have brought to the panel's attention. It's internal page 45, report page 32. The conclusion of this report were that, as we can see, tackling child sexual exploitation is no simple task. There needs to be effort from a multitude of actors. Action in one country will be insufficient. The conclusion at the final paragraph was:

"The analysis has indicated some relatively basic steps involving international co-operation and the standardisation of approaches, which would create a supportive platform for the more sophisticated efforts to strengthen dedicated capacities. A new determination to safeguarding children is not beyond the region's ability: it is the minimum required to combat the shocking actions of child sex offenders."

That report dates back to August 2014, Professor, but does that broad conclusion still reflect your view?

A. Yes, it does.

Q. A few questions, then, please, on Disclosure and Barring. You have dealt with this --

A. I'm sorry, before we move on to Disclosure and Barring, may I just say that another benefit to making sure that there is UK involvement with these investigations is that, in addition to identifying the victims, the photographic evidence, the imagery, that may have been created can be controlled by law enforcement early on in
the process and can help prevent it from being further
distributed or trafficked in, which could help prevent
some of the re-traumatisations that we talked about at
the very beginning of my testimony.
Q. Thank you. Can I ask you, please, to look at your
second witness statement, paragraph 32, and bring this
up, please. CRS000022_011, where you say this:
"CRI is of the view that the current Disclosure and
Barring system in the UK is not adequate and robust
enough." Because, in particular, British nationals employed
abroad by organisations not based in England and Wales
and non-British nationals being employed by
organisations such as the British Council abroad
illustrate the gaps in this process; is that right?
A. That's correct.
Q. Your position for CRI is that you would recommend the
mandatory use of the international child protection
certificate. So help us a little bit further with that,
please?
A. Well, basically, you know, rather than focus -- having
to focus so much on the back end of children who have
been exploited and abused, it's much better to prevent
the abuse and exploitation from happening in the first
place, and one of the main ways that we can do that is

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certificate process should cover more robust
international checking, including what you have just
described, the CV analysis, referencing and behavioral
red flagging -- I think that's having an expert
involved, as you've said. Thirdly, you recommend that
the checks would not only look at the applicant's
country of training, but also their last country of
residence and that would require better information
sharing; is that right?
A. That's correct. One of the worst abusers in the
United States was someone who was able to travel country
to country and abused, you know, dozens and dozens of
children in different schools all around the world. One
of the reasons he was able to get away with it is
because we don't have a robust background check system
right now, internationally, and it appears, in studying
the UK system, that there are a lot of opportunities for
growth in that area as well.
Q. You pick up this issue I think or had already dealt with
this issue at paragraph 38 of your first witness
statement. It is CRS000021_015, where you recognised,
I think, that the Department for International
Development -- that's DFID -- Interpol and ACPO's
criminal records office were working to create a global
list of sexual predators working in foreign aid. You
to identify those who have a history of offending and
then prevent them from being placed in situations where
they can continue to offend, particularly in countries
and regions where they are more likely to enjoy
impunity.

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So what this focuses on is the fact that there
appears to be a piecemeal background check system in the
UK and some of the charities who are on the ground are
not able to find out all of the history that might
reveal to them that someone has a history of offending.
This would include not just prosecutions, but looking at
the person's CV, having specialists analyse where they
have been and what they have done, the types of
positions they have held to try to identify whether or
not this appears to be a perpetrator, and also to make
sure that the background checks aren't just required for
trustees and the trustees of the organisations for
UK-based organisations, but that also everyone who is
likely to have access to children undergoes a robust,
global background check through one uniform source.
Q. Just to pull up, please, paragraph 34 of this witness
statement, the key things that you flesh out there are
that you recommend that the international certificate
process is made mandatory; you also endorse
recommendations made by Edvectomy, I think; that the

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indicate that CRI would like to see tougher criminal
checks being conducted in other professions too, such as
the religious sector and the teaching sector; is that
right?
A. That's correct. One of the obligations that the UK has
as a state party to many of these treaties is they are
supposed to be entering into agreements with other
parties so there is bilateral and multi-lateral
co-operation.
Q. You had noted the recent programme by those
organisations, DFID, Interpol and ACPO, to employ up to
nine specialists and investigators to work in Africa and
Asia to support National Criminal Bureaux in high-risk
countries. Is that an example of perhaps the beginnings
of some of what you have referred to elsewhere as "boots
on the ground"?
A. Yes, there is no question that the UK can do this and it
appears in some areas they're starting to do so.
Q. You have dealt with, in your statement at
paragraph 35 -- just briefly, please, I think you have
touched on this, it is internal page 13 -- the need, you
say, for a multi-disciplinary approach. The funding of
the We Protect global alliance which is based around
a model national response framework. The panel hasn't
yet, although they will, heard very much about that
C. So, yes. We Protect is something that was started largely under former Prime Minister David Cameron and he did it in partnership with other leaders here in the UK and also one of our top people in the United States, Ernie Allen. Basically, what they did was, they recognised that it's critical that we put together teams across sectors and with a variety of expertise in different disciplines and ensure that there is support for the efforts to both prevent online abuse from happening as well as to provide support when it does happen. There was a significant amount of funding that was allocated to this effort, and that funding has been translated into collaboration with other organisations, such as UNICEF, and it appears that those efforts have been somewhat successful, from looking at some of the statistics that we shared earlier.

Q. Finally on the Disclosure and Barring topic, can I ask you to turn up, please, the list of concerns and reforms. It's INQ004049_009. Just cast your eye over the points made at paragraphs 40 I think right through to the end, in fact, and see if there is anything there you would like to comment on or respond to? Is there anything that you disagree with or agree with?

