

<p>1 Wednesday, 13 February 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone. Welcome to Day 3 of</p> <p>4 this public hearing. Ms Hill?</p> <p>5 MS HILL: Good morning, chair. I gather Mr Frank remains</p> <p>6 unwell, but is able to watch the live stream and is</p> <p>7 aware of his ability to email any questions, so that you</p> <p>8 are content to proceed without him?</p> <p>9 THE CHAIR: Yes.</p> <p>10 MS HILL: I will call, please, Glen Hulley.</p> <p>11 (Technical problem)</p> <p>12 MS HILL: Chair, I wonder if it is worth rising for a few</p> <p>13 minutes, just to sort the videolink out? I'm sorry,</p> <p>14 chair, could we just rise for a few minutes? Thank you.</p> <p>15 (10.05 am)</p> <p>16 (A short break)</p> <p>17 (10.08 am)</p> <p>18 MS HILL: Thank you, chair.</p> <p>19 MR GLEN HULLEY (affirmed)</p> <p>20 Examination by MS HILL</p> <p>21 MS HILL: Thank you very much, Mr Hulley. You are</p> <p>22 Glen Hulley and you are giving evidence from your</p> <p>23 organisation known as Project Karma; is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. Mr Hulley, you have given a witness statement to the</p> <p style="text-align: center;">Page 1</p>	<p>1 inquiry dated 4 December 2018, which I will formally</p> <p>2 adduce, please. It's INQ003648.</p> <p>3 Your background, Mr Hulley, you explain in your</p> <p>4 witness statement, is in policing, and you were a member</p> <p>5 of the Victoria police in Australia for over 13 years;</p> <p>6 is that right?</p> <p>7 A. Yes, that's correct.</p> <p>8 Q. You have plenty of experience as a uniformed officer,</p> <p>9 a detective, in major investigations and various other</p> <p>10 policing roles, and I think you currently hold a private</p> <p>11 investigator licence in Victoria; is that correct?</p> <p>12 A. Yes, that's correct.</p> <p>13 Q. You describe an experience that you had in Cambodia on</p> <p>14 holiday in 2013 that you explain in your witness</p> <p>15 statement has changed your life and led to you now</p> <p>16 dedicating your efforts full time to investigating child</p> <p>17 sexual exploitation and protecting and rescuing</p> <p>18 children. Just tell us a little bit about that</p> <p>19 experience, please?</p> <p>20 A. My apologies, but I've lost sound. I don't know why.</p> <p>21 It's obviously a technical problem. I have got no</p> <p>22 sound. I have picture, but no sound.</p> <p>23 Q. I'm sorry about that. Just bear with us.</p> <p>24 (Technical problem)</p> <p>25 MS HILL: Can you hear me now, Mr Hulley?</p> <p style="text-align: center;">Page 2</p>
<p>1 A. Yes, I can.</p> <p>2 Q. I just asked you a question about the experience that</p> <p>3 you had on holiday in Cambodia in 2013. Perhaps I can</p> <p>4 summarise this for you from your witness evidence. You</p> <p>5 indicate in that experience you were approached by</p> <p>6 a tuk-tuk driver out of the blue and offered an adult</p> <p>7 prostitute. When you refused that, you were offered</p> <p>8 a 12-year-old girl, and when you refused interaction</p> <p>9 with that child, you were introduced to a 4-year-old</p> <p>10 child who was being offered for sexual exploitation, and</p> <p>11 you say that that experience changed your life, and has</p> <p>12 led to you doing the work that you now do. Is that</p> <p>13 a fair summary?</p> <p>14 A. Yes, that's a very short summary of it, but, yes, that</p> <p>15 is correct.</p> <p>16 Q. The organisation that you were the founder of,</p> <p>17 Project Karma, was established in 2015 and has been</p> <p>18 registered as a charity since March 2016 in Australia.</p> <p>19 Is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. As we will hear, the work of your organisation --</p> <p>22 I think you're one of four directors of it -- is to</p> <p>23 combat child sexual exploitation, and you have also</p> <p>24 played a key role in helping change the Australian</p> <p>25 legislation around travelling of child sex offenders; is</p> <p style="text-align: center;">Page 3</p>	<p>1 that correct?</p> <p>2 A. Yes. Early stages, I spoke with Senator Derryn Hinch</p> <p>3 about the issues of Australian child sex offenders</p> <p>4 travelling, particularly to South-East Asia.</p> <p>5 Q. You describe having led over ten investigations in</p> <p>6 a number of places in South-East Asia, and through that</p> <p>7 work, investigating those crimes and rescuing children,</p> <p>8 you have become aware of the extent of the problem and</p> <p>9 the gaps in protection of children. Give us a broad</p> <p>10 sense of what your impression is of the scale of</p> <p>11 the sexual exploitation problem in South-East Asia?</p> <p>12 A. The problem is quite widespread through South-East Asia.</p> <p>13 Many countries have an overrepresentation in ratio of</p> <p>14 these types of crimes. We find that areas that are</p> <p>15 developing countries, poverty tends to create</p> <p>16 vulnerability and vulnerability creates the</p> <p>17 opportunities for exploitation, and we see that these</p> <p>18 opportunities are taken more so in these types of</p> <p>19 countries than other areas of the world.</p> <p>20 Q. You have given an estimate, Mr Hulley, that the child</p> <p>21 sex exploitation industry is worth around \$36.6 billion</p> <p>22 and around 2 million children in South-East Asia alone</p> <p>23 are affected. You say, in your view, this is close to</p> <p>24 rivalling the drug trade in the region. Is that fair?</p> <p>25 A. Yes. Those statistics that have been gathered by</p> <p style="text-align: center;">Page 4</p>

1 professional organisations, including
 2 ECPAT International and also from UNICEF, these are
 3 published figures that have resulted from many years of
 4 studies.
 5 Q. You have described some key themes around children being
 6 treated as objects, trafficked from location to
 7 location, kept in conditions of sexual slavery and
 8 torture, that there is an illicit market in child
 9 trafficking, live streaming of abuse and exploitation
 10 tourism, that it involves local offenders and foreign
 11 offenders, and it creates a market in local crime
 12 syndicates which traffic children, for example, on
 13 ferries, between tourist sites such as places in Bali.
 14 That children are taken from their families forcefully
 15 or willingly by people in desperate situations and that
 16 children are sometimes sold by their families and then
 17 taken to crime hotspots. Is that a fair summary of
 18 the problem that you see?
 19 A. Yes, we deal with those type of cases all the time. I'm
 20 currently in Bali. My organisation is also a registered
 21 charity in Indonesia under the name of Yayasan Project
 22 Karma Indonesia. These are the types of investigations
 23 we are dealing with in relation to the commercialism of
 24 these crimes. Obviously, these crimes can occur on
 25 a scale, and this is more -- what you have described

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1 (Break in transmission)
 2 A. Apologies for that. I'm back again. I have video and
 3 audio.
 4 Q. Thank you. I think you were confirming, Mr Hulley, one
 5 of those investigations into an orphanage does relate to
 6 a British citizen in Bali; is that correct?
 7 A. Yes, that's correct.
 8 Q. You have highlighted that, often, part of the problem
 9 with those situations is that parents might sign a legal
 10 custody form in relation to the child to effectively
 11 hand the child's custody over to the orphanage. You
 12 describe that vetting of visitors and volunteers is
 13 poor, registration and supervision often non-existent.
 14 This leaves the children exposed to grooming and sexual
 15 exploitation, not exclusively in Bali or Indonesia, but
 16 in many areas of South-East Asia you see that problem?
 17 A. That is correct, yes.
 18 Q. You have suggested that part of the background for your
 19 work is your perception that it's too easy for foreign
 20 perpetrators to travel to commit these crimes. What do
 21 you understand about how Australian perpetrators were
 22 operating, in terms of sharing information about where
 23 to go and things of that nature?
 24 A. Yeah, in the course of our investigations, both online
 25 investigations and in real-world investigations, we have

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1 there is more the commercialisation of these types of
 2 crimes.
 3 Q. A separate, perhaps, but related issue that you describe
 4 is the use of orphanages in Bali, both unregistered or
 5 noncompliant orphanages, where you say many of
 6 the children in these institutions are not orphans but
 7 have been sent there by their parents, who cannot afford
 8 to feed them, and are given the promise of free
 9 healthcare or education. You also refer to children
 10 being perhaps particularly vulnerable when there is
 11 a disaster area where their families are persuaded that
 12 an orphanage might take care of their child. Is that
 13 right?
 14 A. Yes, again, we have cases of that in Bali and other
 15 areas of Indonesia, including Lombok. We currently have
 16 three investigations in relation to -- they are ongoing
 17 investigations, so we can't obviously disclose much of
 18 the details, but involving orphanages in Bali that we
 19 believe are engaging in orphanage tourism but also
 20 there's been allegations of child sexual abuse.
 21 Q. You highlight that one of those investigations involved
 22 a UK citizen in Bali, who is alleged to be doing what
 23 you have described --
 24 A. I have lost your video and audio. I will disconnect and
 25 reconnect.

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1 found evidence that there are many paedophile or child
 2 sex offender networks that share information on areas of
 3 the world to go or not to go based on intelligence that
 4 they have come across from their own investigations of
 5 where there might be certain NGOs operating that are
 6 focusing on these crimes, whether law enforcement is
 7 specifically focusing on these crimes, to avoid those
 8 areas, and the other side of the coin is where they are
 9 not and where they should go and sharing information of,
 10 if they were to be reported against or detected, ways
 11 they can bribe their way out of it, the sort of money
 12 they should be paying for the services, but also the
 13 bribe.
 14 A lot of the sharing of information on how to commit
 15 these crimes and where to commit these crimes. We have
 16 found much evidence of that.
 17 Q. You also indicated that sometimes offenders pay local
 18 families, even when they have gone home to Australia, to
 19 maintain a link with that family, so that if they return
 20 to Asia for another holiday, they could continue abusing
 21 the same child and that that practice prevents the child
 22 coming forward to speak out. Is that right?
 23 A. That is quite often the case, yes.
 24 Q. I'd like to bring up on screen, please, paragraph 12 of
 25 your witness statement. It is INQ003648_003. This is

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<p>1 where you summarise, Mr Hulley, the work of your 2 Project Karma. Paragraph 12 summarises the strategy 3 that you apply. You have indicated I think earlier that 4 you focus on five countries -- India, Indonesia, 5 Philippines, Thailand and Myanmar; that your work 6 focuses on these different strategies: establishing and 7 training investigation teams to work with local police; 8 assisting with safe house facilities, counselling, 9 medical care, legal advocacy and other services to 10 victims and their families; partnering with police, 11 governments, networks and NGOs; raising awareness 12 through local community-based training and building the 13 links between communities and law enforcement; and 14 encouraging communities to confront child sexual abuse. 15 You illustrate at paragraph 13 -- perhaps we can 16 just scroll down -- several cases in which your 17 organisation has been involved. Is that right? 18 A. Yes, correct. Just to clarify, the countries mentioned, 19 many of those, and along with some more that weren't 20 mentioned, are countries and locations that we intend to 21 bring our model to, our Sentinel Model to. Currently, 22 we are running the model in Bali and in Lombok and we 23 have just begun the model in Cebu in the Philippines. 24 Our goal is to take it to Thailand this year and 25 Vietnam. Many of the countries you have mentioned will</p> <p style="text-align: center;">Page 9</p>	<p>1 be part of the rollout over the next five years. 2 Q. I'm grateful. Does the summary at paragraph 12 -- 3 A. I have lost video feed again. My apologies. I am going 4 to reconnect. 5 (Break in transmission) 6 A. I am back. My apologies. 7 Q. Our apologies too, Mr Hulley. Does the list of 8 activities at paragraph 12 that we have got on our 9 screen here reflect the sort of work you are proposing 10 to expand into those other countries? 11 A. That's correct, yes. 12 Q. The list of cases at paragraph 13, where you have 13 described several cases, are ones in which Project Karma 14 has been actively involved in some stage of 15 the investigation or detention or extradition; is that 16 right? 17 A. Yes, correct. The investigations form part of our 18 second pillar. The model essentially has three pillars 19 to it, the first focusing on education and awareness. 20 We have run many campaigns and design specific packages 21 for local villages and schools to educate and bring 22 awareness of these crimes and the problem. Our second 23 pillar focuses on investigation, prosecution and rescue, 24 which you've just mentioned, and there are some examples 25 of some cases we have been involved in there. And our</p> <p style="text-align: center;">Page 10</p>
<p>1 third pillar focuses on aftercare and rehabilitation, 2 which we work closely with government agencies and other 3 NGOs. Indonesia is an example. We are currently 4 working with local government agencies and national 5 government to set up a new system of aftercare for child 6 victims of child sexual abuse. 7 Q. Of the three cases that you list -- Robert Ellis was 8 sentenced to 15 years' imprisonment for sexually abusing 9 victims in Bali over a two-year period in relation to 10 11 victims; Peter Walbran was a dual 11 Australian/New Zealand citizen but worked at the British 12 international schools in Jakarta and the Australian 13 schools. He, you describe, abused children during this 14 period and was convicted of child sex offences in 15 Indonesia in 2012, served three years in gaol, was 16 deported back to Australia, but without detection 17 because he travelled on a New Zealand passport, 18 travelled to Thailand and worked there at an 19 international school. You say that within months, 20 having travelled without detection, he was in a remote 21 area of Thailand with a job as a teacher in a school of 22 over 4,000 students and teaching children of the same 23 age he had previously been convicted of abusing in 24 Indonesia. He was detained following a raid by 25 Australian Federal Police and Thai police and has since</p> <p style="text-align: center;">Page 11</p>	<p>1 been deported to New Zealand. 2 You finally refer to the case of Peter Scully, 3 a convicted Australian child sex offender. He was found 4 running pay-per-view live streaming services of children 5 being tortured and abused on the dark web and very 6 recently, in June of last year, was convicted of raping 7 and trafficking young girls in the Philippines. He is 8 also accused of torturing, raping and murdering an 9 11-year-old girl, which you say is perhaps the most 10 horrific case that you have dealt with. It's been 11 widely publicised and full credit goes to those 12 international agencies and the Philippines National 13 Police because, ultimately, he received a life sentence 14 in the Philippines; is that right? 15 A. That is correct. 16 Q. I ask you now some questions, please, about the 17 Australian system in relation to travel bans, because 18 that feeds into our topic around Civil Orders. 19 Essentially, is the position this, Mr Hulley, that your 20 understanding is that, prior to the change in the law, 21 which you were perhaps part of, the Australian system 22 was rather similar to the British system, that offenders 23 had to notify the police of their intention to travel if 24 they were on a register? Is that, in simple terms, what 25 the system was?</p> <p style="text-align: center;">Page 12</p>

<p>1 A. That is correct. Yes, correct.</p> <p>2 Q. Perhaps we can bring up paragraphs 16 and 17 of your</p> <p>3 witness statement at internal page 5. I think the</p> <p>4 points that you make here -- can I try and just pull</p> <p>5 them out in this way: these are what you describe the</p> <p>6 problems with that system as being. Firstly, the onus</p> <p>7 was on the offender to notify the police of travel.</p> <p>8 Secondly, if that did not happen, if the offender chose</p> <p>9 not to give notification, there was no red flag system</p> <p>10 to indicate that he or she was travelling. Thirdly,</p> <p>11 this placed some burden on the children to disclose any</p> <p>12 abuse. Fourthly, the notifications that were received</p> <p>13 by the incoming country, if I can call it that, were not</p> <p>14 often picked up in time, due to understaffing, and</p> <p>15 because they were part of a group of much wider</p> <p>16 notifications. And then, fifthly, more generally, it</p> <p>17 placed the onus on the receiving country to deal with</p> <p>18 the situation.</p> <p>19 Is this right, that because of those key problems</p> <p>20 with the scheme, you concluded that the only way to</p> <p>21 address this was to stop registered sex offenders from</p> <p>22 leaving Australia in the first place?</p> <p>23 A. That is correct, and that's what led me to my initial</p> <p>24 meetings with Senator Hinch, bringing these statistics</p> <p>25 to him. I believe you will get to it further in my</p> <p style="text-align: center;">Page 13</p>	<p>1 statement. That prompted him to take it on as his</p> <p>2 number one objective, once he became a senator, in</p> <p>3 working with the Australian Government to create</p> <p>4 legislation to ban the travel of registered child sex</p> <p>5 offenders.</p> <p>6 Q. If I can bring up, please, paragraph 21 of your witness</p> <p>7 statement, you summarise there what the legal provisions</p> <p>8 are that achieve that. You explain, I think, later in</p> <p>9 your witness statement that in May 2017 legislation was</p> <p>10 passed that led to an amendment to the Australian</p> <p>11 Passport Act --</p> <p>12 A. I have lost you again.</p> <p>13 (Break in transmission)</p> <p>14 A. Yes, I'm back. Sorry about that.</p> <p>15 Q. Thank you. You were simply summarising, I think, that</p> <p>16 it was legislation passed in May 2017 that I think has</p> <p>17 achieved the changes that we see at your paragraph 21.</p> <p>18 Is that right?</p> <p>19 A. Yes, that is correct.</p> <p>20 Q. For completeness, we have the extracts from the</p> <p>21 Commonwealth Criminal Code. I don't need to bring them</p> <p>22 up. The reference is INQ003676. We also have the</p> <p>23 extracts from the Australian Passport Act at INQ003677.</p> <p>24 The net result of these is that it makes it a criminal</p> <p>25 offence for an Australian to travel overseas in the</p> <p style="text-align: center;">Page 14</p>
<p>1 circumstances set out and that there is a prevention on</p> <p>2 child sex offenders on the Federal Register or</p> <p>3 State Register from travelling and, in some</p> <p>4 circumstances, for refusal or cancellation of their</p> <p>5 passports. Is that correct?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. The provisions that we have talked about, I think, also</p> <p>8 include an equivalent of the extra-territoriality</p> <p>9 provisions that we have under our section 72; is that</p> <p>10 correct?</p> <p>11 A. Yes, that is correct.</p> <p>12 Q. Scroll down, please, to paragraph 24 of your witness</p> <p>13 statement, where, broadly, you refer to the fact that</p> <p>14 there were some human rights or civil liberties concerns</p> <p>15 about this measure. You understand that there's a right</p> <p>16 to a passport, there were discussions around whether</p> <p>17 this was an appropriate measure, in light of human</p> <p>18 rights and civil liberties arguments. Your view,</p> <p>19 I think, is that this is a necessary and proportionate</p> <p>20 restriction to human rights and the government and</p> <p>21 legislators ultimately agreed. Is that correct?</p> <p>22 A. Correct. They put child safety above that specific</p> <p>23 right, and I believe that's the correct decision to</p> <p>24 make.</p> <p>25 Q. What's your understanding --</p> <p style="text-align: center;">Page 15</p>	<p>1 A. Based on the statistics --</p> <p>2 Q. Sorry, say again?</p> <p>3 A. Sorry? I was saying, based on the statistics that</p> <p>4 I presented to the government, and also to</p> <p>5 Senator Hinch, we had over 800 registered child sex</p> <p>6 offenders that left the country -- which is in my</p> <p>7 statement there -- in one year, that did not notify as</p> <p>8 per the current laws that were in place at the time. So</p> <p>9 they committed an offence by not notifying. That was</p> <p>10 800 that went. We know that 250 went to Indonesia, went</p> <p>11 to Bali specifically, in one year. That's nearly one</p> <p>12 person per day, one registered child sex offender per</p> <p>13 day. When we looked at other areas of the world, other</p> <p>14 first world countries or developed countries, the ratio</p> <p>15 was much lower of these people travelling than what it</p> <p>16 was to developing nations. It was very, very clear from</p> <p>17 the statistics that I was able to present that these</p> <p>18 people were not going to these places for the beaches or</p> <p>19 for the holidays, they were going there for a specific</p> <p>20 purpose, which we know is known for child sex tourism,</p> <p>21 and they create a market, and that's the problem. By</p> <p>22 creating a market, it then creates the local resources</p> <p>23 to supply that market, which leads to many of the things</p> <p>24 you mentioned before, and the trafficking side and the</p> <p>25 commercialism of these crimes.</p> <p style="text-align: center;">Page 16</p>

1 Q. Can I just clarify that statistic that you just gave,
 2 please, Mr Hulley. Can I go back to paragraph 16 of
 3 your witness statement. You mention that prior to the
 4 changes in legislation in Australia, there were at east
 5 800 people on the register who travelled to South-East
 6 Asia. I think you said there over a four-year period.
 7 Is that right?
 8 **A. That's correct. Over a four-year period, and we were**
 9 **able to determine that around 250 attended -- entered**
 10 **Bali in 2014.**
 11 Q. I think, of that --
 12 **A. We also know there was over 300 entered the Philippines**
 13 **in the same year.**
 14 Q. Could you repeat the number you gave there, Mr Hulley?
 15 What was the number you gave entering the Philippines?
 16 **A. Over 300.**
 17 Q. And the point is, I think, of the 800 people we talked
 18 about, they had not notified the authorities of their
 19 intent to travel?
 20 **A. That is correct.**
 21 Q. You describe that the very day after the legislation was
 22 passed in Australia, a child sex offender tried to
 23 travel abroad and was arrested at Sydney Airport. Your
 24 understanding, you say at paragraph 25, is that, since
 25 the law has come into place, registered child sex

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1 witness statement, I think you give a slightly higher
 2 figure for the number of people currently on the
 3 register. You say you understand about 30,000 people
 4 are on the registers, around 3,000 are on the registers
 5 for life.
 6 **A. Yes.**
 7 Q. It is that overall group, the larger number, who would
 8 be prevented from travelling; is that right?
 9 **A. Yes. It's closer to 30,000, but it's the high 20s, yes,**
 10 **correct.**
 11 Q. Can you tell us --
 12 **A. So we found many of these notifications they were making**
 13 **were not being received in time by the inbound country,**
 14 **and that was obviously a problem because, by the time we**
 15 **found out about it, the person had come and gone, so**
 16 **there was no way of preventing it, and there was**
 17 **obviously an issue by putting that onus upon the inbound**
 18 **country when it was the citizen of the country had come**
 19 **from. We believe that the government was responsible**
 20 **for that citizen and protecting children in that country**
 21 **from their own citizens.**
 22 Q. Can you help us with the issue you have identified at
 23 paragraph 26 of your witness statement about how there
 24 is still, nevertheless, an issue where somebody is able
 25 to travel on a different passport. Can you help us with

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1 offenders are unable to travel, and your view is that
 2 this has been 100 per cent effective. Is that fair?
 3 **A. Yes, that's fair, in my opinion. I have recently been**
 4 **told that there's been over 800 that have had their**
 5 **passports cancelled, and that's a process that's ongoing**
 6 **by the government, because there's over 20,000 people**
 7 **that are on this register, so there will be a process of**
 8 **going through and cancelling passports. So far I have**
 9 **been told there are over 800 that have been cancelled.**
 10 **The problem that we had with this system beforehand**
 11 **was that, because there was no measures in place, when**
 12 **they did authorise travel of known sex offenders,**
 13 **a notification was sent through to the inbound country.**
 14 **That was the standard process. What I was able to**
 15 **reveal from some of the three examples that you have**
 16 **given there are some good examples of the cases we had**
 17 **that exposed the gaps in that system that was in**
 18 **operation, where notifications -- sorry, can you hear**
 19 **me?**
 20 Q. Yes. We have got you.
 21 **A. I have lost you again.**
 22 **(Break in transmission)**
 23 **A. Apologies, I'm back again.**
 24 Q. I think we were in the middle of discussing the success
 25 of the Australian travel ban. In paragraph 26 of your

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1 that?
 2 **A. Yeah. It's still very much a grey area, and I think, as**
 3 **with any new legislation, it is always open for**
 4 **amendment, and that usually comes from working examples**
 5 **that happen, and this is obviously very new legislation**
 6 **in Australia, it is actually a world first. As far as**
 7 **we are aware, there is no other legislation that has**
 8 **taken this step, and that's why we are encouraging**
 9 **countries like the UK to adopt similar measures. We**
 10 **believe this is the only way, the only effective way, to**
 11 **protect children, particularly in vulnerable situations**
 12 **in developing countries, from citizens that have been**
 13 **identified as a risk in their own country, enough so**
 14 **they have been put onto a child sex offender register.**
 15 **If they are enough of a risk in their own country to be**
 16 **monitored and put on a register, then we believe it is**
 17 **grossly negligent in the duty of care of allowing these**
 18 **people to travel to these parts of the world.**
 19 Q. The case that you refer to, Peter Walbran, I think we
 20 heard about earlier, was able to travel on a New Zealand
 21 passport, and is the point that you are making that this
 22 illustrates the need for countries other than Australia
 23 to have in place similar measures?
 24 **A. Absolutely. But we see the countries will have scope**
 25 **providing that they have drafted their legislation to**

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1 **allow for it to bring in amendments to cover these types**
 2 **of things, but in the meantime, yes, that is exactly**
 3 **what I'm advocating: the more countries that bring this**
 4 **on board, then the less we have to worry about citizens**
 5 **using dual passports to travel.**
 6 Q. You have some knowledge -- a limited knowledge,
 7 perhaps -- of the British system, but because of your
 8 understanding of the British system, you say at
 9 paragraph 29 that you believe the gaps in the UK system
 10 are too wide, and you would advocate England and Wales
 11 adopting a similar position to the Australian
 12 legislation; is that right?
 13 **A. Yes, that is correct. That's exactly what I would**
 14 **suggest.**
 15 Q. Could you look, please, at the list of key concerns and
 16 proposed reforms document that you have been sent, and
 17 cast your eye over, please, the first section that deals
 18 with Civil Orders and other related issues and runs from
 19 paragraphs 1 to 19 and indicate if there is anything in
 20 there that you would like to agree with, disagree with
 21 or comment on, Mr Hulley?
 22 **A. I think I have lost sound again. My apologies. I will**
 23 **have to disconnect and reconnect. Very sorry.**
 24 **(Break in transmission)**
 25 **A. Yes, I'm back. Apologies for that. To answer your**

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1 **like or what it's about.**
 2 **So what might seem like a very good idea on paper is**
 3 **not translating into real-world practices and it's not**
 4 **protecting children.**
 5 Q. Can I ask you some questions now, please, about the
 6 extra-territoriality provisions. I think you have
 7 explained that your understanding is that Australia has
 8 similar extra-territoriality powers to the UK. You
 9 refer to the Australian Government Department of Foreign
 10 Affairs and Trade web page stressing the ability to
 11 report. Can I bring up on our screen your exhibit GH3,
 12 please, Mr Hulley, INQ003675, and go to the next
 13 internal page, please. This is an extract from the
 14 website of the Department of Foreign Affairs, and it
 15 describes the commitment to challenging overseas child
 16 sexual exploitation and abuse. If you can scroll down,
 17 please, through this page. I think we can continue on
 18 through it. Essentially, it gives information to the
 19 public on how to report child sexual offences committed
 20 overseas. Is that right? We see on the screen there?
 21 **A. That's correct. Further down, it also refers to the**
 22 **specific division in the Criminal Code Act that allows**
 23 **the extra jurisdiction powers for the Australian Federal**
 24 **Police. In a very short, simple summary, what the**
 25 **law -- the legislation enables is, if an Australian**

Page 23

1 **question, yes, I do agree that these are also concerns**
 2 **that we share. Many of these -- like you said, I do**
 3 **have a limited knowledge of these Civil Orders in the**
 4 **UK, I don't have a working example or a working**
 5 **knowledge of them. But reading through some of these**
 6 **concerns, yes, I would say these are concerns that we**
 7 **would have in just about every country in relation to**
 8 **strengthening laws to protect children better overseas**
 9 **from their own citizens.**
 10 Q. If I can ask you in particular, please, to look at
 11 paragraphs 16 and 17, you would advocate an outright ban
 12 on child sex offenders from travelling, as in Australia,
 13 rather than the American system of putting particular
 14 stamping in their passports; is that right?
 15 **A. That is correct, for the main reason that I am currently**
 16 **consulting through the Department of Justice, the US**
 17 **Department of Justice, advocating for similar laws that**
 18 **were brought into Australia to be adopted in the**
 19 **United States and will continue to be advocating for**
 20 **this to happen and actively pursuing it. We have got**
 21 **working examples of this current system with this stamp.**
 22 **We have spoken with many immigration staff from**
 23 **different countries, including Thailand, the Philippines**
 24 **and Indonesia, and we have come across many immigration**
 25 **officers that have no idea of what have the stamp looks**

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1 **citizen commits a crime in a foreign country that is**
 2 **punishable by imprisonment in Australia, they can be**
 3 **investigated, charged, tried and convicted in Australia**
 4 **for committing those crimes in the foreign country.**
 5 Q. Thank you. We can take that down now, please. But
 6 I think your understanding, Mr Hulley, is that those
 7 powers are similar to the UK powers, but your
 8 experience is that the American powers are used more
 9 frequently than the UK and Australia. Is that correct?
 10 **A. Absolutely, particularly in the Philippines, the**
 11 **United States have spent much time and effort over many**
 12 **years to develop a very good relationship with the**
 13 **Philippines Government and between the NBI,**
 14 **Homeland Security and other arrangements in the US, they**
 15 **work very closely with the Philippines National Police**
 16 **and the National Bureau of Investigation in the**
 17 **Philippines. There are many cases over the last three**
 18 **years of American citizens being arrested in the**
 19 **United States for crimes they committed whilst they were**
 20 **in the Philippines.**
 21 Q. You go as far as saying that you struggle to think of
 22 cases in Australia or the UK where the powers have been
 23 applied. In your experience, it's very unusual. You
 24 set out a range of difficulties. Perhaps I can bring
 25 up, please, paragraphs 33 and 34 of your witness

Page 24

<p>1 statement, INQ003648_008 at paragraphs 33 and 34. In 2 summary, child sex offences may not be a crime in the 3 country where the incident takes place; the ability to 4 conduct criminal investigations in a foreign country and 5 the ability to obtain the necessary evidence and present 6 witnesses to the court can pose difficulties; and in the 7 country where domestic sexual abuse takes place, they 8 may have criminal penalties such as the death penalty 9 which some countries therefore would choose not to 10 cooperate with. Is that right?</p> <p>11 A. Yes, that's essentially correct, particularly in 12 relation to point (ii) there. The problem being, 13 a foreign police force does not have any jurisdictional 14 power as far as in that country, so they cannot operate 15 as a police force in that foreign country. They cannot 16 arrest people, they cannot interview people and charge 17 people. They have to work closely with the police 18 forces of those countries and that obviously poses many 19 difficulties that come with that.</p> <p>20 The third point you mentioned, for instance, with 21 Australia, there have been very sensitive cases in 22 recent years of Australians being executed in places 23 like Indonesia, and that has created protocols of -- 24 from the government down, into -- it flows down into the 25 Australian Federal Police where they really can't be</p> <p style="text-align: center;">Page 25</p>	<p>1 seen to be assisting a foreign police force to convict 2 or prosecute an Australian citizen where the death 3 penalty may be applied.</p> <p>4 Q. You give an example of the bad publicity resulting from 5 the Bali Nine case a number of years ago that resulted 6 in two Australian citizens being executed. You give 7 evidence at paragraph 35 that, in Indonesia, there is 8 legislation providing for the death penalty where 9 a child has been murdered, contracted a sexual disease 10 or been tortured, and in other cases a convicted person 11 may be sentenced to a chemical castration, which is what 12 creates the issue with cooperating with that regime. Is 13 that right?</p> <p>14 A. Yes, that's correct. These are very recent changes. 15 The Indonesian Government has only brought this in in 16 the last 12/18 months. We don't have any real working 17 cases of this yet where it has been applied. It is 18 a sentencing provision. There hasn't been, to our 19 knowledge, the death penalty having been applied as yet. 20 But the fact that the law has been changed and it's come 21 in -- we have very good relationships with many, many 22 international law enforcement agencies. Obviously the 23 nature of our work and the investigations we conduct, we 24 are not the police, we can't -- we can't even initiate 25 arrests, we have to work closely with many of these</p> <p style="text-align: center;">Page 26</p>
<p>1 international police and our relationship with the 2 Australian Federal Police now has been going on for some 3 time. We have worked on new cases with them in 4 South-East Asia, a number of countries, and particularly 5 Indonesia, we have a good working relationship on the 6 ability to share information and provide evidence to 7 them, and I have had a discussion with the current 8 director for the Australian Federal Police in Bali. Not 9 long after this law was changed, it was made very clear 10 to me that, unfortunately, the relationship that both of 11 our organisations had been used to would have to change, 12 and that was based solely because the death penalty was 13 being brought in for these types of crimes and it was 14 made very clear to me that, unfortunately, the 15 Australian Federal Police will not be able to cooperate 16 with us in any form that could lead to an Australian 17 citizen being convicted for anything that could lead to 18 the death penalty.</p> <p>19 Q. For completeness, you indicate at paragraph 34 that 20 because of the second problem you identified, which is 21 the difficulty in arranging investigations by one police 22 force in another country, that there is a need then for 23 specific bilateral arrangements to be in place between 24 the two countries to permit police forces from one 25 country to operate in that of another; is that right?</p> <p style="text-align: center;">Page 27</p>	<p>1 A. Correct. That's the solution, and I see that there's 2 a good working example of that from what I mentioned 3 before between the United States and the Philippines. 4 I think there's a lot that many international and 5 federal police of each country could definitely take 6 some notes from in relation to setting up these types of 7 arrangements between governments and therefore flowing 8 down to between law enforcement agencies.</p> <p>9 Q. Can I go, please, to paragraph 36 of your witness 10 statement where you refer specifically to the success of 11 the relationship between the FBI and Homeland Security 12 agencies from the US and the Philippines. You say that 13 you believe that the International Justice Mission, 14 which I think brings police forces from foreign 15 countries to work with NGOs and the national police, has 16 led to 200 arrests in the last two years. So you 17 believe that the US presence in the Philippines on the 18 ground is leading to real results, which also explains 19 the greater use of the extra-territoriality provisions. 20 Is that right?</p> <p>21 A. Yes, that's correct. And we give much credit to 22 International Justice Mission, who are an NGO originally 23 based from the United States, but they operate in many 24 countries in South-East Asia, that have had much success 25 in the Philippines in working closely with US law</p> <p style="text-align: center;">Page 28</p>

1 **enforcement and local Philippine law enforcement.**
 2 Q. Before I leave section 72, Mr Hulley, could I ask you to
 3 look at the "Concerns and Reforms" document,
 4 paragraph 20 and onwards, and see if there is anything
 5 in that section that you wish to agree with or disagree
 6 with or comment on? It is paragraphs 20 through to 39
 7 of that document.
 8 **A. 23 through to 29, yes?**
 9 Q. It's 20 through to 39, yes.
 10 **A. I have read through this before. I'm just casting my**
 11 **eyes over it again. Yes, I do agree. I have finished**
 12 **reading through the national level. I do agree.**
 13 Q. So that's the proposals made --
 14 **A. Any or all of these initiatives would make a difference**
 15 **and I think they are areas that should be definitely**
 16 **looked at.**
 17 Q. I think in fairness, Mr Hulley, you have given evidence
 18 that I didn't adduce but I should do really: your own
 19 contact with the UK law enforcement agencies, with CEOP,
 20 is to the effect that you have not worked with them on
 21 a full investigation, but you have worked with them in
 22 relation to a cyber sex webcam operation in the
 23 Philippines; is that correct?
 24 **A. That is correct, yes.**
 25 Q. You had mentioned in the same paragraph at least two or

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1 **they receive an application from a potential applicant.**
 2 **For them to be able to get copies of, or proof of, their**
 3 **qualification, for instance, they find by notifying --**
 4 **contacting the university, for instance, where the**
 5 **person says they have a degree, the university quite**
 6 **often will claim privacy provisions and not confirm**
 7 **their degree or their qualification, and the same can be**
 8 **said for criminal history. These businesses or these**
 9 **companies are not the police, they don't have access to**
 10 **criminal records checks or databases, and by putting**
 11 **requests through to different law enforcement agencies**
 12 **around the world, because they get applicants from**
 13 **around the world, they very rarely get any answers or**
 14 **any results to be able to let them know of any criminal**
 15 **history of these people.**
 16 **So quite often they rely on things like Google to**
 17 **try to get a background on somebody, and that's about**
 18 **the extent of what they can do.**
 19 Q. So I think the on-the-ground problems you describe are
 20 about the local organisation getting information, about
 21 some laws limiting the provision of that information,
 22 and also you describe a general issue around a lack of
 23 government licensing or auditing for starting an
 24 organisation which may itself be a cover for abuse; is
 25 that right?

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1 three cases in the last four years, of which you're
 2 aware, of British nationals who have travelled abroad to
 3 abuse children and who have previous convictions; is
 4 that correct?
 5 **A. That is correct, yes.**
 6 Q. Just a few questions, please, for you, Mr Hulley, in
 7 relation to Disclosure and Barring issues. I think, in
 8 fairness, you say you are not familiar with the British
 9 system in any detail, but you broadly see the problem
 10 that is illustrated by cases such as the Walbran case,
 11 about which we heard. Can you tell us, please, about
 12 the practical difficulties with recruitment checks or
 13 Disclosure and Barring of the sort that you have
 14 referred to at paragraph 38 of your witness evidence?
 15 **A. Yes, in many cases, and as you pointed out, the Walbran**
 16 **case is one, we have found that international recruiting**
 17 **agencies for -- there is a demand, obviously, in parts**
 18 **of South-East Asia for English teaching, English**
 19 **teachers, and there are many different businesses that**
 20 **have sprung up over the years throughout South-East Asia**
 21 **that are involved in recruitment of people that want to**
 22 **be English teachers. Some are better than others, as**
 23 **you can imagine, but we have many examples where we have**
 24 **spoken with recruitment agencies or staff where they**
 25 **have detailed to us the problems that they face when**

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1 **A. That's right, so that's at the other end of that. Are**
 2 **the other countries in? Yes. There are very little**
 3 **checks and measures put in place to start one of these**
 4 **companies. There is no licensing or registration, and**
 5 **there is no auditing of the systems or the type of**
 6 **people they are employing, there are no followups, so**
 7 **there are massive problems at that end. And then, like**
 8 **we just described before, we have the other problem,**
 9 **where you do get legitimate companies that are trying to**
 10 **do the right thing, they have nothing but headaches**
 11 **trying to verify information to find out if somebody is**
 12 **actually legitimate.**
 13 Q. Can I ask you to look at paragraphs 40 to 52 of
 14 the "Concerns and Reforms" document, which I think
 15 summarises perhaps similar problems that other witnesses
 16 and yourself have described. Is there anything in 40 to
 17 52 that you would like to comment on?
 18 **A. Yes. As you said, it's very similar to what I'm**
 19 **describing, so -- I'll just read through.**
 20 Q. Perhaps carry on towards the end. 53 through to 66
 21 includes, for example, proposals around the
 22 international certificate and things of that nature. If
 23 you can feel able to comment on any of these, please do.
 24 **A. Yes. I think these are all initiatives that need to be**
 25 **considered, and these are things that I would like to**

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1 see happening in just about every developed country. So
 2 I think that the UK bringing in these types of checks
 3 and measures and addressing some of these issues will go
 4 a long way to making a difference, particularly from the
 5 UK. There are a lot of UK citizens that do engage in
 6 teaching English in these countries. That's been my
 7 experience. Particularly Americans, English, Canadians
 8 and Australians seem to me to be the top group of
 9 English-speaking countries that engage in this type of
 10 thing. So to see the UK adopt some or all of these
 11 recommendations or concerns I think would make a big
 12 difference for us on the ground in relation to the types
 13 of cases that we are confronted with.

14 Q. In particular, can I just ask you to look at 58 to 60,
 15 which deals with the international certificate. Is that
 16 international child protection certificate something
 17 that you have had any contact with, Mr Hulley?

18 A. No. I have heard of that, but we honestly have not seen
 19 that on the ground. That's what I mean about all of
 20 these companies in these countries, there is really not
 21 enough checks and measures put in place, whether they
 22 even know about this or whether they don't care about
 23 it. Those are the issues. Again, I think it comes down
 24 to good relationships and discussions between
 25 governments on what a specific government is doing to

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1 attention of government first and then flowing down into
 2 these industries or into this industry specifically for
 3 these companies running recruitment agencies.

4 Q. Thank you.

5 A. And it also needs to be enforced.

6 Q. Finally, Mr Hulley, I don't know if you can comment,
 7 there are some more general proposals at paragraph 67
 8 onwards of the document that are perhaps a wider pool of
 9 proposals. Is there anything in 67 through to 78 that
 10 you would like to comment on?

11 A. Yes, again, I agree with any of these measures. I think
 12 that any or all of these will make a significant
 13 difference. Again, it comes down to working with the
 14 countries that these problems exist in. It is one thing
 15 to bring them into the UK, but there needs to be
 16 a process of sharing those changes and how those are
 17 going to be enforced in the countries where these
 18 children are being affected.

19 Q. Thank you, Mr Hulley.

20 A. But I do agree with them, yes.

21 MS HILL: Those are all the questions I have for you,
 22 Mr Hulley. The chair and panel may have some questions.

23 THE CHAIR: Yes, Ms Sharpling has a question.
 24
 25

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1 address this. For instance, in Thailand, if the
 2 UK Government has concerns as to what the UK have in
 3 place, I would suggest there needs to be discussions
 4 with the Thailand Government as to what can be put in
 5 place, and these recommendations or concerns would be
 6 the things I would be suggesting need to be discussed
 7 with the South-east Asian Governments.

8 Q. Paragraph 60 finally, in particular, sets out a proposal
 9 that's been made by several witnesses about using the
 10 international certificate as it currently is, but making
 11 it more robust and making it mandatory at paragraph 58.
 12 But the content of the check is set out at paragraph 60
 13 in terms of what's proposed. From your experience, does
 14 that sort of mandatory checking process appear to be
 15 robust?

16 A. Yeah. It's very similar to what we have in Australia in
 17 relation to the working with children certificate, the
 18 types of checks and measures that are done in order to
 19 bona fide somebody of not having any previous history of
 20 crimes against children. I think these types of things
 21 are what need to be implemented.

22 However, having said that, it needs to flow on into
 23 the countries where they're going to be accessing these
 24 certificates. There needs to be education. There needs
 25 to be awareness. And it needs to be brought to the

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1 Questions by THE PANEL

2 MS SHARPLING: Thank you, Mr Hulley. Just a question, if
 3 I may: I'm quite interested in the arrangements that
 4 exist between the USA and the Philippine Government that
 5 you have discussed that have made extra-territorial
 6 jurisdiction successful in your view. Are you able to
 7 explain what the characteristics of that agreement are?

8 A. No, I'm not privy to the specific agreement that they
 9 have, other than that there is an agreement that's been
 10 developed over a period.

11 The United States Government or one of these law
 12 enforcement agencies would have to be the one to provide
 13 that information. But from my perspective, having seen
 14 it working in a real-world sense, the results speak for
 15 themselves. I can't think of any other example or
 16 relationship with governments or law enforcement
 17 agencies that has been this successful in detecting and
 18 disrupting these crimes in the Philippines, or any other
 19 country for that matter, so I believe there are many
 20 lessons that can be learnt between the arrangements and
 21 the agreements that have been put in place between
 22 governments and these law enforcement agencies.

23 MS HILL: We may have some further evidence about that
 24 coming from another witness. Thank you.

25 THE CHAIR: Thank you, Mr Hulley. We have no further

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<p>1 questions.</p> <p>2 MS HILL: Thank you very much, Mr Hulley. Thank you for</p> <p>3 your perseverance with the link. Thank you for your</p> <p>4 time.</p> <p>5 A. No, thank you very much.</p> <p>6 (The witness withdrew)</p> <p>7 MS HILL: Chair, we will have a couple of minutes -- I don't</p> <p>8 think we need to rise -- to cancel the videolink and</p> <p>9 then I will proceed to call Cecilia French. I call,</p> <p>10 please, Cecilia French.</p> <p>11 MS CECILIA FRENCH (sworn)</p> <p>12 Examination by MS HILL</p> <p>13 MS HILL: Thank you very much. You are Cecilia French,</p> <p>14 director of the Public Protection Directorate at the</p> <p>15 Home Office; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. You have helpfully provided the inquiry, Ms French, with</p> <p>18 two witness statements dated 10 and 24 January this</p> <p>19 year, HOM003000 and HOM003114.</p> <p>20 You have provided evidence principally because, as</p> <p>21 you indicate at paragraph 3 of your witness statement,</p> <p>22 the Home Office has policy responsibility for the</p> <p>23 Civil Orders framework and also for the disclosure and</p> <p>24 barring regime. Is that right?</p> <p>25 A. That's right.</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. But in fairness, you're able to assist the inquiry in</p> <p>2 particular with how the disclosure and barring regime</p> <p>3 operates domestically, but detailed questions about the</p> <p>4 international certificate are perhaps better put to</p> <p>5 Mr Jones from the NCA; is that correct?</p> <p>6 A. That's right.</p> <p>7 Q. You have explained the role of the Home Office regarding</p> <p>8 Civil Orders, please, at paragraphs 12 and 13 of your</p> <p>9 witness statement. Could I bring up MOM003000_004.</p> <p>10 Scroll in, please, on paragraphs 12 and 13.</p> <p>11 Essentially, the Home Office issues statutory guidance</p> <p>12 on the Civil Orders which is regularly reviewed and</p> <p>13 updated, and the role of the Home Office has been to</p> <p>14 develop these legislative provisions, keep them under</p> <p>15 review and ensure that they continue to be effective.</p> <p>16 A. Yes.</p> <p>17 Q. Although the day-to-day operation of them is rather more</p> <p>18 for the police, with whom the Home Office obviously</p> <p>19 works closely. Is that right?</p> <p>20 A. That's right.</p> <p>21 Q. Can I ask you, please, then to look at your exhibited</p> <p>22 document, the Home Office guidance, please. Can you</p> <p>23 bring up on screen HOM002997. That is, Ms French, is</p> <p>24 this correct, the statutory guidance on the whole of</p> <p>25 the Sexual Offences Act 2003 part 2?</p> <p style="text-align: center;">Page 38</p>
<p>1 A. Yes.</p> <p>2 Q. If we go, please, to the contents page on internal</p> <p>3 page 3, the document's internal page 1, we can see that</p> <p>4 the whole of this guidance covers notification</p> <p>5 requirements, Civil Orders and then other provisions,</p> <p>6 including, as we see at the bottom, what would have been</p> <p>7 internal page 63, section 72, also other issues around</p> <p>8 Disclosure and Barring. So it covers a whole range of</p> <p>9 topics. The notification requirements are general</p> <p>10 notification requirements that apply when somebody is</p> <p>11 convicted of a criminal offence in this country; is that</p> <p>12 right?</p> <p>13 A. That's right.</p> <p>14 Q. But the detail around Civil Orders is what begins at</p> <p>15 internal page 25, and in particular we can see, if we</p> <p>16 go, please, to internal page, our numbering, 38, there</p> <p>17 is a lengthy section giving guidance on Sexual Harm</p> <p>18 Prevention Orders. It explains what the purpose of</p> <p>19 those orders are, the manner in which they're applied,</p> <p>20 the criteria, how to assess the risk, things of that</p> <p>21 nature. There is a parallel section beginning, please,</p> <p>22 at our internal numbering 48, that sets out similar</p> <p>23 provisions in relation to Sexual Risk Orders. Is that</p> <p>24 correct?</p> <p>25 A. That's correct.</p> <p style="text-align: center;">Page 39</p>	<p>1 Q. Can I pull up, please, on screen, our internal page 56,</p> <p>2 which is the summary of the foreign travel restriction</p> <p>3 provisions. This reflects, does it, the fact that</p> <p>4 the -- forgive me, the restrictions that can be put in</p> <p>5 place may include a prohibition on travelling to any</p> <p>6 country outside the UK that is named or described,</p> <p>7 a prohibition on travelling to any country outside the</p> <p>8 UK other than a country named or described, or indeed</p> <p>9 a prohibition on travelling to any country outside the</p> <p>10 UK, and an offender subject to any order prohibiting</p> <p>11 them from travelling to all countries will be required</p> <p>12 to surrender their passport at a police station, and it</p> <p>13 is an offence to travel -- well, to fail to surrender</p> <p>14 their passport as required. Is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. The notification requirements are set out at the bottom</p> <p>17 of that page that make clear that where an offender is</p> <p>18 subject to the notification requirements of part 2,</p> <p>19 information on travel must be supplied to the police in</p> <p>20 compliance with the particular provisions for that. Is</p> <p>21 that correct?</p> <p>22 A. Yes.</p> <p>23 Q. For completeness, internal page 65, please, gives</p> <p>24 guidance on section 72, at the foot of that page and</p> <p>25 going over the page, and then there is provision made</p> <p style="text-align: center;">Page 40</p>

1 for Disclosure and Barring issues at internal page 68?

2 **A. That's right.**

3 Q. Although the focus of internal pages 68 and 69 is

4 principally on, I think, the domestic scheme; is that

5 right?

6 **A. That's right.**

7 Q. It goes over, I think, on to internal page 70. I don't

8 think, in fairness, it does refer, does it, to the

9 international certificate? I can't see that it does.

10 Is that right?

11 **A. No, it doesn't. It's intended to be helpful for those**

12 **who have one of the Civil Orders, to make it clear how**

13 **that would affect disclosure of any criminal record**

14 **certificates.**

15 Q. You explain in your witness evidence the nature of

16 the data that the Home Office holds on Civil Orders.

17 Can you help us with that, Ms French? What data is held

18 by the Home Office on these orders?

19 **A. The Home Office doesn't hold any data itself, but it can**

20 **request data from the NPCC, request data from the ViSOR**

21 **database, which is the live database that holds**

22 **information on the Civil Orders.**

23 Q. The Home Office data effectively relies on what the

24 National Police Chiefs' Council have as well; is that

25 right?

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1 advance search more easily, as long as the data is

2 inputted correctly?

3 **A. That's right.**

4 Q. Is it, however, possible to perform any kind of national

5 search to indicate how many foreign travel restrictions

6 have been put in place across all the police forces?

7 **A. I think that would be possible from that data, but it**

8 **would probably take some time because you would have to**

9 **interrogate it on the basis of every force area.**

10 Q. We will hear further statistics tomorrow in particular.

11 One of the questions that's been flagged for you,

12 Ms French, is this, that, given that the Home Office

13 does have policy responsibility for Civil Orders, why

14 does the Home Office not collect statistics on how many

15 of these orders are being put in place around particular

16 foreign travel?

17 **A. The reason for that is because it's -- although we**

18 **provide for the Civil Orders and the statutory regime,**

19 **it's for the police to manage them in the community day**

20 **to day, and they do so by inputting the data into the**

21 **ViSOR database. So our reasoning is that they're the**

22 **best place to manage those statistics and data. We**

23 **don't at present collect, specifically on the**

24 **Civil Orders regime data, anything centrally in the**

25 **Home Office. But, as I mentioned before, we can**

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1 **A. That's correct.**

2 Q. You have explained, I think, at the end of your witness

3 statement, the most recent witness statement -- can

4 I pull up, please, HOM003114_003. Scroll in, please, on

5 paragraphs 12 and 13 where you say this:

6 "Police forces have always been able to record cases

7 where an SHPO includes a foreign travel restriction on

8 the ViSOR database. The issue related to the ease with

9 which this could [later be] compiled and reported for

10 monitoring purposes where, for example, there was

11 a request for the total number of [orders] with foreign

12 travel restrictions in place."

13 Pausing there, I think what you're accepting is that

14 it wasn't terribly easy to access that database and find

15 out nationally how many foreign travel restrictions had

16 been put in place. Is that correct?

17 **A. That's correct. Because obviously they were**

18 **a development of the Foreign Travel Order, which was**

19 **a single order, which was fairly easy to search for, but**

20 **the searchability was more difficult when they were**

21 **attached as restrictions to either a SHPO or an SRO, so**

22 **it was a question of searchability. The data was always**

23 **there.**

24 Q. You indicate at paragraph 13 that the database has now

25 been amended so that police forces can perform an

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1 **actually make requests to get access to that data. So**

2 **we're not completely blinded, we do have sight of it.**

3 Q. Do the limitations on the data that you hold impact on

4 your ability to review the efficacy of this regime?

5 **A. We don't think so, because, when we're reviewing the**

6 **efficacy of the regime, as we have done on three**

7 **occasions previously and as we are doing currently, we**

8 **make requests of the NPCC to access that data. But in**

9 **addition to that, we actually hold interviews with**

10 **a number of forces to get some more qualitative data and**

11 **judgments on the way those Civil Orders are working. So**

12 **we don't feel it impedes our ability and our**

13 **responsibility is quite rightly to monitor whether the**

14 **regime is working.**

15 Q. Because I think, as we will come to hear, there are

16 other ways that you test the efficacy. Is that what you

17 are trying to say, as well as the data?

18 **A. Exactly, through interviews and through the various**

19 **boards that we may come on to. It isn't just extracting**

20 **the data from the database which would then give you**

21 **a fairly superficial view. We want to dig down behind**

22 **those numbers.**

23 Q. Are you able to help with how many SROs have had travel

24 restrictions or prohibitions imposed, or indeed the

25 other kind of order, the SHPOs?

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1 **A. Well, the SHPOs, yes, because those are actually**
 2 **published -- when we are talking about moving away from**
 3 **the ViSOR database -- in the MAPPA annual report and**
 4 **there have been 15 travel restrictions, foreign travel**
 5 **restrictions, attached to orders in the last two years.**
 6 **The SROs aren't part of that regime for collection**
 7 **because they don't form part of the notification**
 8 **requirements for sex offenders in the community. So**
 9 **there's no national collection, as we were just**
 10 **mentioning, of the foreign travel restrictions part of**
 11 **SROs.**
 12 **We are aware of the one that the NCA applied for,**
 13 **and we are requesting data -- more data on the amount of**
 14 **foreign travel restrictions attached to SROs as part of**
 15 **our current review.**
 16 Q. The way of collating that data would be to interrogate
 17 a particular database by force; is that right?
 18 **A. That's my understanding.**
 19 Q. Is there a similar database to the ViSOR database that
 20 collates the SROs?
 21 **A. It's the same --**
 22 Q. It's the same database, is it?
 23 **A. It's the same database, yes.**
 24 Q. I see. But it would need to be done force by force?
 25 **A. Yes.**

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1 **the Civil Orders.**
 2 Q. Notwithstanding the limitations on the data, there is
 3 some evidence about the numbers of foreign travel
 4 restrictions that have been imposed as part of these
 5 orders. Why do you think there are relatively few, if
 6 that in fact appears to be the case?
 7 **A. It is one of the issues coming out in our current review**
 8 **of the Civil Orders regime that we are undertaking at**
 9 **the moment. What the police are telling us, insofar as**
 10 **the foreign travel restrictions are concerned, it is**
 11 **a quite high evidential threshold required to prohibit**
 12 **foreign travel and any foreign travel restriction has**
 13 **got to be proportionate and necessary. So getting**
 14 **evidence collected, the police to collect evidence, of**
 15 **that risky behaviour abroad can be quite challenging.**
 16 Q. I will come to ask you some more questions then, please,
 17 perhaps to go back in time a little, about the various
 18 reviews that have taken place of the efficacy of
 19 the orders. I will perhaps take this relatively
 20 shortly, if I may. Could I ask you to look at
 21 paragraph 14 of your first witness statement.
 22 HOM003000. You have summarised here in your witness
 23 statement helpfully -- I will perhaps try and take you
 24 through this section of your evidence before the break,
 25 Ms French -- that there has been a series of reviews of

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1 Q. Can you help with this, as to what mechanisms the
 2 Home Office has to monitor those who have breached
 3 foreign travel restrictions or foreign travel
 4 notifications?
 5 **A. So we don't -- the Home Office doesn't monitor any**
 6 **breaches. It will be the police who are managing the**
 7 **Civil Orders in the community. So they -- in respect of**
 8 **the SHPOs, they will have fairly active, depending on**
 9 **the risk of the sex offender, active monitoring regime**
 10 **through a combination of risk assessments and home**
 11 **visits, and any breaches will become apparent that way.**
 12 **The SRO is slightly different.**
 13 Q. You have been asked, I think, to look at paragraph 99 of
 14 one of the witness statements from Mr Jones from the
 15 NCA, where his view is that one of the reasons why the
 16 NCA has only made one application for an SRO is that the
 17 standard of proof required is close to that for the
 18 threshold for a criminal prosecution. Is that how the
 19 Home Office understands it?
 20 **A. Yes, it is what we have set out in the guidance that was**
 21 **on the screen, the statutory guidance, earlier. My**
 22 **understanding and as described in the guidance, you have**
 23 **to be sure that the acts of a sexual nature have taken**
 24 **place before a judgment is then made on whether it's**
 25 **proportionate and necessary to take out one of**

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1 the efficacy of the regime. The first one from March
 2 to September 2015?
 3 **A. Yes.**
 4 Q. I think at paragraph 14 of your witness statement, the
 5 first review looked at the period 8 March to
 6 29 September 2015, and you say over the page, at
 7 paragraph 15, that the figures showed a total number of
 8 figures that had been made, that both full SHPOs and
 9 interims and full SROs and interims, and compared with
 10 the numbers for the repealed orders for the same period,
 11 the number of SHPOs was slightly lower and the number of
 12 SROs was higher, but the police feedback that you
 13 received at that point was that there had been a smooth
 14 transition from the previous regime.
 15 The higher volume of SROs was attributed to the fact
 16 the police found the order could be applied for in
 17 a wider range of circumstances, including in relation to
 18 UK nationals who had been convicted overseas for
 19 a nonsexual offence, having plea bargained in that
 20 country down from a sexual offence. The police had no
 21 particular issues with securing foreign travel
 22 prohibitions. The review did consider this issue -- did
 23 not consider the issue in any particular detail, but
 24 overall those were the themes it elicited; is that
 25 right?