A. I think I've said quite a bit about the need of victims to have their day in court and the statistics that we have tried to share earlier. I have been through the majority of them already, but you did touch only briefly on the issue of safeguarding which I think is picked up at paragraph 25 of your third witness statement. It is CRS000026_009. I think the broad point that you make is that the obligations under the domestic legislation, the Children Act, sections 11 and 28, should apply, you're suggesting, to the work of bodies such as the NCA to give more focus to the need to safeguard and promote the welfare of children. Is that what you're saying here?

A. Yes, it is.

Q. For the panel's reference, if we need to come to it in due course, sections 11 and 28 are at CRS000023. You propose that the government issue new guidance on how those provisions apply to the NCA's obligations in safeguarding and promoting children abroad; is that right?

A. That's correct. Not because it's not there, but just because it doesn't seem to be clearly understood, given the lack of efforts towards safeguarding foreign children.

Q. You lead, then, into, I think, an observation around the role of supporting victims here. You go on, I think, in your witness evidence to deal with -- in fact, forgive me, before we get there, another proposal you made at...
A. No, this was my point just a few moments ago, when I said that we should make sure that robust background checks are done for the persons who are on the ground in the charity, and not just the trustees of the charity.

But I failed to mention the role of the Charity Commission, so I apologise.

Q. You have suggested that there is a need for research along the lines you suggest of the rapid evidence assessment that the inquiry itself did on what can be learnt from other jurisdictions about preventing and responding to child sexual abuse. You propose that there is a need for research on what other countries are doing in relation to the mandates and operational protocols of their foreign liaison officers. Is that because you believe there's room for learning about how different foreign liaison officers operate on the ground?

A. That's correct.

Q. I think, although I don't need to bring it up, you have provided a much more detailed report at your exhibit WB21: CRS000025 is the World Justice Project rule of law index, which I think is perhaps a similar piece of work to this. Is that right? It is a much longer report but it performs a similar function; is that the summary?

A. Yes. What we are basically looking at are countries where there is a rather weak rule of law system for a variety of reasons, but the bottom line is, they are not able to fully protect the children, especially from sophisticated predators like you'd find in a UK national and resource predators.

Q. Could I ask you to cast your eye over the very last part of the reforms and concerns document. Beginning at paragraph 67 there are a series of perhaps wider proposals for reform in this area. Is there anything that you would like to add about that?

A. Oh, absolutely, and I think this is one of the key roles where the UK can start to establish its leadership in the field. One of the witness statements talked about the fact that the UK used to have more leadership in organising training around responding to the changing nature of child sex abuse and how to combat it on the ground and that they have taken a more background role in recent years in participating in those trainings internationally, and this is an example where the UK can jump start its involvement and start to become a leader again in this area.

Q. I think the final document I wish to adduce -- I'm not sure we need to bring it up -- you have provided as your exhibit WB22 the global ranking on access to justice for children 2011. It is -- in fact, we will bring it up briefly -- CRS000029. I think this gives a global ranking -- is this right? -- of the ways in which different countries ensure access to justice for children. We can go to the list beginning at internal page 2, please. We saw England and Wales under the UK heading at number 10. But what are the points that you draw from this list of countries that you think is pertinent for the panel?

A. What's so important about this ranking is that it shows that the UK is much better positioned to protect the welfare of these children than the countries in which they reside and where they may have been exploited or abused.

Q. You draw that, do you, from the fact that the UK is positioned relatively high, but some countries about which we have heard are relatively low on this list?

A. That's so important about this ranking is that it shows that the UK is much better positioned to protect the welfare of these children than the countries in which they reside and where they may have been exploited or abused.
something an offence within the jurisdiction.
A.  Yes.

PROF SIR MALCOLM EVANS:  But that's not the same thing as the obligation to prosecute. Do you think that the obligation to prosecute within the protocol is sufficiently robust?

A.  Well, the -- I think that you have to read it in the context of its intersection both with other provisions in the Optional Protocol as well as the Convention on the Rights of the Child. If you look at section 4 of the Optional Protocol, it makes clear that the UK is required to prosecute in instances where the perpetrator commits a crime in the UK or one of its territories or any of its vessels, such as aircraft and ships, et cetera. It also is obligated to prosecute where the offender is in the UK and has not been prosecuted in the other country or where the other country does not -- is not a party to the protocol. So those are some of the circumstances where the UK is obligated to prosecute.
Prosecution is permissive where it involves a UK national regardless of whether the UK national is currently in the UK. There also is an obligation to -- there is also the option to prosecute if the victim is a UK national. But the mandated obligations to other countries have even fewer. You know, the Protect Act set up this right to recovery 16 years ago, and I do not believe that there is a sufficient recovery being made by victims. One of the analyses that I did about three years ago was an informal analysis that I did not publish, but basically, what it was, was looking at when victims are most likely to receive an award, and what I found is that when there was a guardian ad litem who was appointed or if the victim was being represented by an attorney, they were much more likely to receive an award either through the criminal system or through the civil section. So, you know, I think that we can take some lessons from that, which is that, although the US does have this ability for civil damages, it's underutilised, but it's more likely to be utilised if the victim is given legal support in order to exercise their right to seek compensation.

PROF SIR MALCOLM EVANS:  Thank you very much.
A.  You're welcome.

THE CHAIR:  Thank you. We have no further questions. Thank you, Professor Binford.
A.  Thank you.
(The witness withdrew)

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1 MS HILL:  Chair, we are entirely in your hands. We have some evidence that could be read, but it would take about 25 minutes to do it properly. So I think perhaps -- it wasn't on the timetable for today. We are content to fit it in later in the week.
6 THE CHAIR:  Yes, we will do that. That concludes today's hearing.
8 (4.01 pm)
9 (The hearing was adjourned to Wednesday, 13 February 2019 at 10.00 am)

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