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<p>1 A. That's right.</p> <p>2 Q. You complete this by saying at paragraph 18 that that</p> <p>3 review identified that some SROs had been applied for</p> <p>4 successfully where acts of a sexual nature, including</p> <p>5 grooming, had taken place and prohibitions that had been</p> <p>6 put in place included things like communicating with</p> <p>7 children via any type of electronic communication,</p> <p>8 attempting to access chat rooms or online communities,</p> <p>9 intended primarily for use by children, and there were</p> <p>10 some cases that also involved a contact offence either</p> <p>11 occurring or having been alleged; is that right?</p> <p>12 A. That's right.</p> <p>13 Q. There was a second review, I think, over the page,</p> <p>14 please, at paragraph 19 from the first full year of</p> <p>15 the operation of the regime, 8 March 2015 to</p> <p>16 7 March 2016. Again, just pulling out the themes here,</p> <p>17 you note there had been a significant increase on the</p> <p>18 first year's figures, particularly in the usage of SHPOs</p> <p>19 which had increased by 57 per cent to 7,709; SROs had</p> <p>20 increased by a slightly smaller figure. Interviews with</p> <p>21 police officers and force solicitors in six forces</p> <p>22 indicated that the change had been broadly viewed as</p> <p>23 passing without issue. Two issues that were raised in</p> <p>24 relation to the SRO concerned how consistent practice</p> <p>25 was across forces in regard to managing individuals</p> <p style="text-align: center;">Page 49</p>	<p>1 under the orders, with different approaches being</p> <p>2 adopted across the orders, and the practicality of</p> <p>3 managing those individuals in the absence of a statutory</p> <p>4 duty to share relevant information with other agencies</p> <p>5 as is the case with registered sex offenders and a lack</p> <p>6 of a power of entry. Is there anything else from that</p> <p>7 review that you would like to flag?</p> <p>8 A. No, there isn't.</p> <p>9 Q. I think the next item chronologically is the guidance</p> <p>10 that was given in November 2016. This is your</p> <p>11 exhibit 2. Can I pull up HOM002998. This was</p> <p>12 a monitoring update that set out what were the results</p> <p>13 of the review or what was happening at around this time.</p> <p>14 If you go to internal page 3, please, usage of</p> <p>15 the SHPOs was set out. The feedback that was given,</p> <p>16 both positives and negatives around the operation of</p> <p>17 the SHPOs. No major problems were reported on dealing</p> <p>18 with the courts through the transition. Changes from</p> <p>19 serious sexual harm to sexual harm had made no practical</p> <p>20 difference, it said. Particularly on foreign travel</p> <p>21 bans at paragraph 15, please:</p> <p>22 "Few forces spoken to had issued foreign travel</p> <p>23 bans ... but thought that, should they need to, it would</p> <p>24 be easier to only have to make a single application.</p> <p>25 There was some difference of opinion about the extent of</p> <p style="text-align: center;">Page 50</p>
<p>1 travel prohibitions, with one force suggesting that they</p> <p>2 would be extremely cautious in applying a wide-scale</p> <p>3 travel ban as part of a SHPO in case the defence were</p> <p>4 able to argue that this was disproportionate and thus</p> <p>5 start to discredit the entire application ... another</p> <p>6 force felt that anything other than a worldwide travel</p> <p>7 restriction would be unenforceable and, as such, this</p> <p>8 was the only type of foreign travel prohibition they</p> <p>9 would apply for."</p> <p>10 It's difficult to assess the volume due to the</p> <p>11 recording we have heard about. Is this fair, that at</p> <p>12 the time of this document in November 2016 there were</p> <p>13 perhaps mixed views across police forces as to the</p> <p>14 breadth of Foreign Travel Orders?</p> <p>15 A. I think that's a fair observation.</p> <p>16 Q. For completeness, this document continues to look at</p> <p>17 SROs. Usage is on internal page 5. Feedback is at</p> <p>18 internal page 6: the main issue identified of perhaps</p> <p>19 concern is at internal paragraph 25, please, about the</p> <p>20 enforcement of SROs, practice seeming to vary across</p> <p>21 some forces. But that's not perhaps specific to the</p> <p>22 foreign travel element. That's more of a domestic</p> <p>23 issue, I think; is that right?</p> <p>24 A. On SROs more generally, yes.</p> <p>25 Q. There was, I think, a series of interviews with officers</p> <p style="text-align: center;">Page 51</p>	<p>1 from Public Protection and Child Sexual Exploitation</p> <p>2 Teams in six police forces that sought to inform this</p> <p>3 review. I will perhaps just bring up this document, if</p> <p>4 I may, before the break. It is HOM002434_001. I think</p> <p>5 this document -- I'm not sure if we will be able to get</p> <p>6 it on the screen sideways on, which is how it's read.</p> <p>7 Thank you. This sets out certain different views,</p> <p>8 I think, anonymised, of those who had been interviewed.</p> <p>9 Is that right? These were just notes that were taken of</p> <p>10 certain interviews?</p> <p>11 A. That's right.</p> <p>12 Q. We can see, if we scroll down, that I think the way it's</p> <p>13 to be read is that the blue line reflects a new</p> <p>14 interviewee, and the views that are captured from that</p> <p>15 interviewee under "Topics" on the left-hand side?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. Just some of points to flag. So we can see at</p> <p>18 lines 10 to 11, "No travel prohibitions yet. Procedure</p> <p>19 will be easier now one order."</p> <p>20 That's, I think, the point we have talked about</p> <p>21 already. At line 15:</p> <p>22 "One travel restriction pending for Asia."</p> <p>23 At line 27, one respondent said:</p> <p>24 "Only ever worth applying for worldwide travel</p> <p>25 prohibition -- what's the point otherwise?"</p> <p style="text-align: center;">Page 52</p>

<p>1 Paragraph 36, someone else saying that that force 2 had not applied for a foreign travel prohibition. 3 I think the top of the following page, line 3: 4 "Would be cautious about it, I think, for the 5 reasons you have given." 6 This is the person saying they would be concerned 7 about proportionality. Then a few other issues, please, 8 just to flag. Paragraph 19. Some concern about a lack 9 of training for probation and investigators. 10 Some concerns at 21. Issues with the timeliness of 11 the force solicitor's actions -- evidence diminishes 12 which makes it harder to show necessity. Following 13 line, problems with sharing information with Children's 14 Services, they fail to understand why you want the info. 15 26, a combined foreign travel prohibition has 16 provoked an issue in answering FOI requests. As 17 separate travel prohibitions aren't recorded on ViSOR, 18 it means it's hard to know the scale of use of travel 19 prohibitions across the force. That's the data 20 recording issue that I think we have talked about 21 already; is that right? 22 A. That's right. 23 Q. For completeness, one respondent had questioned at the 24 end, paragraph 10, whether a map of the world with all 25 the countries' age of consent could be made available.</p> <p style="text-align: center;">Page 53</p>	<p>1 Is that right? 2 A. That's what's listed in there, yes. 3 Q. I think there were various other points made, but 4 I think those are perhaps the main points that deal with 5 the foreign travel element. 6 A. That's right. 7 MS HILL: I see the time, chair. Perhaps that's 8 a convenient moment for a break? Thank you, Ms French. 9 THE CHAIR: We will return at 11.45 am. 10 (11.30 am) 11 (A short break) 12 (11.45 am) 13 MS HILL: Thank you, Ms French. I would like to move to 14 some of the more recent reviews of the efficacy of 15 the Civil Order regime that the Home Office has carried 16 out. In particular, the survey that took place in 2017. 17 You explain at paragraphs 20 and 21 of your witness 18 statement that this was a survey carried out across 19 police forces in 2017 by 213 police officers to explore 20 the efficacy I think of a range of powers to protect 21 16- and 17-year-olds from child sexual exploitation 22 which included, but was not limited to, the orders we 23 are talking about. Is that right? 24 A. That's right. 25 Q. You say at paragraph 21 that around three-quarters of</p> <p style="text-align: center;">Page 54</p>
<p>1 those who responded felt the orders were a sufficient 2 deterrent for offenders. Others felt the efficacy 3 depended on the ability of the police to monitor these 4 individuals. Some also suggested that non-compliance 5 with the orders was not always dealt with effectively 6 due to a lack of police training on the orders. Is that 7 right? 8 A. That's right. 9 Q. We can bring up, please, the survey responses or the 10 analysis itself. It is HOM002433, please. We can see 11 under the heading "What was the experience of 12 the relevant powers?" Around a third of respondents had 13 used SROs. The main reason for not using all of these 14 orders was a lack of capacity or "not in my remit". For 15 Slavery and Trafficking Risk Orders and SROs in 16 particular, lack of awareness and lack of training were 17 also identified as barriers. Six out of ten were 18 involved in a case that included applying for, or 19 monitoring the use of, one of these orders or a CAWN, 20 which I think is a Child Abduction Warning Notice. Over 21 the page, SROs appeared to be particularly applied for 22 where victims were unwilling to make a complaint or the 23 alleged offender had no previous convictions. Some 24 forces appeared to apply for SHPOs for all relevant 25 prosecutions. Is that right?</p> <p style="text-align: center;">Page 55</p>	<p>1 A. That's right. 2 Q. But several did raise issues about lack of awareness or 3 training. Is that right? 4 A. That's right. 5 Q. The opinions about the orders that were expressed, the 6 bottom part of this page: 7 "Four out of five felt that breaches were dealt with 8 effectively. For those who felt that breaches were not 9 dealt with effectively, the main reasons given were 10 officers having a poor understanding of the orders due 11 to a lack of training or guidance and concerns about 12 implications due to limited resources." 13 Is that right? 14 A. That's right. 15 Q. Can you bring the chair and panel up to date, please, 16 with what is currently happening in terms of your 17 reviews of the efficacy of this regime? 18 A. So we have got an ongoing -- 19 Q. Sorry, forgive me. There is one question I should have 20 asked you about that survey. 21 Did any of those who responded to that survey 22 mention using a power or order to disrupt child sexual 23 abuse or exploitation of children or teenagers abroad? 24 A. No, that wasn't addressed. 25 Q. Thank you. So then carry on, please, with the current</p> <p style="text-align: center;">Page 56</p>

1 review and monitoring you're carrying out?
 2 **A. Yes, we have a current review under way again, the**
 3 **fourth since the instruction of the orders, to look at**
 4 **the effectiveness of the orders, whether they're**
 5 **working, whether the foreign travel notifications are**
 6 **a useful tool for the police, the effectiveness of**
 7 **information exchange between UK agencies, the**
 8 **effectiveness of risk management and information**
 9 **sharing, whether there are any barriers that exist to**
 10 **prevent forces from applying for foreign travel**
 11 **restrictions.**
 12 **Again, it's part of our overall monitoring to check**
 13 **that they're actually doing what they were intended to**
 14 **do in the legislation.**
 15 Q. I think, in fairness, you have described a follow-up
 16 review that's taking place using data from ViSOR
 17 from March 2015 to May 2018. Is that right? That's
 18 currently taking place?
 19 **A. Yes. I mean, the most recent one is actually covering**
 20 **the use of the Civil Orders since they came into effect**
 21 **in March 2015, but taking us right up to date. In fact,**
 22 **our -- none of the review -- this current review has**
 23 **been published, but the sort of latest bit of work that**
 24 **we're doing in that review is specifically concentrating**
 25 **on the foreign travel restrictions.**

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1 provided with by the Home Office indicating the advice
 2 I think given to ministers around these issues?
 3 **A. Yes.**
 4 Q. I will take these relatively briefly, if I may, please.
 5 There is one from June 2015, HOM002427. That, we can
 6 see, if we scroll in to the internal -- it is only two
 7 pages long in substance -- is an introductory update,
 8 I think, fairly soon after the regime change, this
 9 is June 2015, about how the orders were being
 10 implemented and monitored. Is that right?
 11 **A. That's right. Three months after, yes.**
 12 Q. It was provided, I think, in a similar form then
 13 in October, a further update, at HOM002430.
 14 **A. Yes, and that was summarising the findings of the first**
 15 **review.**
 16 Q. I think if we bring up, please, HOM002430_003, there's
 17 reference there at paragraph 5 that the initial feedback
 18 from the police by that point was no particular issues
 19 had been identified. The monitoring that was taking
 20 place, at paragraph 8, the Home Office was working to
 21 provide a light touch review of the use and
 22 effectiveness of the order by the end of the year. Does
 23 that reflect the nature of the review that takes place
 24 more generally or was that specifically because it was
 25 the first year of implementation? A light touch review?

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1 Q. I think there is a separate, if I have understood it
 2 correctly, post-legislative review taking place that's
 3 looking at the entirety of the Anti-social Behaviour,
 4 Crime and Policing Act 2014; is that right?
 5 **A. Yes, that's entirely separate. That's a requirement**
 6 **with all bits of legislation to look three to five years**
 7 **after a piece of legislation has come into force at**
 8 **whether the Act actually achieved its objectives. But**
 9 **it's separate to the current review that I was just**
 10 **describing.**
 11 Q. You describe that the current review is involving
 12 interviews, as you have done before, with a selection of
 13 police forces looking at the data from the ViSOR
 14 database. It is expected to be completed in spring
 15 2019, so sometime relatively soon?
 16 **A. Yes.**
 17 Q. You have committed to providing to the inquiry a copy of
 18 the findings; is that right?
 19 **A. Absolutely.**
 20 Q. They will be used to inform the future policy work of
 21 the Home Office on this issue?
 22 **A. Yes.**
 23 Q. Taking two areas relatively briefly, please, before
 24 I come back to the overall issue of effectiveness, there
 25 is a series of documents that the inquiry has been

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1 **A. I think it probably reflects that it was just one year**
 2 **after implementation. We covered -- and it was pointing**
 3 **to the second review, that we just covered some of**
 4 **the points of detail on before the break.**
 5 Q. Then I think, just bear with me a second, there is
 6 a further document that brings this up to date. I think
 7 the last advice document we have is March, I think,
 8 2015. I'm sorry, I have taken this slightly out of
 9 order. If I can bring this up just on the screen,
 10 NCA000294. It is actually replicated in Mr Jones'
 11 documentation. This was a guidance note, I think, given
 12 about the introduction of the orders; is that right?
 13 **A. Yes.**
 14 Q. I'm looking at the date. I should have taken that
 15 first, forgive me?
 16 **A. No, that's right. Yes, so this was the update to**
 17 **ministers on the first year of operation of the orders.**
 18 **So also attaching the monitoring update that we also**
 19 **covered before the break. So it was the first year**
 20 **findings. It's the light touch review that was referred**
 21 **to just now.**
 22 Q. I see. Perhaps it is in the right order. Thank you.
 23 Then you have explained in your witness evidence that
 24 the issue of the efficacy of these orders, among other
 25 issues, is discussed at the Sexual Offender and Violent

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<p>1 Offender Management Board. Just please tell the chair 2 and panel a little bit about who sits on that board and 3 how regularly it meets? 4 A. The SOVO, or Sexual Offender and Violent Offender 5 Management Board, is a Home Office chaired board but 6 with all the participants who have a key role to play in 7 the management of these orders, so obviously the 8 operational arms, the NCA now and the police, but also 9 the Ministry of Justice, courts, prisons and probation, 10 and there may be some others I have missed out. But 11 it's intended to provide us with a forum to take 12 a strategic look at the operation of the orders, so we 13 are not going into the operational nitty-gritty, and to 14 discuss amongst ourselves, both to have an awareness and 15 discuss amongst ourselves if there is anything we can do 16 to promote further, make clearer or address anything 17 that's going on on the management of the Civil Orders. 18 Q. I think you have provided the chair and panel with both 19 witness evidence and some documentation around this, but 20 in fairness, the issue of management of these 21 Civil Orders and other issues around them has come up on 22 several occasions at these meetings; is that right? 23 A. Yes. 24 Q. Before I go to that document, I will just leave this on 25 screen. I think I wasn't, in fact, getting this</p> <p style="text-align: center;">Page 61</p>	<p>1 completely wrong. This document, although it has 2 "8 March" at the top, this guidance note was 3 from November 2016. I think we know that from 4 elsewhere. Does that sound right to you? 5 A. Yes, it is. 6 Q. This is presenting a year and a half in, roughly? 7 A. Yes. Sorry, I said a year, but you're right, a year and 8 a half. 9 Q. Forgive me. I would like now to bring up, please, some 10 of the evidence that we have around the raising of 11 Civil Orders at the board that we have just described. 12 Can I bring up HOM002429, which is the meeting 13 from September 2016. This reflected, I think, a range 14 of issues, but did this touch on, if we look, please, at 15 the foot of internal page 2, the fact that different 16 police forces were taking different operational 17 approaches to how to manage the SROs: 18 "Greater clarity on managing them might be useful 19 with consideration for how they should be managed in 20 relation to convicted sex offenders. Resource 21 implications of different approaches to managing the 22 orders was discussed." 23 Is that right? 24 A. Yes. 25 Q. There is then a meeting from January 2007, although</p> <p style="text-align: center;">Page 62</p>
<p>1 I think we understand the date on that is incorrect. 2 I will bring up this document, please, it's HOM002435. 3 In fact, I think this is the date that is correct on 4 this one. It is the later one that's incorrect. This 5 document was looking at issues around the judiciary and 6 felt that some training for judges on Civil Orders would 7 be useful. That's a reference to the Judicial College. 8 Do you see that? 9 A. Not yet, but I know -- 10 Q. It is just under the heading "Court/judge issues"? 11 A. Sorry, I beg your pardon, yes, absolutely. I know what 12 you're referring to anyway, but, yes, I can see it. 13 Q. There was consideration about whether or not arranging 14 some training for the judiciary would be of assistance. 15 Is that right? 16 A. Yes. 17 Q. There was then, I think, a practical point raised about 18 how in some -- in at least one area, there was a view 19 that a Civil Order could only be varied by the original 20 judge. This has led to issues with offenders moving 21 from one area to another where the new police force must 22 travel to the original judge to have the order varied. 23 Is that right? 24 A. Yes. 25 Q. Then again, I think, further issues raised over the</p> <p style="text-align: center;">Page 63</p>	<p>1 page, internal page 2, about -- under the heading 2 "Management" -- a lack of consistency on the management 3 of these orders between forces? 4 A. That's right. 5 Q. Then I think a couple more documents in this group, 6 please. We then have a document HOM002431, which is 7 dated January, but we understand to be November 2017. 8 This deals, over the page, underneath the first heading, 9 "Greater clarity could be provided on the applications 10 for SROs and specifically why, if it is beyond 11 reasonable doubt that an act is of a sexual nature, it 12 should require an SRO rather than a conviction." 13 Was this reflecting the concern about why, if in 14 fact it was a criminal standard that was appropriate for 15 an SRO, how there could be an SRO but not a conviction? 16 A. I think yes is the answer. I think it is reflecting the 17 issues around the standard of proof that we previously 18 discussed. But equally, from our perspective, and as 19 outlined in the guidance, wherever a conviction is 20 possible and you can obtain a SHPO rather than an SRO, 21 that is definitely preferable. But I think it was 22 a commentary on the standard of proof. 23 Q. If you look, please, under the heading "Foreign travel 24 notification period" and perhaps scroll in on that, 25 there was discussion around whether or not reducing</p> <p style="text-align: center;">Page 64</p>

1 registered sex offenders' notification period from at
 2 least seven to three days was discussed. But then it
 3 did say this:
 4 "There was a significant amount of breaches from sex
 5 offenders failing to notify police of their travel in
 6 time. The board recognises that these breaches can
 7 result in lengthy administrative work through the courts
 8 which can only result in a fine. It was agreed that
 9 changing the legislation would not be viable, but that
 10 the revised Home Office guidance could expand on this
 11 issue. It could emphasise the relevance of local police
 12 discretion in appraising the legitimacy and severity of
 13 such breaches. Discussion of a tiered approach of HMPPS
 14 where a formal breach is not applied to every incident."
 15 What was this telling you about sex offenders not
 16 notifying the police of their travel in time?
 17 **A. The discussion around the timings there, whether it**
 18 **should be three days or the seven days that had**
 19 **originally been planned for, was, as I understand it,**
 20 **differing views as to whether shortening that time, that**
 21 **travel notification time, would be useful or not, and in**
 22 **the end, we did not shorten it and we remained at seven**
 23 **days because I understand the overwhelming view of**
 24 **the police was that seven days was sufficient -- was**
 25 **enough time to give them to make a risk assessment, make**

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1 **A. Exactly. To leave the police with some discretion as to**
 2 **how to respond.**
 3 Q. Finally on this topic, can I bring up HOM003114,
 4 paragraphs 7 to 9, please. I think it is your second
 5 witness statement, just for completeness. You have
 6 explained there that there are various other boards in
 7 addition to the Sexual Offender and Violent Offender
 8 Management Board which the Home Office attends. Perhaps
 9 give the panel an overview of these?
 10 **A. So in addition to the SOVO, which I have just talked**
 11 **about, there's the MOSOVO, the Management of Sex**
 12 **Offenders and Violent Offenders Working Group, which is**
 13 **a more operational board which enables -- which the**
 14 **Home Office sits on but it's led by, or chaired by, the**
 15 **NPCC, and it enables us, insofar as the Home Office is**
 16 **concerned, to get a better view of the operational**
 17 **working of the Civil Orders.**
 18 **The other group that's referred to there, the RANSG,**
 19 **is an MoJ-chaired board which is really to oversee the**
 20 **operation of the MAPPA arrangements. But obviously**
 21 **those have a link in -- the Civil Orders have a link in**
 22 **to that too.**
 23 Q. Just give the panel a reminder, perhaps, of what the
 24 MAPPA arrangements are?
 25 **A. These are statutory arrangements for managing sex**

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1 **the relevant information sharing that they might need to**
 2 **with international bodies, so it wasn't changed.**
 3 Q. What about the second element of that note of
 4 the meeting: significant amount of breaches of sex
 5 offenders failing to notify police of their travel in
 6 time? What did you glean from the minutes of this
 7 meeting was the issue that was being discussed?
 8 **A. That there were some breaches of the notification**
 9 **requirements for foreign travel.**
 10 Q. Well, a significant amount of breaches that seemed to
 11 result in administrative work for the courts which could
 12 only result in a fine. The Home Office guidance, it was
 13 agreed, would be amended to reflect this issue. Is that
 14 something that has been actioned, do you know?
 15 **A. I think that the -- the guidance that was published**
 16 **in September 2018 certainly contains some detail of what**
 17 **should happen in the event of breaches. I think there,**
 18 **with that particular point, the police were looking for**
 19 **some flexibility as to when they might need to or not**
 20 **need to impose a penalty as opposed to -- in response to**
 21 **a breach.**
 22 Q. I see. So the proposal was being discussed, I think, to
 23 apply a similar approach to what the Prisons and
 24 Probation Service perhaps apply, a tiered approach to
 25 responding to a breach. Is that right?

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1 **offenders in the community, and they place a statutory**
 2 **obligation on the number of agencies to work together in**
 3 **the management of those sex offenders, and they're**
 4 **considered to be a really useful way of managing sex**
 5 **offenders.**
 6 Q. I think you may be aware, Ms French, that a question has
 7 been raised about what is or is not in the MAPPA
 8 guidance.
 9 **A. Mmm.**
 10 Q. I think, does that responsibility sit with the
 11 Ministry of Justice, not the Home Office?
 12 **A. It does, yes.**
 13 Q. We can deal with that in some witness evidence
 14 elsewhere.
 15 You have made clear that the Home Office gives
 16 guidance on the legislation that acts as training,
 17 effectively, and I think you have already explained the
 18 changes to the ViSOR recording. So I would like to
 19 bring this together now to your overall views on the
 20 efficacy of the regime for Civil Orders, having carried
 21 out all those internal reviews that you have described.
 22 Can I ask to bring up, please, HOM003000,
 23 paragraphs 25 and 26, which is your first witness
 24 statement, Ms French, where you set out the
 25 Home Office's position. You say at 25 that the

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<p>1 Home Office overall views the Civil Order regime as 2 making an important contribution towards the prevention 3 and disruption of sexual harm. The orders enable the 4 police to place a range of prohibitions on offenders 5 which can include, for example, prohibiting the use of 6 the internet without having specialist monitoring 7 software installed. These prohibitions provide an 8 essential opportunity to disrupt the consumption of, and 9 demand for, online child sexual exploitation and abuse 10 images produced in other countries. 11 At paragraph 26, they also enable the police to 12 apply for foreign travel prohibitions prohibiting those 13 from travelling to any or all countries. Also, they 14 will be subject, if they have a SHPO made, to the 15 notification requirements in relation to travel and, if 16 they are convicted or cautioned for breaching an SRO, 17 they will also become subject to those requirements. 18 Police forces carry out risk assessment processes and 19 disseminate information to international law enforcement 20 and partners as appropriate. Where there is deemed to 21 be a high risk in a limited number of cases, it is said, 22 police can seek to impose a foreign travel restriction. 23 You have referenced the MAPPA data, suggesting 24 15 SHPOs with foreign travel prohibitions imposed. You 25 note the requirement for proportionality in compliance</p> <p style="text-align: center;">Page 69</p>	<p>1 with the European Convention when travel prohibitions 2 are put in place. 3 The overall view on efficacy that you gave in that 4 witness statement, Ms French, was from earlier this 5 month. Does the Home Office remain of the view that 6 this is an effective regime that makes an important 7 contribution towards preventing sexual harm? 8 A. We do remain of that view. 9 Q. Has the Home Office reflected on the list of concerns 10 raised by other witnesses in this phase of 11 the investigation -- 12 A. Yes. 13 Q. -- about the efficacy of the regime? Is there anything 14 further that you would like to say -- perhaps we can 15 bring up in front of you the "Concerns and Reforms" 16 document. Perhaps we can bring up INQ004049. Look, 17 please, at paragraphs 1 and thereafter. 18 You have alluded just recently to the MAPPA 19 statistics around the number of SHPOs with a foreign 20 travel prohibition. I think there's still a lack of 21 clarity as to how many SROs have a foreign travel 22 restriction, for the reasons we have discussed. But if 23 it is of a similar figure -- it may be higher or lower, 24 we are not, I think, able to give complete clarity to 25 that. If there are, in fact, relatively low numbers of</p> <p style="text-align: center;">Page 70</p>
<p>1 these orders being made, is that a concern to the 2 Home Office? 3 A. We will definitely -- we want to see what comes out of 4 our current review, and if it emerges that there is an 5 issue there with foreign travel restrictions generally, 6 whether they are attached to SHPOs or SROs or more 7 particularly in relation to SROs, we definitely want to 8 look at it. 9 Q. Do you have any observations to make about the other 10 concerns that have been raised here at paragraphs 2 11 through to 7 -- and perhaps 2 through to 6 in particular 12 focus on Civil Orders -- about whether or not the 13 criteria are too narrow, whether or not there is 14 confusion about how one assesses risk, orders not being 15 made against people outside the UK, concerns about 16 a lack of training on these issues? Does the 17 Home Office agree with any of the other concerns that 18 have been raised at 2 through to 6? 19 A. I have certainly noted the concerns. I think if I could 20 just step away from those for one minute and just say 21 that -- and perhaps add a bit of context to what I was 22 saying about the efficacy of the regime in my statement. 23 I think we view the regime as being an effective one and 24 working well domestically. The police seem to like them 25 notwithstanding some of the issues that have come up</p> <p style="text-align: center;">Page 71</p>	<p>1 over the past three years in the reviews, which we 2 remain alert to. 3 We think it is a fairly strong domestic regime for 4 the management of sex offenders here. We recognise that 5 it's one part of the way in which we can extend our 6 reach overseas for the management of child sex offenders 7 travelling abroad. 8 So there are always ways in which we might be able 9 to improve the regime, and we remain alert and want to 10 dig down a little bit deeper insofar as some of these in 11 paragraphs 3 to 6 are listed as part of our current 12 review now to see whether there's anything that's 13 proving a particular stumbling block. 14 Q. I think you have been following the proceedings, 15 Ms French, and you're aware that several proposed 16 reforms have been discussed. Can I ask you to look in 17 particular, please, at paragraphs 16 through to 19 of 18 the document. I think you perhaps heard the evidence 19 from Mr Hulley this morning, one of several witnesses 20 who are firm in the view that a more effective regime, 21 and indeed one that would be proportionate with human 22 rights, is to ban sex offenders from travelling overseas 23 at all. Is that something that the Home Office will 24 actively consider? 25 A. We have the power, through the Civil Orders, to issue</p> <p style="text-align: center;">Page 72</p>

1 a global travelling ban where that is proportionate to
 2 do so. I think it would be unlikely that we would go
 3 further than that and do something like Australia has
 4 done, as evidenced this morning from your witness, and
 5 apply just a global worldwide travel ban on sex
 6 offenders generally. I think we recognise that we
 7 operate in a different human rights jurisdiction to
 8 Australia. We abide by the ECHR, which places certain
 9 obligations on us to do things that are proportionate,
 10 and I think at the moment the position of
 11 the Home Office would be that that would probably be
 12 disproportionate, particularly as we have got the power
 13 to have a global travel ban attached to our
 14 Civil Orders.

15 Q. Do you want to give any observations on the different
 16 manner in which the American system operates --
 17 paragraph 17 -- of placing particular identifiers or
 18 stamps in passports? Does that have any efficacy, so
 19 far as the Home Office is concerned?

20 A. Again, noted the way that operates in the US. Again,
 21 they operate in a different human rights regime to us.
 22 They have, if you want to call it, the advantage of
 23 having a public sex offenders register, which
 24 immediately removes some of the practical and data
 25 protection issues -- human rights issues that we would

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1 We are currently bidding, we in the Home Office, for
 2 funds from the fund for conflict stabilisation and
 3 security to do a number of things, one of which is to
 4 give funds to the NCA to strengthen their capability
 5 overseas, and the operations of the ILOs. We have also
 6 bid for money for the Internet Watch Foundation to drive
 7 awareness and use of their international online
 8 reporting portals. I am just citing some examples of
 9 things that we are doing to back up the commitments the
 10 Home Secretary has set out.

11 So whilst there is always room for improvement, and,
 12 you know, we will listen very carefully to what the
 13 inquiry has to say in this regard, I do think that the
 14 leadership, certainly from the Home Secretary, is there.

15 Q. Do you have any view on some of the proposals that have
 16 been summarised perhaps at paragraph 9 around linking in
 17 those who seek consular assistance abroad with the
 18 Civil Orders regime? Do you have any view on whether
 19 there's room for more coordination there?

20 A. I think that anything that encourages greater
 21 information sharing and brings together in one place the
 22 different pieces of the data puzzle, if I can put it
 23 that way, would be a good thing. So if we are able to
 24 work more closely together with our FCO colleagues, then
 25 that would be something we wanted to do. I thought that

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1 face here if we had to apply a similar stamp in people's
 2 passports.

3 Q. Just going back, if I may, to the beginning of this
 4 section, paragraph 8 of this document. We've heard some
 5 evidence to suggest views that there has been a lack of
 6 progressive ministerial leadership on this issue and
 7 that more progressive leadership is needed. What do you
 8 say in response to that, Ms French?

9 A. I think -- I have noted those suggestions made from some
 10 of the NGOs. I think certainly the current
 11 Home Secretary has been very clear on how seriously we
 12 take our international obligations for combating the
 13 threat from international CSA. He set out his stall
 14 fairly compellingly and very clearly, I think, in
 15 a speech to the NSPCC last September in which he made
 16 clear that the UK wouldn't be focusing its efforts
 17 solely on Britain.

18 He has, and we have in the Home Office, followed
 19 that up, I think, with concrete action. One, we are
 20 reinvigorating our efforts under the WeProtect global
 21 alliance to look specifically at how CSE is dealt with
 22 online. He is holding the technology companies to
 23 account and last October held a hackathon in the US
 24 specifically with CSPs and tech companies to develop
 25 a tool to disrupt online CSE.

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1 was an interesting proposition.

2 Q. We have summarised, I think, at paragraphs 10 and 11 of
 3 this document, something that's perhaps more local to
 4 police forces that suggests there might be a need for
 5 more training of police forces to try and improve
 6 take-up or awareness of this regime, but also to make
 7 the use of those Civil Orders more routine.

8 Certainly, in some of the documentation that we have
 9 been through, there have been suggestions of a need for
 10 more training. Do you think that's a realistic and
 11 effective proposal?

12 A. Yes, absolutely. We are always up for, if I can put it
 13 that way, an opportunity to work with the police in
 14 helping them to use the Civil Orders more effectively.
 15 When they were first implemented, the College of
 16 Policing issued some quite detailed guidance, which was
 17 helpful. There is obviously our statutory guidance.
 18 But any other opportunities to have more training so
 19 that we can mutually support each other is definitely
 20 something we would look at.

21 We did hold, for instance, a fairly effective, we
 22 thought, training day last autumn on the use
 23 specifically of the SROs with the police, and there were
 24 representatives from every force, over 100 police
 25 officers there, to look at information sharing and some

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1 of the issues that are arising day to day. If we can do
 2 more of that kind of thing, then it would pick up on
 3 some of the points that have been made in the minutes of
 4 the management board meetings, and also the reviews.
 5 So, yes, in short.

6 Q. Can I ask you then finally to look at the numbering 12
 7 to 15 in this document. There is perhaps some quite
 8 technical information about sharing of information
 9 through the different notification regimes, so the
 10 Green Notice regime and others, but more generally
 11 improving the communication around the notification of
 12 sex offenders travelling, including involving NGOs. Is
 13 there anything in that group of proposed reforms at
 14 12 to 15 that you would like to comment on?

15 A. I would just say that, having robust and effective
 16 information sharing to foreign travel notifications is
 17 really important on a case-by-case basis, and the
 18 channels that the police, through the NCA, have to do
 19 that via SIS II and Interpol are invaluable from our
 20 perspective. So anything to strengthen those would be
 21 a good thing.

22 Insofar as the proposal to share data with the NGOs
 23 is concerned, I think we'd want to consider that
 24 carefully on a case-by-case basis. My understanding,
 25 that it's technically possible but we want to be careful

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1 information arrives in the destination of the high-risk
 2 country, being able to use that properly and act upon it
 3 is equally important. We don't assume, as has come out
 4 in some of the witness statements from the NGOs, that at
 5 that point responsibility passes on entirely to the
 6 high-risk countries. We want to work with law
 7 enforcement, the NCA in particular, in ensuring they
 8 have the right capabilities. I've listed a number of
 9 areas and ways in which we are doing that and funding we
 10 are providing.

11 Q. While you're in this document, I appreciate that the
 12 Home Office evidence is that the Home Office does not
 13 hold statistics or information on the use of section 72.

14 A. Yes.

15 Q. I will just deal with that very briefly. That's dealt
 16 with very briefly by the Home Office guidance. But
 17 I think you have been following the evidence and one of
 18 the proposals to increase the uptake, if I can call it
 19 that, of section 72 is an idea around having more
 20 on-the-ground support in countries, particularly
 21 high-risk countries. Could I ask you to look at
 22 paragraphs 33 to 36 of the document here and see if
 23 there is anything there that you would wish to comment
 24 on, because it might be thought that having better
 25 on-the-ground support was also likely to lead to the

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1 about data protection issues, about whether it's
 2 strictly necessary on a case-by-case basis, on the
 3 status of the particular NGO and the risk posed by that
 4 offender. I understand that although that's listed as
 5 a proposal there, it is not a view universally shared by
 6 all the NGOs, so it would be something we would need to
 7 look at carefully if it was pursued at all.

8 Q. I think, in fairness, at least two of the witnesses who
 9 proposed that made it clear the NGOs themselves would
 10 need to be vetted in order to be allowed to have that
 11 information provided to them?

12 A. Yes.

13 Q. Is there anything else you would like to say on the
 14 efficacy of the Civil Orders regime or proposed reforms
 15 to it, Ms French?

16 A. Just that I've talked a little bit about, and we have
 17 gone through in quite some detail, the operation of
 18 the Civil Orders regime domestically. Insofar as it's
 19 effective in extending our reach overseas and being able
 20 to tackle travelling offending sex offenders, I think it
 21 is not a panacea, it is one part of a wider toolkit. We
 22 have alluded to some of the other areas that have come
 23 up in the proposals for reform.

24 I think effective information sharing is another
 25 hugely important part. But, equally, once that

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1 improved efficacy of the Civil Orders regime. So that's
 2 why I'm asking you particularly to look at those
 3 proposals?

4 A. Okay. If I could take those collectively, I think that
 5 goes to the point I was making about, to make them
 6 really effective, we need to have good capability
 7 in-country -- it is described here as "on-the-ground
 8 support". I saw it described in another NGO statement
 9 was "boots on the ground".

10 I think we recognise -- and perhaps Rob Jones will
 11 say more about this, this afternoon -- that we may not
 12 hope to ever have the amount of capability that the US
 13 and Australia have on the ground, but nonetheless it is
 14 something that we want to reinforce and make more
 15 effective. I think that's a shared goal between the NCA
 16 and certainly the Home Office and other government
 17 departments.

18 I have cited a number of things that we are doing to
 19 try and help with that. In addition, another one I will
 20 mention is the creation of a new cross-government
 21 network of overseas policy specialists called SOCNET,
 22 who will, jointly run by the Home Office, FCO and DFID,
 23 complement the operational work of existing law
 24 enforcement networks. The idea is they will really use
 25 all levers available to them -- in-country, political,

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1 **diplomatic -- to apply pressure on building up the**
 2 **capability in-country.**
 3 Q. On a similar topic, can I perhaps ask you this, more
 4 domestically: given that the policy responsibility for
 5 the Civil Orders regime lies with the Home Office, but
 6 section 72 lies with the Ministry of Justice, albeit
 7 that, as we will hear, ultimately prosecutions are
 8 brought by the Crown Prosecution Service based on police
 9 evidence --
 10 **A. Yes.**
 11 Q. -- given that rather split policy responsibility at the
 12 very top between the Home Office and the
 13 Ministry of Justice, is there a platform for those two
 14 departments to share information and learning on these
 15 issues, which are so interrelated in practicality, are
 16 they not, because somebody could be convicted under
 17 section 72 and subject to a Civil Order or subject to
 18 one or neither. So the two of them are, in reality,
 19 very linked. So the question is, is there a platform
 20 for that interdepartmental sharing of information and
 21 learning?
 22 **A. I recognise the point you're saying, that they are**
 23 **linked. Certainly I think, even though they're not the**
 24 **Home Office -- sorry, section 72 is not the**
 25 **Home Office's responsibility, it is one part of, if**

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1 summarised the background to the domestic disclosure and
 2 barring regime, that I think we have gone through, as
 3 non-contentious. And you have indicated to the panel at
 4 paragraph 37 -- can I perhaps bring up your witness
 5 statement. It is HOM003000_011. You have reminded the
 6 panel that the criminal record information for British
 7 citizens or foreign nationals who have resided in the UK
 8 and who wish to work for organisations abroad can be
 9 obtained from the ACRO Criminal Records Office. We will
 10 hear more about that. They issue international child
 11 protection certificates for UK nationals or non-UK
 12 nationals who have previously lived in the UK seeking to
 13 work abroad. Just so that we are clear, these
 14 arrangements sit outside the statutory disclosure and
 15 barring regime?
 16 **A. That's correct.**
 17 Q. But they are, nevertheless, is this right, the main way
 18 in which principles that underpin the domestic
 19 disclosure and barring regime apply overseas? This
 20 international certificate is what we have as the
 21 international equivalent, insofar as it is an
 22 equivalent, of the domestic D&B regime?
 23 **A. You could describe it like that. From my perspective,**
 24 **it is a means of enabling employers who are not eligible**
 25 **to access the statutory regime to get criminal records**

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1 **I could describe it, the toolkit for dealing with this**
 2 **problem overseas. In terms of platforms, we have the**
 3 **existing groups -- the MOSOVO and the SOVO that we have**
 4 **talked about before in addition to -- for dealing**
 5 **with -- although they are there to talk about the**
 6 **operation of the Civil Orders regime, we do -- have**
 7 **talked about section 72 within those forums. Equally,**
 8 **we have our one-to-one and our bilateral relationship**
 9 **with the Ministry of Justice as a forum in which we can**
 10 **do that. So although it might seem at the outset that**
 11 **the measures are inextricably linked, but yet split**
 12 **between two departments, there is the underpinning flow**
 13 **of information between us too.**
 14 Q. Would you say that you are satisfied that even though
 15 section 72 does not fall within the Home Office's
 16 explicit policy responsibility, that you are aware of
 17 when those prosecutions are taking place or, indeed, of
 18 the thematic issues that are arising in relation to
 19 section 72?
 20 **A. I would say that I am aware of, or we are aware of, in**
 21 **the Home Office, the thematic issues, but I wouldn't say**
 22 **we have a grasp of the detail and the prosecutions that**
 23 **are taking place.**
 24 Q. My final group of questions, please, for you is on the
 25 disclosure and barring regime. You have helpfully

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1 **information about either UK nationals or nationals who**
 2 **have spent time or resided in the UK.**
 3 Q. But the domestic disclosure and barring regime doesn't
 4 really have application abroad, does it?
 5 **A. Only if the employer who is registered in England and**
 6 **Wales sends their employees abroad.**
 7 Q. To that extent, it applies?
 8 **A. Exactly.**
 9 Q. This is for, is it, a UK national who has the
 10 international certificate, a UK national is travelling
 11 abroad and going to work with an agency abroad, they can
 12 request one of these international certificates?
 13 **A. Yes, if that agency or employer abroad does not have**
 14 **a UK footprint. Otherwise, it should go through the**
 15 **statutory regime.**
 16 Q. So it is an allied part of this picture?
 17 **A. It is a complement, yes.**
 18 Q. I'm sorry if I put that in a confusing way, but I think
 19 it is clearer. Your responsibility, I think, is
 20 primarily about the domestic Disclosure and Barring
 21 regime?
 22 **A. That's right.**
 23 Q. Not so much the international certificate?
 24 **A. That's right.**
 25 Q. You are, I think, in the position for the Home Office

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1 where, at paragraph 39, please, the Home Office has
 2 sought to give guidance to individuals and organisations
 3 on the application process for criminal records checks
 4 overseas.
 5 **A. Mmm.**
 6 Q. Can we perhaps bring up HOM002854. This sets out,
 7 I think, some guidance for individuals and
 8 organisations -- perhaps just bring up this document and
 9 go to the internal page 2. We can see from the contents
 10 that it has some fairly straightforward questions, such
 11 as:
 12 "I am a foreign national/UK national who has spent
 13 time abroad. My prospective employer in the UK is
 14 asking for a criminal record check for my time spent
 15 abroad. Who should I contact?
 16 "What are the requirements for carrying out checks
 17 on foreign nationals and UK nationals who have spent
 18 time abroad and want to work in the UK?"
 19 It is a Q&A, is it, for people who are applying for
 20 jobs and have particular questions about how records
 21 checks from overseas can be carried out?
 22 **A. Yes, exactly. It's primarily aimed at employers here,**
 23 **in England and Wales, who want to employ people from**
 24 **overseas, who -- and directing them to those employees,**
 25 **to where they can actually obtain their criminal records**

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1 **A. This is part of the visa and immigration regime, so**
 2 **I have less mastery of the detail over the requirements**
 3 **for that, but it's for -- as I understand it, it is the**
 4 **particular professions listed will trigger a requirement**
 5 **for a criminal records check as part of a visa**
 6 **application.**
 7 Q. That's how I read it. Thank you. I think you have
 8 explained in your witness evidence, if we go back,
 9 please, to paragraph 39, HOM003000_011, that there is
 10 particular further guidance given -- we will pull up
 11 your paragraph 39. Scroll in on 39. There is guidance
 12 for countries A to F, G to P and Q to Z that we haven't
 13 brought up. Is that right?
 14 **A. That's the annex that sits below the document you just**
 15 **brought up.**
 16 Q. That's the general guidance, I think, overall, isn't it?
 17 **A. For each country, yes, country specific.**
 18 Q. I'd like to ask you some questions about the Council of
 19 British International Schools issue that's arisen about
 20 which the panel hasn't yet heard any evidence.
 21 **A. Yes.**
 22 Q. Essentially, is this right, you say at paragraph 38 that
 23 in 2018 the Council of British International Schools --
 24 is it COBIS, is that how it's known, the Council of
 25 British International Schools?

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1 **checks from. So the equivalent of our domestic regime**
 2 **here. It contains an annex that lists in A to Z format**
 3 **for each country what the organisations within those**
 4 **countries would be where you can get your police**
 5 **certificate or the equivalent of our statutory regime**
 6 **here.**
 7 Q. One of the questions, if we go, please, to internal
 8 page 5, is:
 9 "I am applying for a visa to come to the UK. Do
 10 I need to produce a criminal records certificate?"
 11 There are certain provisions, are there, whereby, if
 12 people are applying for a visa to live in the UK, they
 13 need to provide a criminal record certificate for the
 14 country where they have lived for 12 months or more in
 15 the 10 years prior to their application; is that right?
 16 **A. Yes, that's right. That's the other principal reason**
 17 **why it's used. So it is not just, I should have said,**
 18 **employers wanting to employ people from overseas. It is**
 19 **also those people who want to apply for a visa to get**
 20 **here, and it points them in the right place for getting**
 21 **equivalent criminal records checks.**
 22 Q. There's a particular list of occupations, I think, that
 23 are subject to certain requirements. You see that list
 24 of occupations, including teaching and so on. What's
 25 the significance of this list of employments here?

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1 **A. I think it's known as COBIS.**
 2 Q. Yes, that's right. We will hear some witness evidence
 3 from that council later this week. They had raised
 4 a concern with the Home Office about their ability
 5 running international schools to obtain criminal record
 6 checks from the Disclosure and Barring Service. If
 7 I have understood the correspondence correctly,
 8 essentially, they no longer could obtain those criminal
 9 record checks. Is that right?
 10 **A. Yes, except I'd put it slightly differently: they**
 11 **shouldn't have been obtaining them in the first place,**
 12 **because they were not eligible to do so and there was**
 13 **a misunderstanding, whilst those criminal records checks**
 14 **were being obtained, as to whether they were making the**
 15 **suitability decision themselves for the employee in**
 16 **question. When it emerged that in fact they weren't, it**
 17 **was actually schools abroad that were making them, it**
 18 **became clear that actually they weren't eligible to**
 19 **apply for those criminal records checks.**
 20 Q. I think I will just bring up, please, because the panel
 21 will hear some more evidence about this, HOM002857.
 22 This is a letter from 23 July 2018 where I think COBIS
 23 had written to the Home Secretary expressing concern
 24 about this. Is that right?
 25 **A. Yes.**

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<p>1 Q. They had said -- and I think Mr Bell may say this in 2 evidence on Friday -- that those connected to British 3 schools overseas, if we go to the last paragraph here: 4 "... believe this is a backwards step. This 5 Home Office decision has been met with puzzlement, 6 disappointment and disbelief and multiple stakeholders 7 across our sector have voiced significant concerns and 8 questions." 9 It goes over the page: 10 "The main questions are: 11 "Why has the Home Office chosen to stop such 12 a crucial and important safeguarding measure? 13 "What has changed? What has led to the change?", 14 and so on and so on. 15 I think the reply was at HOM002856, 7 August 2018. 16 I think a reply to the chair of COBIS. I think 17 explaining the legislative background to the effect that 18 it was the Home Office's position that this was 19 a correct application of the legal framework. Is 20 that -- 21 A. That's correct. That letter of -- it is a correct 22 summary. That letter of 7 August was our attempt to set 23 out for Mr Bell the position and explain why we were not 24 actually removing their power to apply for checks. But 25 they had been applied for that -- they were not eligible</p> <p style="text-align: center;">Page 89</p>	<p>1 to be applied for in the way that they had assumed they 2 had. So we weren't removing something, we were applying 3 something that should have been applied correctly in the 4 first place. 5 Q. I think Mr Bell is likely to say, when he gives 6 evidence, something to this effect -- paragraph 7.4 of 7 his witness statement: 8 "As a staunch advocate of safer recruiting 9 practices, safeguarding and child protection, COBIS has 10 expressed its severe disappointment to the Home Office 11 regarding this decision, particularly as the differences 12 between the DBS regime and possible alternatives are not 13 clear." 14 So is it fair to say that this decision has been not 15 welcomed by COBIS? 16 A. I can certainly recognise the disappointment in his 17 letter, and I am sympathetic to some of the things he's 18 saying. I just want to reiterate, though, that it is 19 not a removal of anything. It was something that was 20 misapplied in the first place. So it is not a change. 21 We are not taking something away. 22 That said, in relation to Mr Bell's witness 23 statement, he did helpfully outline the measures that 24 COBIS have taken since then to give direction and 25 information and guidance to the schools they represent,</p> <p style="text-align: center;">Page 90</p>
<p>1 and has been promoting the use of the ICPC, with which 2 we agree, because that would be the correct route. 3 Q. Is there anything else that you would like to say on 4 that issue? 5 A. There is nothing else, no. 6 Q. You have set out some further details, I think, perhaps, 7 about the Disclosure and Barring Service. I think you 8 have referenced the P & Others case, the Supreme Court 9 case? 10 A. Yes. 11 Q. Is there anything else you would like to say on those 12 topics? 13 A. In relation to the P & Others, the Supreme Court 14 judgment that we received the week before last, just 15 that it's something that we will need to consider in the 16 round, that we will be looking at very closely over the 17 coming months. It is going to take us time to come up 18 with a legislative response. 19 It is a good example of the way in which, if I can 20 put it this way, it pulls us in an opposite direction to 21 some of the reforms being advocated by those giving 22 evidence to this inquiry -- 23 Q. Help the panel understand the thrust of the judgment 24 from the Supreme Court? 25 A. Right. So the challenge, P & Others, was to a number of</p> <p style="text-align: center;">Page 91</p>	<p>1 elements of our disclosure regime and the judgment 2 itself reinforced the legality of our regime, but made 3 clear that there were some elements that they found to 4 be disproportionate. I won't go into too much detail, 5 but they were to do with our filtering rules for 6 applying what we put on certificates -- multiple 7 conviction, for instance, was thought to be 8 a disproportionate response. 9 But for us, it illustrates the balance we have to 10 take between those who have views on our regime and 11 those who want more disclosure in a greater range of 12 circumstances and those who want less disclosure for 13 fewer people in a more limited range of circumstances. 14 It's constantly that balance that we have to look at and 15 maintain. 16 Q. Can I ask you to look at the final or penultimate 17 section, please, of the concerns and reforms document, 18 which does highlight a series of concerns, beginning at 19 paragraph 40, with the extent to which Disclosure and 20 Barring regimes, either the statutory DBS scheme or the 21 international certificate, are effective overseas. 22 So there's a list of concerns, beginning at 23 paragraph 40, that deal with concerns about the limits 24 of the DBS process, so that can only work if the 25 employer's operations are based here or if the</p> <p style="text-align: center;">Page 92</p>

<p>1 employment decision is based here, and also limits about 2 the international certificate, for example, it not being 3 mandatory and the cost of it, the process for it and so 4 on. 5 Is there anything that you would like to add or 6 comment on between paragraphs 40 and 52 of this 7 document? 8 A. I think that I'd just like to say that we think our own 9 statutory regime has some reach overseas, in the way 10 that I described; that the product provided by ACRO in 11 the form of the ICPC is definitely a helpful complement. 12 But that, in the end, there will be a category of people 13 who will need to be dealt with through overseas domestic 14 regimes. But, equally, the other thing I would say in 15 relation to some of these concerns listed is that 16 criminal records checks are only ever one part of having 17 an effective safeguarding practice, and there needs to 18 be a holistic range of effective policies and practices 19 put in place by employers when they're employing people. 20 So criminal records checks and deciding who you recruit 21 and making decisions on whether you want to recruit them 22 are only one part of that wider suite of practices. 23 Some of the witness statements have provided some quite 24 helpful illustrations of the kind of practices that they 25 put in place. I think, you know, DFID's work with</p> <p style="text-align: center;">Page 93</p>	<p>1 international agencies is very helpful in that regard, 2 as is -- there was another of the witnesses who set out 3 a really helpful set of measures. I think it was -- it 4 will come to me. 5 Q. Do you want to review the proposed reforms that are 6 around things like extending the reach of the ICPC, 7 making it mandatory for UK-based or registered 8 companies? 9 A. I think -- I'm not sure I can really comment on the 10 issue of making the ICPC mandatory, because it isn't our 11 product or regime, it is something that's managed by the 12 police. I think a lot of those proposals around the 13 "one-stop shop" or having a sort of one agency that 14 dispensed criminal records checks would necessitate some 15 sort of fundamental changes to our own regime, which has 16 its specific territorial jurisdiction in England and 17 Wales. So there are a number of things we would have to 18 consider that would be quite fundamental. 19 In the context of the changes that we may have -- we 20 will have to make in response to the Supreme Court 21 judgment, again, you know, there's a balancing act. 22 Q. Is there anything in the final part of this document 23 that's paragraph 67 onwards that you would like to 24 comment on, Ms French? 25 A. Sorry, could you just bring -- am I looking at the</p> <p style="text-align: center;">Page 94</p>
<p>1 right -- 2 Q. Yes. These are more general proposals for reform that 3 don't bear on the specific issues but might be thought 4 to supplement them. 5 A. Well, I certainly -- the one that I have got in front of 6 me at the moment, "Research", and if you flip on to the 7 next page, it's certainly something we would support. 8 The more we understand the problem, the better we can 9 provide a response. 10 I think these are going beyond some of the issues 11 relating to the criminal disclosure regime. 12 Q. Yes. They're specifically intended to be of 13 cross-cutting nature? 14 A. Cross-cutting nature, yes. So in terms of -- here on 15 71, the returning lead responsibility from the 16 Home Office to the FCO, I think, whilst I referenced 17 earlier the need to work perhaps more closely certainly 18 on data of consular assistance provided abroad with the 19 FCO, and I recognise, actually, from the witness 20 statement, that the FCO can be very useful in this 21 space, domestically, we have a huge responsibility to 22 manage the Civil Orders regime effectively, given our 23 responsibility in the Home Office for the police. So 24 I think that proposition wouldn't work for us, returning 25 lead responsibility to the FCO, although bringing them</p> <p style="text-align: center;">Page 95</p>	<p>1 on board in a more active manner would. 2 Certainly, you know, the proposals around 3 strengthening our capability overseas or helping 4 high-risk countries to better investigate and work with 5 us is something that chimes. 6 Then a lot of the other -- central government 7 propositions there are for the FCO. 8 Q. Can I take you back up to number 25, please, which is 9 about the model national response that I think is part 10 of the WeProtect initiative. I have been asked to ask 11 you, when you mentioned reinvigorating the WeProtect 12 initiative as part of the current Home Secretary's work, 13 what did you mean by that, Ms French? 14 A. I meant that -- I know the WeProtect global alliance has 15 been going for some time, but it is something that 16 I understand my colleagues are telling me we want to 17 exploit in order to look at ways of transforming how 18 online child sexual exploitation is dealt with. 19 I understand it is run out of the Home Office, a unit in 20 the Home Office, certainly our input into it, and that 21 we organised a big conference last year, so it's 22 something -- when I made that comment, it's -- I meant 23 to indicate that it's something that we are putting 24 a quite considerable effort and resource behind. 25 Q. Finally, I have been asked to ask a follow-up question</p> <p style="text-align: center;">Page 96</p>

1 about the ongoing review of Civil Orders, I'm afraid,
 2 going back to that topic?
 3 **A. Okay.**
 4 **Q. I think you have explained at paragraph 6 of your second**
 5 **witness statement that that's involving qualitative**
 6 **interviews with sections of the police forces and**
 7 **a review of data from the NPCC and the ViSOR database.**
 8 **Who else is participating in that review? How is that**
 9 **working in reality?**
 10 **A. I think it involves -- the first part involved a series**
 11 **of interviews with 23 forces to -- responding to various**
 12 **questions around the operation of the regime**
 13 **domestically. The second part of the review is adding**
 14 **on a further ten forces to specifically look at the**
 15 **application of the foreign travel regime. So it's more**
 16 **questions to a further set of forces specifically on**
 17 **foreign travel restrictions.**
 18 **Then, in addition -- so that's the qualitative input**
 19 **that we are getting from the forces, Home Office and**
 20 **forces. Then of course there will be the data that we**
 21 **extract from the -- not extract, that we ask the NPCC to**
 22 **give us from the ViSOR database.**
 23 **Q. Is there any input from NGOs, for example, in that**
 24 **review, or not really, is it mainly police forces?**
 25 **A. Not that I'm aware of. If I'm wrong in that, I will**

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1 THE CHAIR: The further question was about how many of them
 2 are subject to local MAPPa arrangements?
 3 **A. How many of the RSOs, registered sex offenders? I don't**
 4 **know. But we can certainly write in with all those**
 5 **details.**
 6 THE CHAIR: Thank you very much.
 7 MS HILL: Thank you very much, Ms French.
 8 (The witness withdrew)
 9 MS HILL: Chair, we have a short amount of reading to do
 10 perhaps before the lunch adjournment from a witness,
 11 Joyatri Ray. My learned friend Ms Faure Walker will
 12 read her evidence.
 13 Statement of MS JOYATRI RAY (read)
 14 MS FAURE WALKER: Chair, this is the evidence of
 15 Joyatri Ray, who is going to provide evidence about the
 16 context of child sexual exploitation in India. Part B
 17 of your bundle, witness statement reference INQ003801.
 18 The witness statement dated 14 January. She also refers
 19 to in her statement some reports, which I ask are
 20 adduced. They are in your bundle at B2 to 4. The first
 21 one is reference INQ003717, the second INQ003713 and the
 22 third is INQ003715.
 23 Ms Ray is from the organisation EQUATIONS, but she
 24 has relayed to the inquiry that her evidence is given in
 25 her personal capacity rather than representing the views

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1 **write in to the inquiry. I think it is mainly police**
 2 **forces.**
 3 **Q. Is there anything else, Ms French, across all of**
 4 **the issues I have been asking you about that you feel**
 5 **you need to clarify or amplify?**
 6 **A. I don't think so.**
 7 MS HILL: Thank you. Those are all the questions I have for
 8 you.
 9 Questions by THE PANEL
 10 THE CHAIR: Thank you, Ms French. I have a couple of basic
 11 factual questions, if you don't mind.
 12 **A. Yes.**
 13 THE CHAIR: How many are there on the adult sex offender
 14 register in England and Wales?
 15 **A. It's listed in the MAPPa annual report, but I think the**
 16 **current figures are something like 55,000 -- I could be**
 17 **wrong in that. I'm sorry, I don't have the -- around**
 18 **the 55,000.**
 19 THE CHAIR: You may not know the answer to this, then, but
 20 how many of those are child sex offenders?
 21 **A. I don't know the answer to that. I'm sorry.**
 22 THE CHAIR: It may be more appropriate to ask Mr Jones this
 23 afternoon.
 24 **A. Yes, or -- no, you haven't got an MoJ witness, have you,**
 25 **giving evidence? No.**

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1 of that organisation.
 2 Witness statement at paragraph 1, she refers to her
 3 role. She is the programme coordinator of the society,
 4 culture and tourism programme, and she's been with
 5 EQUATIONS since November 2015.
 6 She also has had other relevant roles, including
 7 with UNIFEM.
 8 Paragraph 2:
 9 "In my role in EQUATIONS, I am responsible for
 10 leading the programmes on child protection and the
 11 tourist industry. In UNIFEM, I worked on the issue of
 12 child protection looking specifically at embassies,
 13 government liaison and how this works in a country like
 14 India. I have particular [experience] on child sexual
 15 exploitation in tourism for a gender perspective.
 16 I have authored or been part of research teams involved
 17 in writing many reports on the issue of child sexual
 18 exploitation in tourism which are available on the
 19 EQUATIONS website."
 20 And a little more about the work of EQUATIONS,
 21 paragraph 3:
 22 "EQUATIONS is an organisation founded in 1985 and
 23 based in India. It was founded in response to
 24 understanding the impacts of development, particularly
 25 in the context of liberalised trade regimes, the opening

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<p>1 up of the national economy, new economic policies and 2 structural adjustments. EQUATIONS envisions a just and 3 equitable world, where all people have the right to 4 determine their lives and future. We envision forms of 5 tourism which are nonexploitative, where decision making 6 is democratised and access to and benefits of tourism 7 are equitably distributed. We carry out research and 8 analysis, campaigns and advocacy, build networks of 9 people, including from grass roots organisations, local 10 communities, activists, researchers, trade unions and 11 legal and policy experts." 12 At paragraph 4 she goes on to explain how the work 13 of EQUATIONS is organised and where it has strong 14 networks within India and also where it is active. 15 Carrying on from paragraph 5: 16 "In many ways, a key reason for the founding of 17 the organisation was to understand and analyse the 18 impacts of tourism and one of those being the linkages 19 between tourism and child abuse and exploitation. The 20 growth of tourism in Thailand and South-east Asian 21 countries and awareness of the incidence of growing 22 child sexual exploitation was ringing alarm bells in the 23 early 1980s. EQUATIONS studies the growing links 24 between tourism and the abuse of children in the forms 25 of sexual exploitation, child pornography, trafficking</p> <p style="text-align: center;">Page 101</p>	<p>1 and child labour. We ensure policy makers, the tourism 2 industry and local communities in tourism destinations 3 are made aware of this research. 4 "While tourism is viewed and promoted as 5 a development tool to stimulate economic growth in local 6 economies, it has a number of adverse impacts. In 7 India, tourism development without responsibility, 8 accountability and protective measures have provided the 9 environment in which the sexual exploitation of children 10 in the form of child abuse, child trafficking, child 11 prostitution, pornography and child sex tourism takes 12 place. It has also led to an increase in child labour. 13 All of this in turn increases the vulnerability of 14 children to drugs, crime, HIV/AIDS, and alienation from 15 communities and families." 16 At paragraph 7, the witness introduces the report 17 "Unholy Nexus", your bundle B2, and she explains that 18 this is a report into sexual exploitation of male 19 children in pilgrim tourism sites and the witness was in 20 fact part of the research team carrying out field 21 research in one of those sites. 22 I don't need to take you to every page, but you may 23 just note, using Relativity page references at 15, she 24 goes into detail in the report of why tourism has 25 provided the environment for child abuse and the extent</p> <p style="text-align: center;">Page 102</p>
<p>1 of it. Also in the executive summary, it refers to the 2 three case studies in the report in that context. She 3 goes on in paragraph 9 of her witness statement to give 4 a quote from that report about the nature of child 5 exploitation and how foreign tourists are able to 6 partake in that: they enter small houses and the people 7 who are poor are excited by a foreigner coming to the 8 poor hut, and how the abuse occurs. 9 At page 23 of that report, she refers to the 10 national study on child abuse in 2007 revealing that 11 53 per cent of children in that -- who were surveyed had 12 been sexually abused, obviously not all by foreign 13 tourists but it provides the context of the problem. 14 Page 39 of the report, the voice of a male child is 15 given and quoted there. At page 43, she refers to the 16 RUSH Civil Society Organisation who filed three court 17 cases involving foreigners suspected of having sex with 18 children. Some such cases, according to the report, 19 received police attention but are dismissed or lost as 20 money changes hands. She also gives in the report an 21 example of one such case involving a British national 22 apparently living in Andhra Pradesh, but who travelled 23 to Orissa, where Puri is, the pilgrim site, and local 24 people sharing knowledge about such incidents. 25 Moving on to the next report, which is</p> <p style="text-align: center;">Page 103</p>	<p>1 "A Situational Analysis of Child Sex Tourism in India", 2 summarised at paragraph 10 of her witness statement, she 3 refers to the places of that report: Kerala and Goa, 4 which were reported to be favoured places of foreign 5 paedophiles, as she puts it in her witness statement. 6 You may wish to note pages 41 and 42, which give 7 examples of foreign nationals and the cases -- the state 8 of certain cases involving foreign nationals, albeit 9 those examples are not recent and there are further 10 examples up to page 45 you may wish to note. 11 In paragraph 11 of her witness statement, she refers 12 to the third report, "Walking the Tightrope: 13 Exploitation of Migrant Children in Tourism in Goa", 14 which is more recent, published in 2016. She summarises 15 it in paragraph 11, as I say. The final few lines of 16 that paragraph, she says: 17 "We have found in our work, that foreign offenders 18 come in the guise of being a tourist and often adopt 19 a certain modus operandi to obtain access to children. 20 For example, they might teach English, art, music or 21 cultural studies, something which children from 22 a deprived background are not able to access." 23 That report also details certain cases, for example, 24 Freddy Peats and Raymond Varley, but she then goes on in 25 her witness statement to provide information about those</p> <p style="text-align: center;">Page 104</p>

<p>1 cases, which I will come on to now.</p> <p>2 So paragraph 13, she refers to the Freddy Peats</p> <p>3 case:</p> <p>4 "Civil society organisations have been lobbying for</p> <p>5 the prevention of child sexual abuse and sexual</p> <p>6 exploitation of tourism for decades. In 1991, the issue</p> <p>7 of children sexually exploited by foreign men caught</p> <p>8 media and government attention when six men were accused</p> <p>9 of sexually abusing children at an orphanage run by</p> <p>10 Freddy Peats in Goa.</p> <p>11 "Until this case, there was little or no awareness</p> <p>12 of the organised sexual abuse of children, particularly</p> <p>13 trafficking involving young boys in India. The case</p> <p>14 came as a shock to the nation. In March 1996,</p> <p>15 Freddy Peats was convicted of sex crimes against young</p> <p>16 boys in Goa. A raid on the orphanage uncovered more</p> <p>17 than 2,000 obscene images of children. This was the</p> <p>18 first conviction for running an organised paedophilia</p> <p>19 ring in India, but the government and tourist industry</p> <p>20 continued to consider this case as an aberration.</p> <p>21 However, a number of other cases have since surfaced as</p> <p>22 set out in the introduction to our report,</p> <p>23 'A Situational Analysis of Child Sex Tourism in India</p> <p>24 2003'. We found in this report that there were</p> <p>25 indicators that the exploitation of children is on the</p> <p style="text-align: center;">Page 105</p>	<p>1 rise."</p> <p>2 In that report -- I don't ask you to go to it now --</p> <p>3 but you may wish to note, at pages 5 to 6, she referred</p> <p>4 to a German man, who she also goes on to refer to in</p> <p>5 this witness statement, a French national being arrested</p> <p>6 who was alleged to be in the same group of offenders as</p> <p>7 Mr Peats. And also gives an example of an Australian</p> <p>8 man involved in the abuse of children in homes for the</p> <p>9 destitute.</p> <p>10 Carrying on at paragraph 15:</p> <p>11 "Since the Freddy Peats [was] convicted, a few cases</p> <p>12 have come to light over the years and convictions have</p> <p>13 been handed down. However, the severity of the problem,</p> <p>14 its prevalence and spread remains hidden from view.</p> <p>15 In February 1999 ..."</p> <p>16 A German national, whose name is given:</p> <p>17 "... was found guilty for hiring a minor for illicit</p> <p>18 or immoral purpose and for committing unnatural sexual</p> <p>19 offences in Goa. He was first sentenced to six years'</p> <p>20 imprisonment. He appealed and was acquitted in 1999.</p> <p>21 That same year, he left the country while the State</p> <p>22 filed an appeal. The appeal was dismissed on the</p> <p>23 grounds that he was no longer in the country."</p> <p>24 Paragraph 16, she refers to Interpol having issued</p> <p>25 a number of Red Corner Notices against individuals, all</p> <p style="text-align: center;">Page 106</p>
<p>1 of whom who were associated with Peats, and two such</p> <p>2 individuals were located and convicted in Goa, another</p> <p>3 individual was arrested by the Delhi Central Bureau of</p> <p>4 Investigation, but disappeared.</p> <p>5 Paragraph 17:</p> <p>6 "The Goa police have had little success in the</p> <p>7 prosecution of travelling sex offenders since the Peats</p> <p>8 case. This [was] for a number of ... reasons. One of</p> <p>9 these difficulties come from when individuals leave</p> <p>10 India."</p> <p>11 This is illustrated by the case of Raymond Varley</p> <p>12 which she goes on to detail at paragraph 18. Chair, you</p> <p>13 heard Raymond Varley being mentioned by Ms Beddoe when</p> <p>14 she gave evidence on Monday. But, in summary, he was</p> <p>15 alleged to have committed sexual offences against</p> <p>16 children in India from 1989 to 1991. There was an</p> <p>17 extradition request some years later when he was in this</p> <p>18 country, but that was discharged in June 2014 due to</p> <p>19 evidence of him suffering from dementia.</p> <p>20 At paragraph 21, the witness says:</p> <p>21 "As the Varley case above illustrates, there are</p> <p>22 challenges once an offender leaves the country since</p> <p>23 these offenders argue that they are 'vulnerable' or that</p> <p>24 their human rights will be breached if they [return]</p> <p>25 ..."</p> <p style="text-align: center;">Page 107</p>	<p>1 She refers also to the challenges faced in that</p> <p>2 respect.</p> <p>3 From paragraph 23, the witness refers to gaps in the</p> <p>4 system in the monitoring of sex offenders in India and</p> <p>5 evidence of examples that have come to light in more</p> <p>6 recent years. So, for example, going on to</p> <p>7 paragraph 24, in December 2013, efforts on the part of</p> <p>8 UK law enforcement resulted in life imprisonment of</p> <p>9 the British citizen Barry McCloud. Pausing there,</p> <p>10 chair, Ms Patel on Monday also made passing reference to</p> <p>11 the McCloud case:</p> <p>12 "... for sexually assaulting a minor child in Goa.</p> <p>13 McCloud travelled to Goa and filmed himself raping</p> <p>14 a 10-year-old girl several times between 2005 and 2007.</p> <p>15 McCloud gave the girl mango juice laced with Temazepam</p> <p>16 which would leave her unconscious. The child was unable</p> <p>17 to report what was happening as McCloud was supporting</p> <p>18 her brother's education. McCloud's activities came to</p> <p>19 light in 2007 when police in the UK suspected him of</p> <p>20 downloading images of child abuse and seized his</p> <p>21 computer."</p> <p>22 Paragraph 25:</p> <p>23 "In 2015, another case came to light when the police</p> <p>24 in Goa rescued six minor children apparently under the</p> <p>25 'care' of a UK national. The children were originally</p> <p style="text-align: center;">Page 108</p>

<p>1 staying in a home but apparently custody of the boys was 2 given to him in July 2014 onwards. However, he was not 3 ultimately convicted of any offences." 4 From paragraph 26 the witness reflects on the 5 shortcomings of mechanisms in place and goes on to 6 mention Civil Orders: 7 "An issue that we face is in relation to the 8 mechanisms which are in place to alert authorities to 9 travelling sex offenders, the current red flag system 10 does not work very well since it places the onus on 11 immigration officers and local police stations. Many 12 travelling sex offenders specifically target rural 13 areas, coastal towns and places outside of cities where 14 there is only a small local police presence, meaning 15 that the red flag does not ring alarms in these places. 16 "Other than the McCloud case above, I am not aware 17 of the use of extra-territorial jurisdiction by the UK 18 authorities in relation to a case involving child sexual 19 abuse in India. In relation to Civil Orders, in my 20 experience, Indian officials and NGOs in India find it 21 difficult to understand the UK Civil Orders regime, 22 particularly the Foreign Travel Orders given their 23 wording which is considered to be vague. I understand 24 that officials here are unsure as to what is included or 25 excluded from the scope of these powers. For example,</p> <p style="text-align: center;">Page 109</p>	<p>1 people sometimes understand that these orders are 2 related to cyber sexual abuse where the person is 3 resident and commits the offence in the UK rather than 4 committing abuse in India. I do know, however, that the 5 UK police have come to train Indian police officers. 6 They have conducted training specifically on the 7 internet and the types of searches that can be done to 8 identify online abuse. This training is important in 9 terms of sharing technical knowledge. However, the 10 problem is that this training is extremely digitalised 11 in terms of the ways of working. 12 "In our experience, travelling sex offenders avoid 13 the cities and instead move in remote areas and 14 villages, where the police do not always have 15 sophisticated digital access. In other words, while 16 online child sexual exploitation necessitates digital 17 working and training, other forms of child sexual 18 exploitation require different strategies, particularly 19 in remote areas." 20 Finally: 21 "Recently, the Ministry of Child Development 22 proposed an amendment to the existing visa application 23 form to the Ministry of Home Affairs which has resulted 24 in the tightening of visa application rules. The change 25 in the visa application was the result of a sustained</p> <p style="text-align: center;">Page 110</p>
<p>1 campaign by civil society organisations to ensure that 2 child sexual offenders do not come into the country. 3 Alongside this measure, we consider that a travel ban 4 would be a useful tool, as this would also be 5 a deterrent at the source." 6 Chair, I see the time. 7 THE CHAIR: Thank you, Ms Faure Walker. We will take our 8 break now and return at 2.00 pm. 9 (1.05 pm) 10 (The short adjournment) 11 (2.00 pm) 12 MS HILL: Thank you, chair. I call, please, Robert Jones. 13 MR ROBERT JONES (sworn) 14 Examination by MS HILL 15 A. Robert Jones, Director Threats, National Crime Agency. 16 Q. Thank you very much, Mr Jones. You have indicated that 17 your current title is Threat Leadership Director for the 18 National Crime Agency, I think having previously been, 19 at the time of your first statement, the Temporary 20 Director for the Vulnerabilities Command. Is that 21 right? 22 A. That's correct. 23 Q. You have provided the inquiry with four witness 24 statements ending NCA000296, 293, 298 and 336, which 25 I will adduce, please, together with the various</p> <p style="text-align: center;">Page 111</p>	<p>1 exhibits that I will come to. 2 In your first statement, Mr Jones, you have given 3 a lot of background information to the chair and panel 4 about the role of the National Crime Agency and in 5 particular about the role of the Child Exploitation and 6 Online Protection Centre, or CEOP. Could you just try 7 and pull out for the panel the key themes about the work 8 that the NCA does in this field? 9 A. So the NCA has a national leadership role in driving the 10 response to child sexual abuse in the UK, and it does 11 that by bringing some order to the environment in 12 dealing with it across six pillars of threat and demand, 13 and clear roles and responsibilities where the NCA takes 14 a leadership role and national policing work as part of 15 the system to mitigate the threat to children. 16 Q. Some of the material that you have provided us with, 17 I think, gives us three broad bullet points. If I can 18 bring up, please, paragraph 2 of your first witness 19 statement, NCA000296_002, please. You explain there 20 that the NCA has within it as one of its commands the 21 CEOP, about which we have heard. It's the national lead 22 for reducing the threat from transnational child sex 23 offenders, or TCSOs, and hosts the International Crime 24 Bureau which facilitates enquiries with international 25 law enforcement and the progression of investigations</p> <p style="text-align: center;">Page 112</p>

1 abroad for all of UK law enforcement. Is that right?
 2 **A. That's correct.**
 3 Q. Just to try and help the panel understand some of
 4 the language that you have later referred to, there is
 5 in existence, if you go, please, to paragraph 8 of this
 6 witness statement, the CSEA Strategic Governance Group,
 7 the SGG. Is that right?
 8 **A. That's correct. The Strategic Governance Group, which**
 9 **is now chaired by me, is responsible for ensuring that**
 10 **there's an efficient and effective response to combating**
 11 **all elements of the threat.**
 12 Q. The SGG is supported by discrete threat groups, if I can
 13 call it that, that deal with particular issues. You
 14 have explained, if we go to paragraphs 9 and 10 on the
 15 next page, that there are particular groups around
 16 online CSE, both Pursue, Prevent, Protect and Prepare,
 17 Child Protection and Abuse Investigation and
 18 Transnational Child Sex Offenders; is that right?
 19 **A. That's correct.**
 20 Q. So if we go to paragraph 10, we will see those different
 21 threat groups set out.
 22 That links in with the MOSOVO group about which
 23 I think we heard earlier?
 24 **A. Yes.**
 25 Q. Just to try to understand a little bit more, the six

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1 526 being convicted and nine acquitted. On conviction,
 2 almost all of those individuals became registered sex
 3 offenders. Is that correct?
 4 **A. That's correct.**
 5 Q. You have also highlighted for the panel, please, on your
 6 paragraph 17, CPS data to the effect that in 2016, 3,633
 7 individuals were proceeded with for IIOC offences --
 8 just remind us what that stands for --
 9 **A. Indecent images of children.**
 10 Q. -- by UK policing of whom 96 per cent or 3,491 were
 11 convicted. You go over the page to say:
 12 "This increased level of arrests has also led to
 13 a notable increase of the number of RSOs who will have
 14 conditions attached to their conduct and activity."
 15 The registered sex offenders about which we have
 16 heard. I think finally on statistics you produce the
 17 2016-17 MAPPa bulletin, paragraph 18, albeit that it is
 18 a document I think generated by the Ministry of Justice.
 19 This demonstrates -- perhaps to assist the chair with
 20 the questions that were raised with the last witness --
 21 an overall increase in registered sex offenders from
 22 37,225 in 2010-11, to 55,236 in 2016-17. Is that
 23 correct?
 24 **A. That's correct.**
 25 Q. I will just formally, please, adduce that document, the

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1 pillars you mentioned I think are summarised at your
 2 paragraph 14 on internal page 7 of this document,
 3 please?
 4 **A. Yes, that's correct. Because of the nature of**
 5 **child abuse, many of these elements of the threat**
 6 **overlap, and so we tackle them by codifying them in**
 7 **those six areas. But if this was a Venn diagram, many**
 8 **of those overlap, and the TCSO response we deal with**
 9 **under complex and niche online transnational**
 10 **(specialist) investigations, which are in the six.**
 11 Q. The six pillars we can just read out: the sharing of
 12 indecent images of children; volume referrals; victim
 13 identification; live streaming of CSE; grooming and
 14 blackmail/extortion; complex and niche online
 15 transnational (specialist) investigations.
 16 As you have indicated, there is an overlap and child
 17 sexual abuse overseas sometimes does involve some of
 18 these other pillars, if I can call it that?
 19 **A. That's correct.**
 20 Q. In terms of a few statistics, please, could I zone in on
 21 paragraph 16 of your witness statement. The NCA-led and
 22 co-ordinated operations, I think you have indicated, led
 23 to 742 individuals being charged with CSEA offences in
 24 the four years ending March 2018. As at 13 June 2018,
 25 535 of those individuals had gone before the courts with

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1 2017-18 statistics we in fact now have as well. So
 2 I will give you, please, INQ003128. This is
 3 a statistical document produced, I think, by the
 4 Ministry of Justice. Can I go, please, to internal
 5 page 3 of this document? This categorises offenders
 6 under MAPPa -- is this right? -- as registered sex
 7 offenders, RSO; violent offenders; or other dangerous
 8 offenders. Is that correct?
 9 **A. That's correct.**
 10 Q. As we will hear broadly, the MAPPa system applies
 11 different levels of management to those different types
 12 of offenders; is that correct?
 13 **A. That's correct.**
 14 Q. Although you have given some figures, I think, from the
 15 2016-17 bulletin, we can see in this more recent
 16 document on page 2 -- sorry, chapter 2, it is internal
 17 page 7, please, we can see an updated figure there,
 18 Mr Jones. You said previously that there were 55,236
 19 RSOs, registered sex offenders, in 2016. We see in this
 20 year now 58,637. Is that right?
 21 **A. That's correct.**
 22 Q. Category 1 registered sex offenders?
 23 **A. That's correct.**
 24 Q. The overall number is the first bullet point: 80,983
 25 offenders being managed under the MAPPa framework?

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<p>1 A. That's correct.</p> <p>2 Q. Just for completeness, while we are in this document, so</p> <p>3 I don't need to perhaps come back to it, one can look,</p> <p>4 please, at internal page 10, table 3. One can scroll</p> <p>5 in, please, on table 3 and see that the category here,</p> <p>6 or what's being represented here, is the number of</p> <p>7 category 1 offenders, that's RSOs, per 100,000 of</p> <p>8 population, from 2006 up to the end of 2018, and we can</p> <p>9 see that increase, can we, from 64 to 114 per 100,000</p> <p>10 people?</p> <p>11 A. That's correct. And that articulates a level of demand</p> <p>12 that we are dealing with at the moment, where, on</p> <p>13 average, with national policing, we are arresting around</p> <p>14 400 people a month and safeguarding around 500 children</p> <p>15 a month in the UK.</p> <p>16 Q. Then the last point, I think, perhaps, on this document,</p> <p>17 section 6 of the report at internal page 14, our</p> <p>18 numbering, gives figures for the numbers of RSOs</p> <p>19 cautioned or convicted for breaching the notification</p> <p>20 requirements. They're the domestic, I think,</p> <p>21 notification requirements, aren't they?</p> <p>22 A. Table?</p> <p>23 Q. Forgive me, table 5a. This is to do with the</p> <p>24 notification requirements that apply to individuals on</p> <p>25 the sex offenders register, which includes a range of</p> <p style="text-align: center;">Page 117</p>	<p>1 notification obligations, and I think this table</p> <p>2 indicates the numbers cautioned and convicted for</p> <p>3 breaches of those. Is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. Then perhaps more specifically for these purposes, if</p> <p>6 you look, please, at section 7, which is internal</p> <p>7 page 16, there are some statistics given about the</p> <p>8 number of Sexual Offences Prevention Orders, Sexual Harm</p> <p>9 Prevention Orders, Notification Orders and Foreign</p> <p>10 Travel Orders imposed by the courts. Taking us up to</p> <p>11 2017-18. Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. What the panel can see in the final column is, for the</p> <p>14 first few years on that table, the number of Foreign</p> <p>15 Travel Orders, and then, latterly, the number of SHPOs</p> <p>16 with foreign travel restrictions included?</p> <p>17 A. That's correct.</p> <p>18 Q. What I think we are understanding from the evidence</p> <p>19 earlier is, what this table doesn't tell us is whether</p> <p>20 any SROs have Foreign Travel Orders included, foreign</p> <p>21 travel restrictions included; is that right?</p> <p>22 A. That's correct.</p> <p>23 Q. So we can see that it looks as if there were 11 foreign</p> <p>24 travel restrictions made in 2017-18, four 2016-17, eight</p> <p>25 the year before, and four the year before that.</p> <p style="text-align: center;">Page 118</p>
<p>1 A. Correct.</p> <p>2 Q. The report goes on to provide information at internal</p> <p>3 page 18, please, about breaches of the SROs, and goes on</p> <p>4 to talk -- to provide further information -- I think the</p> <p>5 panel doesn't need to be concerned about. But the</p> <p>6 statistic at the bottom is perhaps of assistance on this</p> <p>7 page, that between 1 April 2017 and 31 March, 17 people</p> <p>8 became subject to notification requirements following</p> <p>9 a breach of an SRO, which was a slight decrease from the</p> <p>10 previous year.</p> <p>11 Is there anything about those statistics that you</p> <p>12 wish to draw to the panel's attention, beyond perhaps</p> <p>13 the obvious point you have made which is that they</p> <p>14 reflect what you are dealing with?</p> <p>15 A. They do reflect demand in the system, and they reflect,</p> <p>16 you know, our attempts to obtain restrictions on that</p> <p>17 cohort of individuals that's captured in the MAPPA data.</p> <p>18 Q. I think, while we are dealing with some of the general</p> <p>19 points about the NCA's role, can I bring up, please, the</p> <p>20 NCA strategic assessment of serious and organised crime</p> <p>21 from 2018. That's NCA000287.</p> <p>22 If I can assist the panel in this way, this is</p> <p>23 a lengthy document that runs to some 57, I think, pages.</p> <p>24 This covers a whole range of threats but does</p> <p>25 specifically include, as one of the many threats that</p> <p style="text-align: center;">Page 119</p>	<p>1 your agency is dealing with, the issue of child sexual</p> <p>2 exploitation and abuse, at internal page 26, please.</p> <p>3 I think if we scroll in on the greyed-out table, the</p> <p>4 purpled table, does this table reflect, Mr Jones, the</p> <p>5 most recent key themes that the NCA is seeing in its</p> <p>6 strategic plan that I'm assuming is produced on a fairly</p> <p>7 regular basis? This is the 2018 strategic assessment.</p> <p>8 Does this document come out every year?</p> <p>9 A. It does. It's being updated at the moment. In addition</p> <p>10 to what we see here, over the last year we have seen an</p> <p>11 increase in severity of images, we have seen an increase</p> <p>12 in offending on the dark web and we have also seen an</p> <p>13 increase in volume and complexity.</p> <p>14 Q. You have mentioned within this chapter that, in addition</p> <p>15 to the victims within the UK -- internal page 27,</p> <p>16 please, there's a section headed "Overseas victims".</p> <p>17 You make the point at 123 that:</p> <p>18 "If offenders are embedded in [a particular]</p> <p>19 country, they are better able to exploit victims in</p> <p>20 institutional care, in education establishments,</p> <p>21 charities and/or religious groups. Both embedded and</p> <p>22 transient offenders target street children who are</p> <p>23 already being sexually exploited."</p> <p>24 They also target impoverished families where family</p> <p>25 members or other third parties are willing to act as</p> <p style="text-align: center;">Page 120</p>

<p>1 facilitators. In those cases, the disparity between the 2 financial position of the abuser and the victim or 3 victim's family is a key factor, which I think reflects 4 a theme we have heard from others? 5 A. Absolutely. This is the cynical attempt of 6 transnational child sex offenders to establish trust 7 with families and masquerade as philanthropists, 8 providing money to families and subsistence to children, 9 to then abuse that relationship and engage in contact 10 abuse with children overseas. 11 Q. Finally from this document, if you go over the page to 12 paragraph 128 on internal page 28, there is a section on 13 transnational child sex offenders, TCSOs, where you 14 indicate: 15 "TCSOs are highly likely to operate in a wider range 16 of countries than official data indicates. The majority 17 of convictions and requests for consular assistance from 18 UK nationals arrested for sex offences against children 19 abroad continue to occur in EU and Anglophone countries. 20 This is likely due to their sizeable British diaspora, 21 common spoken language and reporting mechanisms or 22 proximity to the UK and co-ordinated LE response (to aid 23 with detections) rather than them being a preferred 24 choice of destination by TCSOs." 25 Does that reflect the view that the number of</p> <p style="text-align: center;">Page 121</p>	<p>1 consular requests for assistance with sex offences 2 doesn't reflect where they actually are potentially 3 happening in greater numbers? 4 A. I think it does. I think a lot of the evidence heard to 5 date has focused on hotspots in Asia, particularly the 6 Philippines. I think the problem -- it is highly likely 7 the problem is much more widespread. We have 8 encountered TCSOs in places like Peru and elsewhere. It 9 is really about the exploitation of the vulnerable and 10 the cynicism involved in targeting areas where people 11 from the west will think they're able to abuse children. 12 So it is a more broad problem -- a broader problem than 13 has been perhaps described to date. 14 Q. I'm conscious that I went through the role of the NCA 15 relatively briefly, Mr Jones, and I know you have set 16 this out in greater detail for the panel. Shall 17 I perhaps just go through the headings of your 18 paragraph 25 and onwards in your witness statement to 19 assist the panel a little, I hope? If we can bring up, 20 please, NCA000296_011. I'm trying to ensure the panel 21 fully understand the range of work you do, and I hope 22 I'm doing it fairly. Firstly, you have a heading here 23 that the NCA has functions to facilitate law enforcement 24 inquiries abroad. So that means that, as well as the 25 work that you do within England and Wales, some of your</p> <p style="text-align: center;">Page 122</p>
<p>1 work is around law enforcement agencies overseas making 2 enquiries to the NCA. You have involvement in Europol, 3 the European agency for law enforcement co-operation, 4 and the UK International Crime Bureau. Is that right? 5 A. That's correct. 6 Q. You have given a significant amount of detail about the 7 notification processes, which I will come back to. But 8 is there anything else that the panel needs to 9 understand about what the NCA does in this field? 10 A. So, in addition to the national functions which are 11 housed in the UK, we obviously have an international 12 liaison network, which we cover later in our evidence, 13 and that's a key part of the response as well. 14 Q. We will in due course look at the operational guidance 15 for international liaison officers, but that is 16 something that we will perhaps come back to. Is there 17 anything more general that you think the panel need to 18 understand? 19 A. I think it's covered quite comprehensively. 20 Q. The panel can have regard to the broader parts of your 21 statement, if need be. 22 We have already mentioned today the Home Office 23 guidance on part 2 of the Sexual Offences Act, so 24 I won't perhaps come back to that. 25 Before I deal with the details around Civil Orders,</p> <p style="text-align: center;">Page 123</p>	<p>1 I think, as we heard earlier in the week, it is right, 2 isn't it, that Bharti Patel from ECPAT UK did attend at 3 the CEOP offices? I'm not sure if it was you who she 4 met. But you wanted, I think, to confirm that that 5 meeting has taken place. Is that right? 6 A. That's correct. So obviously ECPAT are an important 7 partner of the NCA and Bharti Patel met with deputy 8 director Roy McComb to get an up-to-date briefing of 9 the role of the NCA and its priorities in this area. 10 Q. I turn now please to your detailed evidence on 11 Civil Orders. Broadly, you have explained in your first 12 witness statement that prior to the change in law giving 13 effect to the two orders with which we are focusing in 14 particular, the NCA had no power to apply for Foreign 15 Travel Orders. Is that right? 16 A. That's correct. 17 Q. The NCA also had no legal powers to apply for the Risk 18 of Sexual Harm Orders. It was partly around those gaps 19 that new provisions were made to allow the NCA itself to 20 make applications for Sexual Risk Orders, SROs, or 21 Sexual Harm Prevention Orders, SHPOs. Is that right? 22 A. That's correct. 23 Q. You, I think, indicate that your understanding of 24 the history of this legislation is partly reflected by 25 the ACPO review from 2013 that I think we have already</p> <p style="text-align: center;">Page 124</p>

1 looked at, which dealt with some of the limitations of
 2 the old regime. I'm not sure there's anything in
 3 particular that you need to draw out of that. Is that
 4 right?
 5 **A. That's correct.**
 6 Q. You have provided some evidence about statistics, that
 7 I think we have looked at in a general sense from the
 8 MAPPA information, but can we now please look at your
 9 evidence of the orders obtained by the NCA. So can we
 10 look, please, at your internal page 36 of this witness
 11 statement, paragraph 98.
 12 We looked -- we can look, please, into paragraph 98
 13 in table 1. In particular, that this sets out, does it,
 14 since the change in the legislation, the number of
 15 orders that the NCA has applied for itself? So it's the
 16 number of SHPOs is 183 and the number of SOPOs for
 17 Northern Ireland is 27. That's because I think there's
 18 a slightly different regime that applies there; is that
 19 right?
 20 **A. That's correct. And our mandate to operate in**
 21 **Northern Ireland came shortly after the inception of**
 22 **the NCA. We didn't have that immediately. So we**
 23 **started to operate slightly later in Northern Ireland.**
 24 Q. You make clear over the page that you have applied for
 25 one Sexual Risk Order, and you give some reasons for why

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1 an actual prosecution that takes place, so that's why
 2 there perhaps is only one, freestanding on its own, SRO?
 3 **A. That's right.**
 4 Q. That's part of it?
 5 **A. That's part of it, yes.**
 6 Q. I think you make clear, in fairness, at the end of
 7 paragraph 99, do you, that the other issue that you have
 8 raised there is that there cannot be a public interest
 9 immunity hearing, ie, a closed hearing, for an SRO
 10 application, and so you can't make an SRO application
 11 based on closed material or intelligence or PII matters;
 12 is that right?
 13 **A. That's correct. We are very interested in using Sexual**
 14 **Risk Orders to mitigate the risk to children and using**
 15 **them in greater numbers. One of the challenges that we**
 16 **have alluded to is, again, if we have an intelligence**
 17 **picture, some of which we can convert into evidence, we**
 18 **would very much like to act earlier and turn that into**
 19 **a Sexual Risk Order. But if we have to do that**
 20 **publicly, that could compromise the intelligence sources**
 21 **and undermine our ability potentially to pursue that**
 22 **individual for an arrest.**
 23 **That, again, is the detail that sits behind the**
 24 **assertion in that paragraph.**
 25 Q. Can you give the panel, then, a bit of a flavour for the

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1 that number is as low as it is, perhaps. So could you
 2 explain those to the chair and panel, please?
 3 **A. Sure. So the response to child sexual abuse is driven**
 4 **by a pursue response, that's to arrest the offenders and**
 5 **mitigate the risk to the children. So when we establish**
 6 **an evidential picture on a suspect, that's highly likely**
 7 **to result in us pursuing that individual for an arrest**
 8 **and a prosecution. Part of the challenge with Sexual**
 9 **Risk Orders is we need to establish to a criminal burden**
 10 **of proof the facts behind the application for that**
 11 **order. If you reach that threshold, you are very likely**
 12 **to be going for a charging advice to arrest that**
 13 **individual and bring them to justice.**
 14 **So the challenge with Sexual Risk Orders is to find**
 15 **cases where they perhaps fall just short of the criminal**
 16 **burden of proof, but you've still got a viable Sexual**
 17 **Risk Order application. That's quite challenging, and**
 18 **officers find that quite challenging in their day-to-day**
 19 **business.**
 20 **So the threshold, although it's a Civil Order, it's**
 21 **important to understand that the facts behind that Civil**
 22 **Order have to be made out to a criminal standard, and**
 23 **that's the challenge we allude to in that paragraph.**
 24 Q. I think what you're suggesting is, if that threshold
 25 looks likely to be met, then it's quite likely there is

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1 example that you have explained as your SRO case study,
 2 where it was that you did obtain an SRO? Please tell
 3 the panel a little bit more about that?
 4 **A. So this was a case with an offender that was accessing**
 5 **indecent images of children. We attempted to have that**
 6 **individual charged with a criminal offence. We fell**
 7 **short in obtaining that charging decision, so we sought**
 8 **a Sexual Risk Order, which we were successful in**
 9 **obtaining, and we have used that to mitigate the risk of**
 10 **that individual both travelling and engaging in further**
 11 **internet abuse and potentially inciting abuse overseas.**
 12 **That individual is managed jointly between us and the**
 13 **MPS as one of the first orders we have obtained. We**
 14 **have taken a keen interest in the management of that**
 15 **individual.**
 16 Q. I think you make the point here that the interim order
 17 subsequently became a full order, and this prevents the
 18 individual from travelling abroad without permission.
 19 You regard this as a more permanent measure than bail
 20 conditions. It was a proportionate approach to take,
 21 given the long-term risk the suspect was assessed to
 22 pose. And without such restrictions, the concern was
 23 that they would travel to abuse children?
 24 **A. That's correct.**
 25 Q. You have given information based on interrogation of

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1 the ViSOR database and the PNC whereby you have tried to
 2 elicit information about the underlying behaviour or
 3 offending that has given rise to a series of these SHPOs
 4 or SOPOs. Is that right?
 5 **A. That's correct.**
 6 Q. We can pull up, please, table 2 from your internal
 7 page 39 of this witness statement. These are examples,
 8 I think, or categories of the underlying behaviour that
 9 led to the NCA applying for SHPOs or the
 10 Northern Ireland SOPOs; is that right?
 11 **A. That's correct.**
 12 Q. So one can see across these figures that the majority of
 13 orders were sought -- SHPOs were sought because of
 14 indecent images of children; extreme pornography was the
 15 second-highest category; and causing or inciting a child
 16 to take part in sexual activity was the next highest
 17 category.
 18 Is there anything in particular around these
 19 categories of offending that you would like to draw to
 20 the panel's attention?
 21 **A. Yes. It's relevant to the threat from transnational
 22 child sex offenders, it's the crossover between the
 23 online and the real world. So the individuals that we
 24 are seeking these orders against are the type of
 25 individual that are likely to feature in TCSO**

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1 Q. Help us, then, please, with the duration of time that
 2 the orders were imposed for. We can pull up, please,
 3 table 3, internal page 40. This is the duration of
 4 SHPOs imposed as a result of applications by the NCA
 5 that range from, as we see, some that are five years and
 6 up, some that are ten years, some that are figures
 7 higher than that, some up to 15 years. Is that right?
 8 **A. That's correct.**
 9 Q. Is there anything from this table that you would like to
 10 highlight for the panel?
 11 **A. No.**
 12 Q. You were asked about what travel abroad to offend had
 13 taken place prior to these orders being made. Which of
 14 these orders were made in circumstances where the
 15 individual had travelled abroad to offend before the
 16 order was made?
 17 **A. So in relation to the offenders that are captured here,
 18 we see that in three instances the operational activity
 19 related to individuals that had travelled.**
 20 Q. I think that relates to two operations that we know the
 21 names of -- one that is a current operation -- and you
 22 have also explained that in one of these the offender
 23 had not travelled abroad but had paid for live streaming
 24 of abuse from the Philippines?
 25 **A. That's correct.**

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1 **investigations. So while I can't say every offender
 2 that accesses indecent images of children on the
 3 internet is likely to become a TCSO, I think it is
 4 likely that most TCSOs have accessed indecent images of
 5 children on the internet.**
 6 **So by taking action against these individuals at the
 7 scale that we are, we are contributing to mitigating the
 8 risk of offenders travelling overseas.**
 9 **The challenge, which we will come on to later, is
 10 that much of the evidence that sits behind these cases
 11 is about their behaviour on the internet, not about
 12 their intent to travel overseas, and that creates some
 13 challenges for us in obtaining restrictions on their
 14 travel.**
 15 Q. Just to correlate the numbers that we looked at before,
 16 the SHPO column here is giving the panel underlying data
 17 or categories about the 180 SHPOs that have been imposed
 18 in this period of time, and so some of these are
 19 categorised twice. Is that right?
 20 **A. That's correct.**
 21 Q. So the numbers here are higher than the overall number
 22 of orders. So at least some of these orders have been
 23 imposed because an individual has done more than one of
 24 these things to merit the order?
 25 **A. That's correct.**

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1 Q. Can I ask the panel now to be shown your table 4, which
 2 is internal page 41.
 3 That is the type of restriction imposed. So we can
 4 see, of the SHPOs, the number of travel restrictions
 5 there was three. I think that's because the statistics
 6 go up to the end of 2017. Is that right?
 7 **A. That's correct.**
 8 Q. But we can see that the majority of restrictions were
 9 around internet use, contact with children, there were
 10 182 and 101 respectively, with smaller categories of
 11 restriction in residence, employment, travel or
 12 ownership of animals; is that right?
 13 **A. That's correct.**
 14 Q. Helping the panel, please, if you would, with what you
 15 say about the process for applying for travel
 16 restrictions and why at the moment, at least, they
 17 cannot be applied for as a matter of course. Help us in
 18 understanding that, please?
 19 **A. So the evidence which we present in relation to the
 20 behaviour of the offender, the challenge is, we -- in
 21 many of these cases, we have acted early to mitigate the
 22 risk to children and safeguard children, and we have
 23 made arrests for their behaviour on the internet. So
 24 without a developed picture on their behaviour and an
 25 evidence base to indicate that they were going to**

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<p>1 travel, because of the challenges around proportionality</p> <p>2 and R v Smith, we will be challenged in our ability to</p> <p>3 obtain a travel restriction because the fundamental</p> <p>4 point is, if we haven't got a link to travel in our</p> <p>5 evidence or our intelligence, then we are going to face</p> <p>6 significant challenge in obtaining a travel restriction.</p> <p>7 Q. You have helpfully quoted parts of the Home Office</p> <p>8 guidance that I think we looked at very early today, but</p> <p>9 very briefly. Could I bring up, please, 106 of your</p> <p>10 witness statement, and 107, and expand out, please, so</p> <p>11 we can read them both. Broadly, what you are</p> <p>12 highlighting for the panel here is:</p> <p>13 "The Home Office guidance stresses this guide and</p> <p>14 that the court must be satisfied that an order is</p> <p>15 necessary to protect the public or any members of</p> <p>16 the public in the UK or children or vulnerable adults or</p> <p>17 any particular children or vulnerable adults abroad from</p> <p>18 sexual harm from the offender. The chief officer or NCA</p> <p>19 must be able to show that the offender has acted in such</p> <p>20 a way since their conviction as to make the order</p> <p>21 necessary."</p> <p>22 It goes on at 34:</p> <p>23 "Care needs to be taken that the prohibitions in the</p> <p>24 order can be justified by the assessment of risk. The</p> <p>25 questions that need to be asked when considering the</p> <p style="text-align: center;">Page 133</p>	<p>1 terms of the order are: (1) would an order minimise the</p> <p>2 risk of harm to the public or to any particular members</p> <p>3 of the public? (2) is it proportionate? (3) can it be</p> <p>4 policed effectively?"</p> <p>5 You highlighted over the page what you have briefly</p> <p>6 just referred to, the Court of Appeal case of Smith,</p> <p>7 which reinforced the need for tailoring the terms of</p> <p>8 the SHPO to the requirements of the case exactly and the</p> <p>9 need for proportionality and necessity.</p> <p>10 Does that, therefore, in practice, operate as</p> <p>11 a limit on the number of situations that can justify one</p> <p>12 of these orders being made?</p> <p>13 A. It does, and in two cases we have sought orders and</p> <p>14 those orders have been denied. In a third case, we</p> <p>15 approached the CPS in relation to the potential for</p> <p>16 obtaining an order and we didn't get past that part of</p> <p>17 the process in obtaining an order.</p> <p>18 So we are encountering difficulties in obtaining the</p> <p>19 orders, and we have had orders rejected.</p> <p>20 Q. Can I ask you this, a sensible suggestion that's been</p> <p>21 made for a question to you just now, but can I ask you,</p> <p>22 do you think it would be appropriate for a power to be</p> <p>23 given to make an order -- it perhaps isn't a power, is</p> <p>24 it? Whether or not there is a link with travel and the</p> <p>25 offending, do you believe there should be a power to</p> <p style="text-align: center;">Page 134</p>
<p>1 limit travel?</p> <p>2 A. So restricting people's activities who pose a potential</p> <p>3 threat to children is something that many investigators</p> <p>4 would like to do, and I'm sure something that civil</p> <p>5 society would like to see happen. But there are some</p> <p>6 fundamental challenges when you start considering this,</p> <p>7 in that a blanket ban on travel will interfere with</p> <p>8 article 8 rights, a blanket ban on travel will be</p> <p>9 challenged. So, however we approach this, we are</p> <p>10 ultimately going to be dealing with issues of</p> <p>11 proportionality and fairness, so we do need to be able</p> <p>12 to make a case.</p> <p>13 So whilst I would certainly be interested in the</p> <p>14 ability to obtain more orders and be more effective at</p> <p>15 restricting the travel of potential TCSOs, we do circle</p> <p>16 back to the fundamental point that, if you haven't got</p> <p>17 evidence of travel, how do you make the case and reach</p> <p>18 the bar in terms of proportionality and necessity?</p> <p>19 Q. A few more points of detail, please, about some of</p> <p>20 the orders. You were asked questions about whether or</p> <p>21 not it's possible to identify whether, when the orders</p> <p>22 have been lifted, individuals have gone on to travel and</p> <p>23 things of that nature. I think broadly your position</p> <p>24 is -- bring up, please, paragraph 110 -- that the SRO</p> <p>25 you have referred to is still in place; the two interim</p> <p style="text-align: center;">Page 135</p>	<p>1 SHPOs that you referred to earlier are not yet enacted</p> <p>2 as the people are in prison. Generally, monitoring of</p> <p>3 these orders is done by the local police force so you</p> <p>4 aren't really able to help with whether or not people</p> <p>5 have continued to travel abroad once the order has been</p> <p>6 lifted. Is that right?</p> <p>7 A. That's correct. Just one point on the enactment. They</p> <p>8 will be enacted as and when that becomes appropriate,</p> <p>9 but it is important when people are in prison that if we</p> <p>10 get more up-to-date information on their behaviour</p> <p>11 through offender management and our intelligence sources</p> <p>12 that we use that up-to-date picture to see those orders.</p> <p>13 So the enactment would be expected pre release.</p> <p>14 Q. Just a few questions, please, about the training that</p> <p>15 staff are given in relation to these issues in addition</p> <p>16 to the Home Office guidance. I think you make clear</p> <p>17 that the NCA disruption manual gives guidance on these</p> <p>18 orders. Can I pull up, please, NCA000295. This is,</p> <p>19 I think, an extract from a much longer document because</p> <p>20 we can see it's internal page 164. But this gives</p> <p>21 guidance to police forces, does it, on how to apply for</p> <p>22 a SHPO, and then, if one goes over to internal page 4,</p> <p>23 how to apply for an SRO. Is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. You were asked, I think, later, and dealt with in your</p> <p style="text-align: center;">Page 136</p>

<p>1 most recent witness statement, any information about 2 prosecutions for breach of one of these orders. Can 3 I ask, please, for paragraph 4 of your final witness 4 statement to be brought up. That's NCA000336_003. 5 You again, I think, have interrogated the ViSOR 6 database and the PNC to identify breaches of the order. 7 Is this something you're able to help with from an NCA 8 perspective? 9 A. So, in terms of the NCA orders, as a result of breaches, 10 there's been six convictions for breaches of Sexual Harm 11 Prevention Orders, and five of the seven cautions were 12 for breaches imposed in Northern Ireland. 13 Q. Generally, though, I think management of these orders 14 resides with the local police force, even if it's been 15 made by the NCA originally; is that right? 16 A. It does. We will obviously share intelligence and 17 retain an interest, but the actual day-to-day management 18 of offenders sits locally. 19 Q. Just help the panel briefly with the nature of 20 the breach that was found. You have dealt with this at 21 paragraph 6 of this witness statement. What had the 22 offender continued to do? 23 A. So there is -- one was in relation to the online contact 24 with children, which led to contact child abuse. One 25 was in relation to children offline, and four in</p> <p style="text-align: center;">Page 137</p>	<p>1 relation to internet use of the electronic devices. 2 Q. Just over the page, for completeness on this, please. 3 Of the seven that were given cautions for breaches, it 4 was similar sorts of repeat activity; is that right? 5 A. It was. 6 Q. The breaches were discovered through home visits in ten 7 cases, intelligence in two cases, and it's not yet clear 8 how the remaining breach was identified. Is that right? 9 A. That's correct. 10 Q. You make clear in answer to the question in the 11 following paragraph that, of those 13 convictions or 12 cautions, one was for contact child sex abuse after 13 engaging with a child online, to which the individual 14 pleaded guilty. The remaining 11 individuals exhibited 15 suspicious behaviour in breaching their order, 16 indicating that they may have been seeking to offend, 17 such as concealing their activity. Is that right? 18 A. That's correct. 19 Q. I should have perhaps drawn this out. Looking at 20 paragraphs 6 and 7, those cautions and convictions for 21 breaches of the orders, none of them were about foreign 22 travel, they were all about other prohibitions that had 23 been breached; is that right? 24 A. That's correct. 25 Q. You gave some evidence in your final witness statement</p> <p style="text-align: center;">Page 138</p>
<p>1 about occasions where the NCA has tried but not been 2 able to obtain a particular order. Can I ask you to 3 look, please, at paragraph 14 of your final witness 4 statement. It's NCA000336_007. You refer to three 5 different cases where I think an application for a SHPO 6 had been made but not succeeded. Can you help us with 7 that, Mr Jones? 8 A. These are the cases which I mentioned earlier in my 9 evidence where we have -- the investigators have 10 developed a picture and we have then, through CPS, made 11 applications and have sought orders. We applied for 12 a -- in one of those examples, we applied for a foreign 13 travel restriction because we had significant concerns. 14 The application was refused by the judge as we couldn't 15 evidence that there had been contact abuse abroad or any 16 offences abroad and we couldn't evidence the link to the 17 likelihood of foreign travel. 18 Q. Turning then to the final issue under this heading, 19 please, which is about how effective this regime is and 20 whether it perhaps needs to be reformed in any way, we 21 have heard from several witnesses the background to the 22 ACPO review in 2013, and I think we heard this morning 23 that the Home Office reviews that took place in the 24 early stages of the regime change led, in November 2016, 25 to a document that you have also exhibited. Can we pull</p> <p style="text-align: center;">Page 139</p>	<p>1 this up, please, NCA000294. I think this was 2 a Home Office update note that broadly provided the 3 responses to a monitoring exercise which showed some 4 issues and some positives, if I can put it that way, 5 because we can see, if we carry on through the document 6 that you have provided -- we looked at it earlier -- for 7 each of the SHPOs and the SROs there were themes, 8 positive and negative, elicited from the feedback. Is 9 that right? 10 A. That's correct. 11 Q. As far as the NCA's position is concerned, what is your 12 position overall about how effective this regime is? 13 A. So the regime is a useful tool in managing sex 14 offenders, and we see very real benefits from it. The 15 challenges I think I have alluded to in my evidence, but 16 we are supportive and we see it as a positive regime in 17 terms of the management of offenders and restricting 18 offenders' attempts to abuse children. 19 Q. I think in your witness evidence -- we can bring it up, 20 000336, paragraph 15 -- you have made the point that, to 21 some degree, because management of these orders lies 22 with local forces, you are, to some degree, a little 23 removed from this, but you are nevertheless able to 24 offer some views on its effectiveness; is that right? 25 A. That's correct. As I said earlier, the day-to-day</p> <p style="text-align: center;">Page 140</p>

1 **management sits locally. However, we do see from our**
 2 **own casework and from our national role the use of**
 3 **the orders, and that's what I base my comments on.**
 4 Q. Could I ask you to look, please, at the list of concerns
 5 and reforms document that I think you have been provided
 6 with. It is INQ004049. I think you're familiar,
 7 Mr Jones, with one of the first issues that's been
 8 raised by several witnesses, which is essentially -- go,
 9 please, to paragraph 1 on this document -- whether or
 10 not the numbers of foreign travel restrictions being
 11 imposed under either the old regime or the new regime
 12 are too low, whether these restriction orders are not
 13 being made enough. I appreciate there's still a lack of
 14 clarity as to the final number of foreign travel
 15 restrictions on the SRO side, but the numbers on the
 16 SHPO side are low, if one looks at them.
 17 Can you help the panel with anything further, apart
 18 from the proportionality and human rights issues that
 19 you have alluded to and the prosecution issue that you
 20 alluded to, the fact there may be a prosecution, and the
 21 PII issue? Is there anything further that might explain
 22 why those numbers are low?
 23 **A. So the fundamental point that -- and I think I've**
 24 **covered this, but just to give you a bit more detail in**
 25 **terms of being able to demonstrate the intent to travel,**

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1 for these stamps to be placed in passports. What's your
 2 view on that, Mr Jones?
 3 **A. I think it would be very challenging to implement, and**
 4 **it could create difficulties internationally in some**
 5 **regimes where a stamp or a notification that somebody is**
 6 **a sex offender could lead to very ill consequences for**
 7 **that individual, regardless of whether they had a sexual**
 8 **interest in children or whether travel was connected to**
 9 **it.**
 10 Q. What do you think about an outright travel ban? How
 11 easy would that be to implement or how appropriate would
 12 it be?
 13 **A. I think it would be challenging to implement.**
 14 Q. Because?
 15 **A. For all the reasons I explained, because it would face**
 16 **significant challenge.**
 17 Q. Because of the proportionality issues?
 18 **A. Ultimately, it's a public policy issue in terms of**
 19 **whether a ban like that was pursued. From a law**
 20 **enforcement perspective, I know that everything we do,**
 21 **we face challenge in terms of proportionality and**
 22 **necessity, and I would expect that regime to be**
 23 **challenged in the same way.**
 24 Q. In terms of the other proposals that are made here, at
 25 8 through to 11, do you think there is a need, for

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1 is -- you know, sits at the heart of this. So we
 2 exchange intelligence internationally when we have
 3 concerns about individuals, and we do that very
 4 regularly, and we do that with international partners.
 5 **A regime which is evidence based, where you can actually**
 6 **restrict those offenders' travel, is very different to**
 7 **an intelligence-led response, where you can exchange**
 8 **information, and it's that evidential threshold that**
 9 **sits at the heart of the challenge for those orders.**
 10 Q. Do you share any of the other concerns that are raised
 11 at paragraphs 2 through to 7 of this -- well, not 7. We
 12 will perhaps come to that separately. 2 through to 6 of
 13 this document. Do any of these chime with you or any
 14 that you want to say that you do or don't agree with?
 15 **A. So we welcome more engagement with specialists in the**
 16 **field in relation to this topic and developing the**
 17 **regime, and we will obviously be very happy to do that.**
 18 **Broadly, in terms of the concerns that are expressed,**
 19 **I think they're reasonable questions about a relatively**
 20 **new regime.**
 21 Q. In terms of reform to the regime, I take you perhaps to
 22 the end of this section, paragraph 16. Perhaps
 23 anticipating your answer already, but, as you have
 24 heard, some other witnesses have advocated for an
 25 outright travel ban, and, in the alternative, perhaps

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1 example, for further training for police forces on these
 2 issues so that these issues -- these orders become more
 3 routine?
 4 **A. So I think these orders, by their very nature, can't be**
 5 **routine because of the conditions behind them, because**
 6 **they are evidence based. But, absolutely, continual**
 7 **professional development and training, it is a positive**
 8 **thing for all investigators.**
 9 Q. It's not on this list, but it perhaps comes out of your
 10 evidence: would the implementation of a PII procedure
 11 within the application framework assist?
 12 **A. I think it would. I think it would allow us to present**
 13 **material where we have a growing intelligence picture of**
 14 **an offender's pathway towards more serious offending.**
 15 **So we see behaviour on the internet, we see behaviour on**
 16 **the dark web, where people progress through a pathway to**
 17 **more severe offending. We see that people may access**
 18 **indecent images of children and then progress through to**
 19 **chat rooms, and in some of those chat rooms, they will**
 20 **be incited to commit contact abuse. That type of**
 21 **behaviour and that journey through that pathway to much**
 22 **more serious behaviour, we can chart through**
 23 **intelligence activity. It is sometimes very difficult**
 24 **to evidence that pathway.**
 25 **That type of approach, from a Sexual Risk Order**

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1 **perspective, would be very useful for us, but we'd have**
 2 **to be able to protect the source of that intelligence.**
 3 Q. Do you think that sort of process would be vulnerable to
 4 challenge or do you think that would be more easy to
 5 defend?
 6 **A. So I think it would be very likely to be challenged, but**
 7 **I think there is precedent for a similar sort of**
 8 **approach with other regimes which operate in the UK.**
 9 Q. Can you give us some examples of what those regimes are
 10 for other orders that are applied for with a PII
 11 procedure?
 12 **A. We have described it as a PII procedure. It would**
 13 **actually be a different procedure. But there are -- if**
 14 **we look at the counter-terrorism regime, if we look at**
 15 **the approaches to immigration, there are a range of**
 16 **other areas that we should look at which perhaps may**
 17 **give a model where we could use this type of material.**
 18 Q. I am going to come on and ask you some questions as best
 19 I can about the other ways in which the NCA tries to
 20 notify foreign authorities of the movements of those who
 21 are known to be at risk. But is there anything else in
 22 particular on Civil Orders that you would like to say,
 23 Mr Jones?
 24 **A. No.**
 25 Q. I am going to go back now, please, if I may, to your

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1 **Europol regime under SIS II and the 36(2) alert is in**
 2 **volume the most used. The Interpol Diffusion Notices in**
 3 **relation to child sexual abuse are also used. The range**
 4 **of notices for Interpol are used very carefully because**
 5 **of the need for risk assessment because of the wide**
 6 **membership of Interpol. But, in essence, these**
 7 **paragraphs give a very detailed account of**
 8 **the day-to-day activity that the NCA undertakes at**
 9 **volume and scale to disseminate material relating to**
 10 **travelling offenders.**
 11 Q. Are there any particular issues about how these
 12 different processes operate that you think the panel
 13 need to be made aware of insofar as it fits with the
 14 issues that they are considering in this phase?
 15 **A. So the challenge with some of these disseminations will**
 16 **be where we have travel or we have a dissemination that**
 17 **could end up in a regime where the human rights**
 18 **compliance is questionable or may be challenged, and the**
 19 **material about the individual could result in harm to**
 20 **that individual. So that risk assessment process, to**
 21 **balance the risk to children, to balance the risk to**
 22 **victims and revictimisation against the rights of**
 23 **the individual who is travelling is carefully made and**
 24 **sometimes that is challenging with some of these**
 25 **jurisdictions.**

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1 first witness statement, and I am conscious this is
 2 quite a granular section of evidence that you are very
 3 familiar with, and I'm perhaps not so familiar, so
 4 please forgive me if I don't quite get this right. I am
 5 sure the panel would welcome a straightforward
 6 explanation of this.
 7 Broadly, you set out I think between paragraphs 33
 8 and I think about paragraph 63 of your first witness
 9 statement -- well, perhaps paragraph 62, a range of
 10 other ways in which travel abroad is notified depending
 11 partly on whether the individual is travelling to
 12 a Schengen country or a non-Schengen country. There are
 13 various ways in which alerts can be sent about
 14 individuals, and I'm really trying to simplify this for
 15 the panel. There are also processes by which Interpol
 16 can send what are called Green Notices and there are
 17 also Blue Notices and there are also things called
 18 Diffusions. Can you try and summarise for the panel
 19 quite simply what that evidence relates to insofar as
 20 they need to understand it?
 21 **A. So these are methods where the National Bureau functions**
 22 **which the NCA holds for national law enforcement and the**
 23 **NCA in the UK, where, through multilateral and bilateral**
 24 **channels, we disseminate formally intelligence and**
 25 **evidence about offenders who are travelling. So the**

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1 Q. Partly the reason why I am asking you these questions,
 2 Mr Jones, is because one of the things that you later
 3 come to recommend is that there is greater emphasis on
 4 preventing travel of registered sex offenders by using
 5 SIS II article 36 alerts, warning Diffusions and
 6 Green Notices. So you are proposing one way of
 7 strengthening the response here would be to use these
 8 methods more. Is that right?
 9 **A. Absolutely. At the heart of all of these efforts is our**
 10 **attempts to prevent offending, because if a traveller**
 11 **offends and then we are potentially pursuing that**
 12 **offender with section 72 or a prosecution in-country,**
 13 **that's actually a failure because there's a victim and**
 14 **that individual has successfully travelled.**
 15 **So the heart of the NCA's effort with national**
 16 **policing is to prevent travel and prevent offending, and**
 17 **these measures are all part of that, and so greater**
 18 **knowledge and understanding of this nationally within**
 19 **the UK and internationally is a very positive thing.**
 20 Q. You have provided the panel with the international
 21 circulations for ViSOR nominals document, NCA000292.
 22 This deals with partly these SIS II article 36 alerts
 23 that you have talked about.
 24 This document, I think, is giving guidance to police
 25 forces on how to circulate information either, as we see

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<p>1 at section 1, a SIS II article 36 alert or under 2 section 2 an Interpol alert about individuals. Is that 3 right? 4 A. That's correct. 5 Q. Is there anything about this document or how this system 6 might be strengthened that you would like to draw to the 7 panel's attention that you haven't already? 8 A. This document and our efforts are part of raising 9 awareness and encouraging all investigators that operate 10 in this area to ensure that intelligence is 11 disseminated, and it gives a useful summary of what can 12 be done and some of the measures that need to be taken 13 in undertaking that activity. 14 Q. You have described in your witness statement various 15 other elements, perhaps, of this overall strategy, 16 including, you say -- if we can pull up, please, 17 paragraph 61 of your first witness statement, 18 NCA000296_022, please. 19 A. So this talks about the use of National Border Targeting 20 Centre with Border Force and a multi-agency approach to 21 tackle serious and organised crime, including child 22 sexual abuse, and through our ability to look at 23 historic travel patterns and the behaviour of TCSOs, we 24 can profile and target offenders and their plans to 25 travel.</p> <p style="text-align: center;">Page 149</p>	<p>1 We go on -- I go on to talk about our efforts in 2 relation to disseminating intelligence about travel to 3 high-risk countries and a project which we are 4 undertaking to ensure that we can disseminate 5 intelligence fast time, 24/7, to allow sex offenders to 6 be interdicted at border controls and prevented from 7 entering the country. 8 Q. You indicate at paragraph 63, please -- we will scroll 9 down in your witness statement -- that between 1 January 10 and 2 June 2018, 41 individuals have been refused entry 11 into countries assessed to be at high risk because of 12 this sharing of intelligence that you have engaged in; 13 is that right? 14 A. That's correct. That has been as a result -- direct 15 result of intelligence which has allowed countries to 16 make an informed view as to whether the entry of 17 the individual into that country was conducive to the 18 public good, in our own language, and allow them to 19 prevent individuals who are high risk from entering the 20 country, and in those cases, that's exactly what's 21 happened. 22 Q. You gave evidence at paragraph 38 and onwards about the 23 alert processes under article 36(2), these are Schengen 24 alerts, meaning that if there is a hit or a match, this 25 is automatically communicated to police forces. How</p> <p style="text-align: center;">Page 150</p>
<p>1 does this work in reality, in conjunction with foreign 2 travel restrictions, or indeed separately from them? 3 How does this work? 4 A. So in relation to the notifications, those notifications 5 will go out through police channels to ensure that there 6 is as much time as possible to mitigate the risk of that 7 travel and to ensure that the threat that that 8 individual poses will be mitigated. 9 Q. Just, I think, what's being dealt with here is where 10 a communication has come from a member state to the UK; 11 is that right? 12 A. That's correct. 13 Q. And once notification is received, you say that the 14 owning police force is informed. So that's about an 15 incoming individual. Is that right? 16 A. That's correct, yes. 17 Q. Does this operate the other way, so that the UK can 18 issue an alert externally about somebody travelling? 19 A. It does. So through our ability with SIS II and through 20 border systems, we have the ability to do exactly that. 21 Q. You I think have already alluded to that guidance that 22 I took the panel to, but just because you set this out 23 in your witness statement, please can we go to internal 24 page 40 -- forgive me, page 16, it is paragraph 40. You 25 have summarised there in your witness evidence that all</p> <p style="text-align: center;">Page 151</p>	<p>1 these categories of individuals at paragraph 40 should 2 be circulated via these article 36 alerts. So all ViSOR 3 nominals who notify foreign travel, all RSOs identified 4 as travelling abroad through foreign travel 5 notifications, other ViSOR nominals, such as RSOs, where 6 there is intelligence that they have travelled abroad 7 but did not comply, other ViSOR nominals prohibited from 8 travelling abroad, so these are the groups you try to 9 notify through the article 36(2) process; is that 10 correct? 11 A. That's correct. 12 Q. I'm conscious I have taken that technical evidence quite 13 simply. Is there anything that needs to be clearer, 14 Mr Jones, that you would like to explain to the panel 15 because this does sit alongside the Civil Orders regime 16 if I have understood it correctly? 17 A. That's correct. I think the only point I would make is, 18 as we described that very technical and official route, 19 the project which we talked about with the 41 20 individuals, this is part of a suite of responses which 21 is playing out concurrently to try and manage these 22 individuals. So on any one day, there will be thousands 23 of SIS II alerts, on any one day there will be a number 24 of intelligence disseminations. All of this activity 25 happens concurrently to try to mitigate the risk of</p> <p style="text-align: center;">Page 152</p>

<p>1 travel and they complement each other and cover some of 2 the gaps in the regime. 3 Q. I would like to move on now to ask you some questions 4 about section 72. I do have a question about the way in 5 which allegations are reported, but I will come back to 6 that perhaps dealing with section 72. 7 You have helpfully gone through in your witness 8 evidence a series of case studies about prosecutions 9 that have taken place under section 72. You have given 10 the panel quite a bit of detail about them. I will just 11 perhaps anchor the relevant parts of your witness 12 statement on this, because some of this detail has 13 already been opened for the panel. But you indicate, 14 please, internal page 29 of this first witness 15 statement, you have given details about 16 Operation Thereva at paragraph 78 and onwards. That's 17 the investigation into Richard Huckle. 18 A. That's correct. So this is a crossover from the online 19 world into contact abuse overseas. Huckle was an 20 individual who operated online and on the dark web and 21 then he also pursued his sexual interest in children by 22 travelling and engaging in hands-on contact abuse. He 23 compounded all of that by publishing on the dark web and 24 elsewhere pictures of that abuse, and he was 25 successfully pursued and convicted using section 72.</p> <p style="text-align: center;">Page 153</p>	<p>1 Q. You have gone on to describe the case of Keith Morris. 2 I think we have opened a little bit about that. Just 3 tell the panel a little about him, please? 4 A. So Morris was somebody that travelled to Kenya and 5 engaged in a relationship with a number of families and 6 individuals in Kenya, obtained the trust of those 7 individuals and then used that as a precursor to contact 8 abuse. We undertook a very complex investigation into 9 Morris which involved a number of officers travelling 10 repeatedly to Kenya to work with a unit that we'd 11 mentored in Kenya in terms of developing capability and 12 using that in-country capability and using specialist 13 officers from the UK, we had a case team of around five 14 officers in the UK and in the order of 24 staff, 15 including child protection advisers and investigators, 16 who had to travel in and out of Kenya on various 17 occasions to facilitate that investigation, and, most 18 importantly, the trial as well. 19 To get those witnesses to give evidence and to allow 20 them to give evidence via videolink to the trial in the 21 UK was particularly challenging and involved significant 22 input from the UK to bring that home. 23 Q. You have also, I think, detailed that ultimately he was 24 sentenced I think to 18 years and six months' 25 imprisonment, 17 years for ten sexual offences and</p> <p style="text-align: center;">Page 154</p>
<p>1 18 months concurrently for two counts of attempting to 2 pervert the course of justice. You have also provided 3 some information about various other operations that 4 have led to successful prosecutions, including of 5 Mark Frost. Do you want to tell us a little bit about 6 that? 7 A. Mark Frost was, again, an individual who travelled to 8 commit contact abuse. He was successfully dealt with 9 using the legislation. Again, a challenging and complex 10 case, where his activity was evidenced and he was 11 brought to justice through charging him under that 12 regime. 13 Q. You have described as well, I think, cases in relation 14 to Trevor Monk and David Graham. Could you give us 15 a bit of information about those two, please, and in 16 particular about the level of investigative support or 17 capacity building that you perhaps engaged in? 18 A. So in all of these cases, the level of investigative 19 support is high. In every case, we have sought early 20 investigative advice from the CPS and in every case we 21 have used PIP 2 investigators and PIP 3 investigators, 22 which is a standard within law enforcement for serious 23 and complex cases with specialist training to bring 24 these cases home because of their level of complexity. 25 Q. You have also mentioned, I think, one ongoing</p> <p style="text-align: center;">Page 155</p>	<p>1 investigation in relation to a female. Can you tell us 2 a little bit about that? 3 A. So slightly limited, as that case is ongoing. But that 4 case involves a range of offences with a female 5 offender, which is quite rare. Most of these cases are 6 male offenders. There is an abuse argument in relation 7 to that case, not in relation to the section 72 element 8 of it, I hasten to add, but that case is ongoing. When 9 that case is completed, we will consider what orders we 10 can pursue in relation to that behaviour. 11 Q. You were asked to look, please, at one of the exhibits 12 to Bharti Patel's witness evidence. We might just bring 13 that up, please. It's ECP000005_008, which is the 14 Australian form for reporting suspicious behaviour. 15 I think when Ms Patel gave evidence she said that the 16 NCA's form is rather more complex and long than this 17 form. Would you like to respond to that? 18 A. So we have a number of child protection advisers who 19 work within a multi-disciplinary environment within 20 CEOP, so we take advice from those child protection 21 advisers, the NSPCC and a range of professionals. So 22 I welcome Bharti's comments. We will consider them. We 23 think we have a child-friendly environment which 24 encourages reporting and we think we have 25 a victim-centred approach. Of course, if there is</p> <p style="text-align: center;">Page 156</p>

<p>1 anything I can take from what Bharti said around those</p> <p>2 forms, then we will try and make them better, as we</p> <p>3 always do:</p> <p>4 Q. You have indicated that training is given to officers,</p> <p>5 there is guidance also set out, I think, in your</p> <p>6 disruption manual. It is at NCA000300_001, please. On</p> <p>7 section 72. This is, I think, a further extract from</p> <p>8 your disruption manual?</p> <p>9 A. Yes. So this manual is intended as a ready reckoner for</p> <p>10 investigators to look at a menu of tactical options that</p> <p>11 can be used and give sensible guidance in terms of how</p> <p>12 to progress these cases.</p> <p>13 Q. In addition to indicating what the framework for</p> <p>14 section 72 is, what it can actually cover, there's</p> <p>15 advice about the procedure. But then over the page, it</p> <p>16 says:</p> <p>17 "What do I need to watch out for?"</p> <p>18 And then it says:</p> <p>19 "The section 72 process can be challenging with</p> <p>20 considerable cost and time implications. When making</p> <p>21 use of section 72, legal disparities between England and</p> <p>22 Wales and the country in question can create</p> <p>23 difficulties and the need to secure evidence from</p> <p>24 overseas, in particular, the CPS, may need to issue</p> <p>25 letters of request and witnesses may need to give</p> <p style="text-align: center;">Page 157</p>	<p>1 evidence from abroad."</p> <p>2 Is that flagging difficulties that in your</p> <p>3 experience have occurred with these section 72</p> <p>4 prosecutions?</p> <p>5 A. Not so much difficulties. This is just the real world</p> <p>6 of an extra-territorial prosecution. You need early</p> <p>7 investigative advice and specialist support and it means</p> <p>8 that, from the outset, the investigation policy needs to</p> <p>9 reflect that and investigators need to go into these</p> <p>10 cases mindful of all of those factors.</p> <p>11 Q. You have explained, I think, in your first witness</p> <p>12 statement -- can I bring up, please, paragraph 75 and</p> <p>13 paragraph 76 of your first witness statement,</p> <p>14 NCA000296_028. You have set out there the overview at</p> <p>15 75 of section 72. Then at 76 you have said this:</p> <p>16 "Prosecution under section 72 is complex and</p> <p>17 resource intensive as it requires the ability to prove</p> <p>18 the offence to an evidential standard often through</p> <p>19 interview of victims based abroad who can be unwilling</p> <p>20 or feel unable to do so, for example, due to fear of</p> <p>21 social stigma or from being pressurised not to speak</p> <p>22 out. Such cases are often of the highest risk and can</p> <p>23 involve the ongoing contact abuse of vulnerable</p> <p>24 children."</p> <p>25 Is there anything else you would like to add about</p> <p style="text-align: center;">Page 158</p>
<p>1 the challenges of these prosecutions, Mr Jones?</p> <p>2 A. One of the things that we encountered is the</p> <p>3 extra-territorial legislation is really useful because</p> <p>4 it extends our reach into countries and dealing with</p> <p>5 offending where, ordinarily, we wouldn't be able to</p> <p>6 pursue it. That is extremely positive and good. But of</p> <p>7 course, all of these are victim-centred crimes, all of</p> <p>8 these require safeguarding and a response on the ground</p> <p>9 in terms of victim care.</p> <p>10 So whilst we grow capability, and we do grow</p> <p>11 capability, as we did in Kenya and as we are currently</p> <p>12 doing in Namibia and British Overseas Territories in</p> <p>13 a range of other countries and we plan to in the</p> <p>14 Philippines, what we are trying to deal with is</p> <p>15 a standard where, in the UK, we have an established</p> <p>16 system for safeguarding under Working Together. Many of</p> <p>17 these countries have nothing recognisable in terms of an</p> <p>18 established framework.</p> <p>19 So whilst the pursue response, the investigative</p> <p>20 response, can reach out and bring people to justice, the</p> <p>21 victim-centred approach we need to engage with simply</p> <p>22 isn't there in some of these countries.</p> <p>23 In the case of Morris, we deployed 24 specialist</p> <p>24 officers. In many of these cases we will have to do</p> <p>25 similar things to bring these cases home. However we do</p> <p style="text-align: center;">Page 159</p>	<p>1 this, ultimately we also need to balance the development</p> <p>2 of investigative capability in the UK and overseas with</p> <p>3 the development of a safeguarding response which</p> <p>4 complements it. That is a very real challenge in these</p> <p>5 cases, because of some of the countries we are dealing</p> <p>6 with.</p> <p>7 Q. Do you consider that, overall, the NCA has the resources</p> <p>8 to tackle these highest-risk cases?</p> <p>9 A. So these cases do stretch our resources, but we are not</p> <p>10 in a position where we haven't done a case because of</p> <p>11 resourcing. So, on the basis of prioritisation and</p> <p>12 every day we are making decisions based on threat, harm</p> <p>13 and risk. I have told you that we are in an environment</p> <p>14 where we arrest on average with national policing</p> <p>15 400 people a month. So that is the level of demand.</p> <p>16 Despite all of that, we will pursue these cases as and</p> <p>17 when they come up and we will pursue them with vigour</p> <p>18 and bring people to justice.</p> <p>19 Q. Can I ask you to turn up, please, the operational</p> <p>20 guidance for international liaison officers,</p> <p>21 NCA000305_001. I think it is a document last updated</p> <p>22 in February 2018. This is what is given to the</p> <p>23 international liaison officers about a range of topics.</p> <p>24 But over the page, in the middle of the page, when</p> <p>25 dealing with child sexual abuse or exploitation,</p> <p style="text-align: center;">Page 160</p>

1 reference is made here under the heading "Encourage the
 2 host country to initiate their own investigations and
 3 prosecution against British nationals who commit CSEA
 4 offences in their host country. Section 72 allows UK
 5 individuals who offend overseas to be prosecuted in the
 6 UK. However, this should be seen as the last resort or
 7 in extremis option due to the complex and
 8 resource-intensive nature of these operations."
 9 Where does this last resort policy or principle come
 10 from, Mr Jones?
 11 **A. So there isn't a last-resort policy in relation to the**
 12 **use of section 72. So on seeing this advice and on**
 13 **reflection, this is not particularly well written in**
 14 **terms of what it says. There is not a last-resort**
 15 **policy, absolutely not. All of these cases are looked**
 16 **at on their merits, all of them will involve an**
 17 **investigator having to take advice from the CPS.**
 18 This advice has actually been withdrawn and updated
 19 with some updated advice for ILOs which gives a more
 20 rounded view on some of the challenges for prosecuting
 21 section 72 but makes it absolutely clear it is not
 22 a last resort. It was a guidance document, not a policy
 23 document and there is not a policy of section 72 being
 24 a last resort.
 25 Q. Can you indicate when it was reviewed and updated?

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1 (3.15 pm)
 2 (A short break)
 3 (3.30 pm)
 4 MS HILL: Mr Jones, I asked you some questions before the
 5 break about the guidance given to international liaison
 6 officers. Just to be clear, they are officers who are
 7 part of your network of officers who assist law
 8 enforcement abroad. You have referred to the network of
 9 international liaison officers. ECPAT have indicated
 10 that they know of one in Thailand and one in Kenya. Are
 11 you able to indicate which countries have such
 12 international liaison officers?
 13 **A. So we wouldn't ordinarily give a complete list of where**
 14 **our officers are based, but in the context of**
 15 **the inquiry, I can tell you that we are in Thailand, we**
 16 **are in the Philippines, we are in Hong Kong, we are in**
 17 **India, we are in Australia because of the regional**
 18 **significance, and we also have a total of 140 officers**
 19 **that are deployed internationally working with a range**
 20 **of partners, and one of the things that's very relevant**
 21 **to this threat area is the relationship with Five Eyes**
 22 **partners, by that I mean the Australian Federal Police,**
 23 **the FBI, Homeland Security in America, the New Zealand,**
 24 **Canada, all of those individuals collaborate with us**
 25 **very, very closely in relation to this work.**

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1 **A. So it's been reviewed and updated during the last two**
 2 **weeks and it's been reissued.**
 3 Q. Are you able to provide the inquiry with a copy of an
 4 updated version?
 5 **A. We can.**
 6 Q. Can we take it from your evidence that it no longer
 7 includes the phrase "last resort"?
 8 **A. It does no longer --**
 9 Q. It no longer includes it?
 10 **A. Thank you.**
 11 Q. I take that as a "yes"?
 12 **A. That's a "yes".**
 13 Q. Apart from that phrasing, can you give us any sense of
 14 the other significant changes to the documentation?
 15 **A. So the focus of the documentation is around**
 16 **a victim-centred approach around achieving best evidence**
 17 **and safeguarding and making sure that the relevant**
 18 **engagement takes place as quickly as possible in**
 19 **relation to all of those issues, and it is the same**
 20 **approach that we would take in the UK, recognising the**
 21 **challenges that these type of investigations present.**
 22 MS HILL: Chair, I do have a few more questions for this
 23 witness, but I see the time. I think I perhaps have
 24 a few more minutes, so maybe we should take a break.
 25 THE CHAIR: Yes, we will do that and return at 3.30 pm.

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1 **So where we have a strong presence, for instance,**
 2 **Kenya and British Overseas Territories where we are**
 3 **building capability and are on the ground, there are**
 4 **gaps in the coverage of Five Eyes partners, we assist**
 5 **them, they assist us.**
 6 Q. I think you indicated that there is a foreign liaison
 7 officer in the Philippines; is that right?
 8 **A. That's correct.**
 9 Q. Is there one in Cambodia?
 10 **A. There isn't one in Cambodia.**
 11 Q. Are there any plans to implement that post, given the
 12 prevalence of sexual exploitation and tourism and travel
 13 there?
 14 **A. We cover Cambodia from Vietnam. We think that's the**
 15 **most effective way of doing it at the moment. We keep**
 16 **it under regular review based on the intelligence**
 17 **picture. There has been evidence adduced in the inquiry**
 18 **about the nationality of offenders in those different**
 19 **countries and we see coverage from Thailand, Vietnam and**
 20 **the Philippines as a higher priority than Cambodia at**
 21 **the moment, but we review that based on the current**
 22 **threat picture, so that could change if that becomes**
 23 **more of a priority.**
 24 Q. Could you assist with what training the ILOs receive in
 25 different law enforcement cultures or backgrounds?

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<p>1 A. ILOs are all cleared to the highest standard, so they 2 are all develop vetted in terms of security clearance, 3 they go through extensive training before they deploy 4 and they are trained and given awareness on in-country 5 law enforcement before they go. 6 Q. Would having more ILOs on the ground assist in 7 safeguarding the children or witnesses in these case, do 8 you think? 9 A. I think that's quite a complicated question in that the 10 international liaison network is a law enforcement 11 network. As I alluded to earlier, law enforcement is 12 only one part of the response. So growing a law 13 enforcement network that doesn't have a commensurate 14 safeguarding response will gear the system in the wrong 15 way. So if we are going to improve the response, we 16 need to improve the safeguarding response at the same 17 time as improving the law enforcement liaison officer 18 response. 19 So it would be unhelpful, potentially, to plough all 20 of our efforts into law enforcement liaison if we are 21 not dealing with the fundamental problems in-country in 22 relation to safeguarding and children's welfare. 23 Q. Can I ask you to turn up, please, the list of concerns, 24 section 2, that deals with section 72, beginning at 25 paragraph 20. As you see there, rather like the</p> <p style="text-align: center;">Page 165</p>	<p>1 Civil Orders section, the first concern identified is 2 that there are still relatively low numbers of 3 prosecutions under section 72. Just to be clear, you 4 have given evidence about, I think, six successful 5 prosecutions by the NCA, is that right, and then some 6 others that are in hand. Is that correct? 7 A. That's correct. To bring that picture up to date, as we 8 sit here, there are another nine cases where three cases 9 are with CPS in terms of potential section 72 offences 10 and there are another six cases which we are looking at 11 where section 72 may be a viable charge. 12 So this ongoing effort from the NCA and national 13 policing partners to tackle TCSOs means that we are 14 continually trying to use a whole range of different 15 ways of tackling these offenders. 16 Q. Just so we are clear, those are section 72 prosecutions 17 that the NCA itself has initiated, not by a local police 18 force. Is that right? 19 A. That's correct. One of the things that's come out of 20 this is data. So I can give you accurate data in 21 relation to what the NCA has done, and that's what we're 22 doing. I have seen in the papers references to other 23 prosecutions which aren't NCA cases. So, you know, the 24 evidence is in fact that there are at least six 25 prosecutions.</p> <p style="text-align: center;">Page 166</p>
<p>1 Q. Yes, that's the point I was going to make. We will hear 2 tomorrow from six different individual police forces who 3 performed a dip sample of their own section 72 4 prosecutions. But the question is, nevertheless, put 5 that, allowing for that data issue, why do you think it 6 has still only been used, at least by the NCA, six 7 times? 8 A. I don't think it's "only". I think that figure 9 represents our response to the threat when we see 10 a viable use of that tactic. Every single case that the 11 NCA gets, it begins with trying to safeguard the victim 12 and then a range of tactical options to bring the 13 offender to justice and mitigate the risk they pose. So 14 the first and most important point is the quickest route 15 for intervention for safeguarding and for arrest and 16 intervention is in-country, with host law enforcement. 17 Now, there are a range of reasons why that might not 18 work and why section 72 may need to be brought to bear. 19 We look at all of those cases on a case-by-case 20 basis. But this isn't all about section 72. It can't 21 be. Because if we just focus on section 72, we miss 22 a whole range of interventions which can prevent harm to 23 children and it is a balanced response across all of 24 those threat areas, including pursuing offenders in the 25 UK who incite abuse overseas through live streaming in</p> <p style="text-align: center;">Page 167</p>	<p>1 places like the Philippines. That all happens on the 2 internet. Those individuals are being arrested as part 3 of that cohort of roughly 400 a month we are pursuing. 4 So it is only by pursuing concurrently across those 5 pillars of threat and demand that we will have 6 a balanced response. If we just focus on 7 extra-territorial prosecution, it will be a skewed 8 response, in my opinion. 9 Q. Can you look, please, at the concerns or challenges that 10 are set out at paragraph 21 of this document and 11 indicate to the chair and panel which, if any, you agree 12 with or disagree with or wish to amplify or comment on? 13 These are, as you understand, I think, concerns raised 14 across the witness statement evidence. 15 A. So I think these are reasonable concerns to express and 16 to ventilate. I think the -- in my witness statement, 17 I highlighted the issue around safeguarding and 18 in-country capability. We are working hard to grow 19 capability with the WeProtect global alliance with 20 a whole range of partners to develop capability 21 overseas. One of the things that would help with 22 section 72 is a model national response to transnational 23 child sex offenders, and, as part of that model national 24 response, something that was recognisable in terms of 25 uniform safeguarding standards internationally. Now,</p> <p style="text-align: center;">Page 168</p>

1 that is very challenging, and I understand the challenge
 2 of trying to make that work, but as an aspiration and as
 3 part of an extra-territorial response, it's as important
 4 as the pursue response, because, if we don't deal with
 5 the safeguarding issue, we are not going to be able to
 6 deal with the victims and get the evidence and bring
 7 people to justice.

8 Q. I think you have mentioned the proactive application of
 9 the model national response as one of your proposals for
 10 reform more generally in this area. Can I just put some
 11 flesh on that, please, by bringing up paragraph 69 of
 12 your first witness statement, NCA 000296_026. Just
 13 remind the chair and panel, please, about what the
 14 WeProtect global alliance is?

15 A. The panel will have heard some of this in evidence given
 16 earlier yesterday. This was an initiative led by the
 17 then Prime Minister, which has carried on. It consists
 18 of a board, which includes the director of ECPAT
 19 International, Robert van den Berg. I sit on that
 20 board. A range of other officials sit on that board.
 21 We all work together to drive up the international
 22 response with seed corn funding from the UK to grow
 23 capability and engage internationally.

24 Part of that is an "End Violence Against Children"
 25 fund which has been distributed internationally to

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1 A. That's correct.

2 Q. So what does that mean? What has to happen to make the
 3 model national response for proactively applied?

4 A. So countries who -- there is, I think, a total now of
 5 84 countries that are part of the alliance. Making sure
 6 that all of those countries are developing the MNR and
 7 implementing the MNR is a challenge, and that relies on
 8 a co-ordinated response in terms of training and
 9 capability development.

10 So part of what we do from an NCA perspective is
 11 provide professionals who, with some of that funding,
 12 will travel overseas and develop capability, and we have
 13 done that in British Overseas Territories, we've done
 14 that in Namibia, and we've done that in Kenya and
 15 a range of other countries.

16 Q. Generally, I think what you are saying is that, in
 17 addition to proactive application of this response, if
 18 there was a more international Working Together
 19 framework that would develop the best practice in this
 20 response, that would then perhaps give an increased
 21 focus on safeguarding and witness care along global
 22 standard and common operating method lines. Is that
 23 right?

24 A. Absolutely. That approach, and the reason I see it as
 25 so significant, is it balances the criminal justice

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1 ensure that capability is grown internationally to
 2 tackle the threat.

3 Q. I think one of the projects that has come out of that is
 4 what's described as the model national response. Is
 5 that right?

6 A. That's correct. So the model national response was
 7 developed by NCA-CEOP and written by professionals from
 8 NCA-CEOP and promoted by the National Crime Agency
 9 internationally.

10 Q. It's NCA000335, please. Once we have seen the front
 11 cover, we can go to internal page 4. Carry on while
 12 this is being brought up, please, Mr Jones.

13 A. So the WeProtect alliance has also commissioned a global
 14 threat assessment which, again, the NCA played a part
 15 in. That threat assessment gives an up-to-date
 16 assessment of the threat internationally and the model
 17 national response is designed to mitigate the threat.

18 Because of the genesis for WeProtect being the
 19 online environment, some of what we have been talking
 20 about in relation to TCSOs could be more developed in an
 21 MNR which was targeted at TCSOs and I do see some
 22 benefit in that.

23 Q. One of the general proposals for improvement to the
 24 response that you make is for more widespread adoption
 25 of this national model response. Is that right?

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1 pursue response that forms part of section 72 and, just
 2 like we have seen in the UK, you can't do one without
 3 the other.

4 Q. If you look at the reform section of the section 72 part
 5 of this document that proposal is at internal
 6 paragraph 25.

7 Are there any other of the proposed reforms made by
 8 other witnesses that you feel able to comment on or
 9 disagree with or agree with?

10 A. We have dealt with the guidance point and we have dealt
 11 with some of the issues in relation to the day-to-day
 12 use of that legislation. I think the point about
 13 leadership and not commenting on the ministerial level
 14 leadership, in terms of law enforcement leadership and
 15 our work with Five Eyes partners and international
 16 partners through a range of different forums, the UK
 17 plays a very visible role and has recently been assessed
 18 in a list of 40 developed countries as top of the list
 19 of those 40 developed countries in terms of its global
 20 efforts against child sexual abuse. So we are not
 21 complacent, but I don't think I would accept that there
 22 is no national leadership around this. There is, from
 23 a law enforcement perspective, and we also have seen
 24 a keynote speech from the Home Secretary on 3 September
 25 in relation to these issues. So, again, steering well

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1 **clear of the comments about ministers and politics, from**
 2 **a law enforcement perspective, there is a clear national**
 3 **framework that we will work with.**
 4 Q. Just before we leave these two topics, please, and then
 5 I have a few questions for you on Disclosure and
 6 Barring, there are some particular questions you have
 7 been asked about specific cases. Can I turn up for --
 8 the topics list, perhaps, that would assist you most on
 9 this. In the case of David Graham, which you have
 10 referred to, he was sentenced to 21 months' imprisonment
 11 on 20 May 2013 and placed on the sex offenders register
 12 for ten years. What Civil Orders were imposed on him,
 13 to the best of your knowledge, and did the NCA apply for
 14 a Civil Order?
 15 **A. So in relation to David Graham -- can you just confirm**
 16 **which number in the list of --**
 17 Q. If you have got the topics list but look on the foot of
 18 page 13, it is in your witness statement that ends
 19 NCA298. If I can bring up the summary for you, it is
 20 Operation Acrostic, I think. It's NCA000298_011. This
 21 was a CEOP investigation. We didn't cover it in any
 22 detail, I think, in your evidence. Work with the
 23 Serious Organised Crime Agency, CNP, the Cambodian
 24 National Police, and APLE. The sentences that were
 25 imposed on him are set out. Paragraph 33, if one

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1 **individuals if there is an order in place and Frost is**
 2 **the type of individual that an order would be in place**
 3 **against. Those orders do rely on interception at the**
 4 **boarder and that's a key part of the response.**
 5 **So I think the answer to your question, there isn't**
 6 **a blanket travel ban, we don't have that provision, but**
 7 **people like Frost would be restricted because of**
 8 **the ability to obtain the current regime of orders.**
 9 Q. Can you help with why it took several years, I think
 10 three years, to find him and charge him under section 72
 11 and why the NCA only went to Thailand in 2016, not 2013,
 12 in relation to his case? Can you help with that?
 13 **A. So it's quite a complicated case. So there are -- there**
 14 **were two separate investigations, one by the Royal Thai**
 15 **Police which was running in 2013 and then an NCA**
 16 **investigation. The first point is, the fact that we**
 17 **didn't deploy to Thailand, there was an NCA presence**
 18 **available in Thailand to assist in that investigation.**
 19 **I don't know exactly what played out with the Thai**
 20 **police during that period with that liaison officer, but**
 21 **that support was available.**
 22 **When we come on to the NCA operation, it's clear**
 23 **that that individual used more than one identity. He**
 24 **had changed his name. He was an archived offender at**
 25 **the time of travel. So there were a range of reasons**

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1 scrolls down, he pleaded guilty to a charge of sexual
 2 activity with a male under 16. Sentenced to 21 months'
 3 imprisonment, ordered to pay £2,500 and placed on the
 4 sex offenders register for ten years.
 5 Is the NCA able to confirm whether or not it's
 6 applied for a Civil Order in relation to him or whether
 7 any Civil Orders were applied for and imposed in
 8 relation to him?
 9 **A. At the time of those offences, it was during the time**
 10 **when we were unable to apply for those orders, and that**
 11 **individual would now be subject to local offender**
 12 **management by the local police force.**
 13 Q. Do you know whether any local police force applied for
 14 a Civil Order in relation to him?
 15 **A. I don't.**
 16 Q. You deal also in your witness evidence with the case of
 17 Mark Frost. He was removed from the sex offenders
 18 register and was able to travel to Thailand and abuse
 19 children, despite having a conviction for child sexual
 20 abuse. The question is this: does the NCA consider that
 21 the changes to the legal framework mean that convicted
 22 sex offenders can no longer travel abroad to abuse
 23 children, as in brackets I think he had done?
 24 **A. So the regime is stronger, but the regime does not**
 25 **implement a blanket ban. So it does restrict**

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1 **why that individual travelled in the way he did. But**
 2 **our efforts internationally through the ILO network and**
 3 **through Interpol and others ultimately tracked him down**
 4 **and brought him to justice.**
 5 Q. Some evidence has been given elsewhere about three cases
 6 I will ask you about now. Ian Charles Griffiths was
 7 referred to in an article that the perpetrator did not
 8 face trial in the Philippines and he escaped to the UK.
 9 It was also suggested he has been arrested. Can you
 10 help with whether or not he was been prosecuted under
 11 section 72?
 12 **A. So Griffiths, I don't believe he has.**
 13 Q. Did the NCA apply for a Civil Order in relation to him?
 14 **A. No.**
 15 Q. In the case of Duncan Grant, he was placed on the sex
 16 offenders register. That was described in some of
 17 the CRI evidence. Does the NCA consider it took
 18 adequate steps in relation to his case, that of
 19 Alan Water and that of Paul Meekin?
 20 **A. So these cases, in relation to the specifics, were not**
 21 **investigated by the NCA and we did support partners with**
 22 **some of them with facilitating contact overseas, but**
 23 **these are cases where police forces have led on those**
 24 **investigations.**
 25 Q. My final question about a specific case, please, does

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1 relate to an NCA investigation. It is your second
 2 witness statement, paragraphs 4(b) and (c).
 3 NCA000293_003. At paragraph 4(b) and 4(c), there are
 4 references made to travel restrictions. The question is
 5 whether or not the SHPOs applied for in these cases are
 6 limited to the Philippines or would apply to other
 7 countries as well?
 8 **A. So they are limited to the country where we could prove**
 9 **the travel, and that goes back to the considerations**
 10 **that we have been discussing in relation to the specific**
 11 **evidence we use when we obtain the orders. So we had**
 12 **a link to the Philippines. So the proportionate**
 13 **response was deemed to be a ban to the Philippines.**
 14 **That obviously creates a risk that that individual could**
 15 **travel via a transit hub like Frankfurt or Madrid or**
 16 **somewhere else, which takes you into the conversation**
 17 **that we had around the worldwide travel ban and all of**
 18 **the challenges around implementing something like that.**
 19 Q. But these, at least these two examples, suggest that in
 20 those cases it was not only a requirement effectively
 21 that the NCA provide evidence of a link between the
 22 abusing and travel but a link between travel and the
 23 particular country to generate the foreign travel
 24 restriction; is that right?
 25 **A. That's correct.**

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1 Q. Can I bring up, please, paragraph 64 of your first
 2 witness statement that sets out the nuts and bolts, if
 3 I can call it that, of the ICPC. NCA000296 internal
 4 paragraph 64. It describes the genesis of
 5 the international certificate as being an NCA-CEOP
 6 ACRO Criminal Records Office initiative:
 7 "The certificate has two parts: part 1, provided by
 8 ACRO, which outlines known convictions, warnings and/or
 9 reprimands; and part 2 which may include additional
 10 information or intelligence that NCA-CEOP has assessed
 11 to indicate that the prospective employee poses
 12 a potential risk to children provided back to the
 13 employee. The onus is then on the employer to determine
 14 the suitability of the individual to be employed.
 15 Individuals have a right of appeal against information
 16 disclosed on their certificate."
 17 Can we please bring up that paragraph:
 18 NCA000296_024, paragraph 64. If we scroll in on the end
 19 part, please, of paragraph 64, you indicate that since
 20 its initiation in October 2012, there have been 49,547
 21 applications relating to 4,833 organisations in 122
 22 countries. That reflects the number of individuals
 23 applying for those certificates and the spread
 24 geographically by organisation and country, does it?
 25 **A. It does. Since those figures were provided, I can say**

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1 Q. So that does suggest, does it not, quite a narrow
 2 interpretation of the criteria required for a foreign
 3 travel restriction?
 4 **A. That's correct.**
 5 Q. A few more questions, please, for you. In relation to
 6 the final topic of Disclosure and Barring, I think you
 7 have provided some information about the international
 8 criminal -- forgive me, the international child
 9 protection certificate, which we have already heard
 10 a little bit about. You have exhibited for the panel
 11 a document -- can I bring this up, please, it's
 12 NCA000303, which is a document that seeks to promote the
 13 use of the international child protection certificate.
 14 This is a document, I think, that is issued to other law
 15 enforcement agencies or other countries, perhaps, is it?
 16 Can you tell us what the origin of this document is?
 17 **A. So this document promotes the ICPC in its widest sense.**
 18 **There is quite a strong take up for the ICPC, but it does**
 19 **depend on employers requesting employees to obtain an**
 20 **ICPC, and it isn't a statutory regime. So that isn't**
 21 **enforced internationally or nationally.**
 22 Q. So who is this document aimed at promoting the
 23 certificate to?
 24 **A. So a full range of partners. You know, everybody from**
 25 **NGOs, charities, people in the education sector.**

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1 **that that has now gone up to 55,709 applications in 128**
 2 **countries or territories.**
 3 **The unique part about that certificate is the part 2**
 4 **disclosure where we trawl our records and intelligence**
 5 **databases for any evidence of those individuals or**
 6 **intelligence that those individuals would pose a threat**
 7 **to children.**
 8 Q. I'm grateful. I just bring up, for completeness, the
 9 evidence you have just given. NCA000336, please,
 10 internal page 9. You confirm that that figure you have
 11 just given, 55,709 applications in 128 countries, runs
 12 right up to 31 December 2018; is that right?
 13 **A. That's correct.**
 14 Q. You indicate in the following sentence to that that you
 15 are not aware of any country that operates an equivalent
 16 to the ICPC. There are processes in place for countries
 17 to conduct criminal record checks with other countries,
 18 and we have referred already today to the Home Office
 19 guidance about obtaining checks in other countries. But
 20 does the nature of what's included on an international
 21 certificate make it potentially particularly valuable,
 22 the part 1 and the part 2 that you have described?
 23 **A. Absolutely. The part 2 disclosure is the key. So**
 24 **because the employee received the certificate and we**
 25 **provide that information back to the employee, it is**

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<p>1 a very powerful tool in demonstrating what we know about</p> <p>2 behaviour and articulating the potential risk of that</p> <p>3 individual.</p> <p>4 Q. Scroll down, please, to 22 and 23 of this statement.</p> <p>5 You make clear that any impending prosecutions, the fact</p> <p>6 of somebody being under investigation, should feature on</p> <p>7 this sort of certificate. Any international convictions</p> <p>8 of which the UK has been made aware would be included.</p> <p>9 Intelligence from outside the UK held by the NCA or</p> <p>10 other police forces could also be included as well. Is</p> <p>11 that right?</p> <p>12 A. That's correct.</p> <p>13 Q. You overall -- scroll in, please, on 24 on the following</p> <p>14 page -- assess this to be a helpful preventive safeguard</p> <p>15 a part of a wider suite of measures as it enables</p> <p>16 international organisations to better risk assess the</p> <p>17 suitability of who they are employing. You go on to say</p> <p>18 it could be made more robust by being placed on</p> <p>19 a statutory footing. Is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. Tell us a little bit more, please, about what you say at</p> <p>22 paragraph 25 in terms of how this might be made more</p> <p>23 effective more generally, this process?</p> <p>24 A. So following the work that has taken place after the</p> <p>25 Oxfam scandal and a range of issues that have played</p> <p style="text-align: center;">Page 181</p>	<p>1 out, we worked very closely with Interpol and others to</p> <p>2 look at how this type of regime could be developed, and</p> <p>3 so, at the moment, the regime is only as good as the</p> <p>4 intent of the employer. So if the employer is</p> <p>5 responsible and is prepared to potentially wait while</p> <p>6 these certificates are produced and a range of other</p> <p>7 factors which could influence them, this is a useful</p> <p>8 preventive tool.</p> <p>9 We are only able to deal with people who have had</p> <p>10 a UK footprint, so UK residents or people who have been</p> <p>11 in the UK. If it's grown internationally, which is what</p> <p>12 I allude to with the work through Project Soteria, which</p> <p>13 is an Interpol initiative which is being progressed with</p> <p>14 DFID and others, to look at the feasibility of creating</p> <p>15 an international regime, then again you can grow this to</p> <p>16 a point where you will prevent offenders from</p> <p>17 re-inventing themselves as they move from country to</p> <p>18 country and role to role, which is one of the risks we</p> <p>19 are trying to mitigate.</p> <p>20 Q. I think you have said elsewhere that that particular</p> <p>21 project, Soteria, involved teams of specialists being</p> <p>22 deployed to regional hubs in Asia and Africa to</p> <p>23 strengthen criminal records checks and information</p> <p>24 sharing between the 192 members of the International</p> <p>25 Safeguarding Summit from October last year. Is that</p> <p style="text-align: center;">Page 182</p>
<p>1 right?</p> <p>2 A. That's correct.</p> <p>3 Q. Is there anything in response to the Disclosure and</p> <p>4 Barring section of the "Concerns and Reforms" document</p> <p>5 you would like to say, Mr Jones?</p> <p>6 A. Just one thing. I'm supportive of most of the comments</p> <p>7 that are made there, but there is just one point about</p> <p>8 practicality which emerges from some of the comments</p> <p>9 made. So if you look at the scale of -- the number of</p> <p>10 applications we have dealt with to date, and if you look</p> <p>11 at our attempts to grow this internationally, whilst</p> <p>12 I think the ambition is laudable, the comments at</p> <p>13 paragraph 60 around CV analysis, referencing a whole</p> <p>14 range of checks, which are not dissimilar to the</p> <p>15 national security vetting process that you go through in</p> <p>16 the UK to obtain a developed vetting status, that level</p> <p>17 of detail I think would be quite challenging to</p> <p>18 implement. I don't disagree with it. It is a point on</p> <p>19 practicality and ambition in relation to growing that</p> <p>20 response.</p> <p>21 It would just be nice if these individuals had</p> <p>22 a criminal records check, so, you know, whilst that</p> <p>23 ambition is good and positive, I think there is</p> <p>24 something about implementation there which we should</p> <p>25 consider.</p> <p style="text-align: center;">Page 183</p>	<p>1 Q. Just some final threads, please. You have given in your</p> <p>2 very first witness statement at NCA000296_045 certain</p> <p>3 opportunities that you have already identified yourself</p> <p>4 for developing the response here. We have talked about</p> <p>5 some of these, about the greater use of outbound and</p> <p>6 inbound notifications, the international</p> <p>7 Working Together framework, the model national response.</p> <p>8 But the first one you have identified here is the need</p> <p>9 for robust standards within charitable institutions,</p> <p>10 companies and NGOs that operate overseas to set a zero</p> <p>11 tolerance approach to the abuse of a position within an</p> <p>12 organisation for a sexual purpose. In addition to</p> <p>13 appropriate vetting considerations such as the</p> <p>14 international certificate, there needs to be a strong</p> <p>15 misconduct regime in respect of inappropriate but not</p> <p>16 criminal behaviour, because you say the experience of</p> <p>17 the NCA is that TCSOs will often show signs of</p> <p>18 inappropriate if not criminal behaviour. So that's</p> <p>19 a recommendation that you are also making that these</p> <p>20 three areas need to sit alongside robust standards</p> <p>21 within charities and NGOs. Perhaps give us an example</p> <p>22 of the sort of inappropriate but not criminal behaviour</p> <p>23 that you are referring to there?</p> <p>24 A. So all of these organisations will have safeguarding</p> <p>25 guidelines. Many of them will have misconduct regimes.</p> <p style="text-align: center;">Page 184</p>

1 **The individuals who we see coming to notice who abuse**
 2 **trust and target the vulnerable, the precursor to that**
 3 **abuse is typically below-the-line behaviour, like**
 4 **breaching safeguarding guidelines, developing**
 5 **inappropriate relationships. Many of those things will**
 6 **fall short of a criminal offence, and it is rarely**
 7 **a surprise when these individuals come to notice because**
 8 **whistleblowers, witnesses, come to the fore and say they**
 9 **had an inappropriate nickname, they behaved**
 10 **inappropriately, they said inappropriate things. That**
 11 **type of experience we have also learnt in the UK from**
 12 **some of the misconduct we have seen within policing and**
 13 **within the public sector. So learning from that, and**
 14 **understanding that this is a red flag, is an important**
 15 **part of the process. That only works if you have got**
 16 **a misconduct regime that is consistent, and if NGOs and**
 17 **everybody in the sector is consistent with applying for**
 18 **ICPC and the type of check which will weed these people**
 19 **out.**
 20 Q. Is there anything in the wider proposals for reform,
 21 which are set out at paragraph 67 onwards of the reform
 22 and concerns document that you would like to comment on?
 23 I think we have already picked up your proposals about
 24 standards within charitable organisations but is there
 25 anything else between paragraph 67 and paragraph 78 that

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1 **A. That's correct. You will have seen from page 25 onwards**
 2 **there are a range of tools that are deployed. So we**
 3 **hope to lose none of the lens tools, none of the law**
 4 **enforcement notification tools, but we are planning to**
 5 **increase our emphasis with Interpol and**
 6 **Diffusion Notices should we lose some of the tools that**
 7 **are in that evidence. So we are planning for those**
 8 **eventualities and we have put extra resource into the**
 9 **system to do it come what may.**
 10 MS HILL: Those are all my questions.
 11 THE CHAIR: Ms Sharpling?
 12 Questions by THE PANEL
 13 MS SHARPLING: Just some clarification, if I can, Mr Jones,
 14 thank you. We have heard quite a lot of evidence
 15 throughout this particular investigation about the
 16 importance of having operatives on the ground in the
 17 country concerned to improve the law enforcement
 18 response, and there have been some concerns expressed
 19 about the absence of those operatives across
 20 particularly South-East Asia, where we have heard.
 21 I just wonder whether you think that's a criticism that
 22 you accept or reject?
 23 **A. So with more resources we can do more. But in terms of**
 24 **South-East Asia and the focus -- South-East Asia is the**
 25 **crucible for this type of offending. People gravitate**

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1 you would like to highlight or comment on?
 2 **A. So to complement those increased standards of vetting**
 3 **and awareness within NGOs and other organisations, one**
 4 **of the things that the NCA does with its online work is**
 5 **to reclassify intelligence and make that available to**
 6 **technology companies and other partners to mitigate the**
 7 **risk.**
 8 **One of the things that I think we could usefully do**
 9 **is to produce the same type of product, which we refer**
 10 **to as an amber alert for TCSOs, where we provide**
 11 **thematic intelligence which informs NGOs and others of**
 12 **the type of things to be aware of in spotting TCSOs.**
 13 **That could be shared with airline carriers, it could**
 14 **be shared with a whole range of partners, but in order**
 15 **to do that, we do need a network of trusted partners.**
 16 **That means we do need people to step up and make sure**
 17 **their own house is in order and they have been vetted to**
 18 **the appropriate standards.**
 19 Q. Just a final point of detail: you have made the point
 20 earlier in your witness evidence that the information
 21 sharing and the relationships abroad that you have
 22 described might well be affected by UK's departure from
 23 the European Union. But obviously you are planning
 24 around that and planning for all eventualities; is that
 25 right?

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1 **there for a variety of reasons. But it is important to**
 2 **look at the social and economic reasons and the type of**
 3 **people that travel. For instance, Vietnam and Cambodia,**
 4 **because of the history with the US, you have got a very**
 5 **strong law enforcement liaison presence there because**
 6 **lots of Americans go there because of the obvious**
 7 **history. If you look at the statistics, what we are**
 8 **trying to do is match the threat. So where we see**
 9 **a prevalence of UK offenders and where we have got**
 10 **strong relationships, we will build on those. Where we**
 11 **don't have somebody in-country, it doesn't mean there**
 12 **isn't a response, because we will reach out to Five Eyes**
 13 **partners like AFP, HSI, a whole range of partners, to**
 14 **get that work done for us and they will reach out to us**
 15 **if they are not in the countries that we are in. So**
 16 **that mutual relationship with credible law enforcement**
 17 **partners internationally plugs those gaps.**
 18 **We are in the Philippines. We haven't publicised**
 19 **that. We are there. We are speaking publicly about it**
 20 **now. We are developing a response there and we have**
 21 **obtained extra funding -- applied for extra funding to**
 22 **increase that presence moving forward. So we do**
 23 **recognise the threat in South-East Asia, but it's not**
 24 **all about South-East Asia. You know, there is a growing**
 25 **problem in Africa, there is a growing problem globally**

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<p>1 in relation to TCSOs, so it's important that we balance 2 that. 3 MS SHARPLING: Just one final question: you have talked 4 about threat, risk and harm, and I think I understand 5 that. Is there ever a filter mechanism applied to 6 possible section 72 prosecutions to do with resources 7 and presence and the sorts of things you have just 8 described to us? 9 A. So we will seek the best tactical option to deliver the 10 safeguarding response as quickly as possible. And we 11 are driven by that. 12 Now, we are not seeing people who are evading 13 justice because we are self-censoring and saying we are 14 not going to use section 72. That's not happening. So 15 we rely on a range of tactical options to get the effect 16 that we desire. 17 MS SHARPLING: That's helpful, thank you. 18 THE CHAIR: Thank you, Mr Jones. There are no further 19 questions. Thank you. 20 (The witness withdrew) 21 MS HILL: Chair, we have a very short amount of reading we 22 propose to do that won't go beyond 4.15. I wonder if 23 you would let us read some brief evidence from 24 Adele Downey of the Disclosure and Barring Service and 25 some from Mr Price of ACRO that will fill in some gaps</p> <p style="text-align: center;">Page 189</p>	<p>1 on the criminal certificate. 2 THE CHAIR: Yes. 3 Statement of MS ADELE DOWNEY (read) 4 MS FAURE WALKER: I am going to read sections of the witness 5 statement of Adele Downey, inquiry reference DBS000024. 6 I am just going to read section 6 of that statement, 7 which concerns overseas criminal records. 8 Paragraph 6.1: 9 "The DBS cannot access criminal records held 10 overseas. It is possible for an individual based 11 overseas to submit an application to DBS, but this will 12 only be checked against our usual data sources. 13 "In a small number of cases, overseas criminal 14 records are held on the police national computer and 15 these would be revealed as part of a check. 16 "For this reason, a check may not provide a complete 17 picture of an individual's criminal record if the 18 individual has a criminal record outside of the UK. 19 "Further information is contained within the 20 Home Office guidance ..." 21 Ms French touched upon this, chair. The relevant 22 Relativity reference is HOM002854. 23 Next, the second witness statement of Adele Downey, 24 Relativity reference DBS000026. Again, I am just going 25 to read some paragraphs from this witness statement.</p> <p style="text-align: center;">Page 190</p>
<p>1 Paragraph 1: 2 "The DBS operates disclosure functions for England, 3 Wales, Jersey, Guernsey and the Isle of Man and barring 4 functions for England, Wales and Northern Ireland." 5 Paragraph 3: 6 "DBS can only issue certificates where the role 7 being applied for meets the eligibility criteria, and 8 the employment decision is being made in England or 9 Wales. DBS only has jurisdiction for England and Wales, 10 Disclosure Scotland covers Scotland and Access NI which 11 covers Northern Ireland." 12 Paragraph 5: 13 "DBS does not ask where the role will be based as 14 part of the application form, so I am unable to advise 15 what proportion of DBS checks relate to work abroad." 16 Paragraph 7 over the page: 17 "However, where an employer is not based in England 18 and Wales but employs a British national, the employer 19 does not have a duty to refer to DBS if they 20 subsequently remove them from the role, as our 21 legislation would not apply." 22 Paragraph 12, and perhaps at this stage if I could 23 ask the evidence handler to bring up DBS000026_002, the 24 bottom of the page, where there is going to be a table, 25 and then over the page on page 3, the rest of the table.</p> <p style="text-align: center;">Page 191</p>	<p>1 I will read paragraph 12: 2 "Employers based abroad would need to consider 3 whether they could request an international child 4 protection certificate provided by the ACRO Criminal 5 Records Office or a certificate of good conduct from the 6 prospective employee's country of origin." 7 Paragraph 13. If we could go back to the bottom of 8 page 2, please. Just the very bottom, the beginning of 9 the table there: 10 "The table below [being shown] shows what 11 I understand to be the differences between the 12 information disclosed on an enhanced DBS check and an 13 international child protection certificate. This 14 information comes from the ACRO website. I am informed 15 that there are two main differences: 16 "1. The international child protection certificate 17 does not show if an individual has been barred by DBS. 18 "2. The rules to remove old and minor convictions 19 differ between the two certificates -- filtering for DBS 20 enhanced check and stepdown for international child 21 protection certificate." 22 We can see on the table the differences, at the 23 bottom of page 12, as has been set out. Then if you 24 could put up the top of page 13 again, please. Thank 25 you. Moving on to paragraph 13, the last page of this</p> <p style="text-align: center;">Page 192</p>

<p>1 statement:</p> <p>2 "I am not aware as to how ACRO Criminal Records</p> <p>3 Office decides which organisations can register to gain</p> <p>4 access to international child protection certificates.</p> <p>5 "Feedback from employers is that they find the</p> <p>6 landscape complex, they need to understand what level of</p> <p>7 check can be applied for, which organisation to apply to</p> <p>8 and what information can be disclosed on a certificate.</p> <p>9 Should an employer remove an individual, the employer</p> <p>10 needs to understand their responsibilities about who to</p> <p>11 refer to so that the individual can be considered for</p> <p>12 barring and prevented from working in regulated activity</p> <p>13 in the UK.</p> <p>14 "It would seem sensible for employers to have</p> <p>15 a one-stop shop for all checks relating to UK nationals</p> <p>16 and UK residents regardless of whether the employer has</p> <p>17 a base in England and Wales and that the same</p> <p>18 information is disclosed to employers regardless of</p> <p>19 their location."</p> <p>20 That's all that I was going to read from the</p> <p>21 statements of Adele Downey of the Disclosure and Barring</p> <p>22 Service.</p> <p>23 THE CHAIR: Thank you, Ms Faure Walker.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 193</p>	<p>1 Statement of MR ROBERT JAMES PRICE (read)</p> <p>2 MS BENFIELD: Chair, I am going to conclude by reading from</p> <p>3 a brief witness statement from Robert James Price,</p> <p>4 reference INQ0003798. I am going to read and summarise.</p> <p>5 Mr Price is chief executive of the ACRO Criminal Records</p> <p>6 Office and was appointed to that role in February 2018.</p> <p>7 He notes at paragraph 3 that the aim of ACRO was to</p> <p>8 establish an operational focus unit to organise the</p> <p>9 management of criminal records information and improve</p> <p>10 the links between criminal records and biometric</p> <p>11 information.</p> <p>12 Going over the page, at paragraph 7, Mr Price notes</p> <p>13 that ACRO works closely with partners here and abroad,</p> <p>14 including the other NCPCC units, the NCA, the</p> <p>15 Home Office, Immigration Enforcement and Border Agency.</p> <p>16 At paragraph 9, Mr Price notes that ACRO manages the UK</p> <p>17 central authority for the exchange of criminal records</p> <p>18 which exchanges conviction information with other EU</p> <p>19 member states. He notes this responsibility is</p> <p>20 designated by the Home Secretary to the chief constable</p> <p>21 of our host force who delegates it to ACRO via the chief</p> <p>22 executive.</p> <p>23 I will read paragraph 10:</p> <p>24 "ACRO delivers services to members of the public</p> <p>25 including police certificates, international child</p> <p style="text-align: center;">Page 194</p>
<p>1 protection certificates, and the coordination of subject</p> <p>2 access and record deletion requests. We produce the</p> <p>3 ICPC in partnership with the NCA Child Exploitation</p> <p>4 Online Protection Command with the aim of preventing</p> <p>5 people with a history of offending, which may place</p> <p>6 children at risk, travelling overseas to work with</p> <p>7 children. In January 2018, ACRO updated the ICPC so</p> <p>8 information is now presented in two parts: the first</p> <p>9 part details any conviction information; the second any</p> <p>10 relevant information from UK intelligence databases. We</p> <p>11 also started applying the stepdown model to disclosing</p> <p>12 conviction information, bringing the ICPC process to the</p> <p>13 same standard as police certificates."</p> <p>14 At paragraph 11, if I could ask the evidence handler</p> <p>15 to bring up the table that's detailed there, Mr Price,</p> <p>16 in summary, notes that ACRO started providing ICPCs</p> <p>17 in November 2012. At the bottom of the paragraph, he</p> <p>18 notes that 45,578 ICPCs have been supplied and provides</p> <p>19 the quantity of those certificates over the period</p> <p>20 2012-13 up until 2017-18.</p> <p>21 At paragraph 12, Mr Price notes the concept of</p> <p>22 the ICPC has generated international interest and both</p> <p>23 in terms of the income it generates, noting that this is</p> <p>24 recycled back into safeguarding capacity building</p> <p>25 programmes, but also in terms of safeguarding vulnerable</p> <p style="text-align: center;">Page 195</p>	<p>1 children. Consequently, ACRO is supporting</p> <p>2 a DFID-sponsored project called Soteria which will</p> <p>3 commence in early 2019 in conjunction with Interpol and</p> <p>4 Save the Children.</p> <p>5 Turning over the page to paragraph 13, Mr Price</p> <p>6 notes that no training is provided to ACRO staff in</p> <p>7 relation to the statutory vetting and barring regime,</p> <p>8 although notes that they do have regular contact with</p> <p>9 the DBS, Access Northern Ireland and Disclosure Scotland</p> <p>10 through a national forum. Mr Price concludes at</p> <p>11 paragraph 15 by stating:</p> <p>12 "With regards to safeguarding children, it is my</p> <p>13 opinion that the vetting and barring regime is</p> <p>14 ineffective when dealing with foreign nationals. In the</p> <p>15 UK, when a person applies to work with children, they</p> <p>16 must apply for an enhanced DBS check. The check</p> <p>17 involves searching the PNC for conviction history and to</p> <p>18 apply to their local police force to establish whether</p> <p>19 any further approved information and intelligence should</p> <p>20 be disclosed which may be of interest to the employer.</p> <p>21 However, if the subject is a foreign national, their</p> <p>22 offending history from their home country will not be</p> <p>23 available on the PNC or known by their local UK police</p> <p>24 force, unless added due to previous enquiries and</p> <p>25 entered onto the PNC ..."</p> <p style="text-align: center;">Page 196</p>

<p>1 Reading down, Mr Price notes: 2 "The UK is currently able to apply 3 Directive 2011/92/U known as Directive 93 to requests 4 for information relating to foreign nationals who want 5 to work with children. This piece of legislation is 6 administered by ACRO and checks under Directive 93 are 7 undertaken by Disclosure Scotland and Access 8 Northern Ireland ..." 9 Mr Price notes: 10 "A pilot for Directive 93 was carried out [in 2015] 11 but was not progressed and therefore checks for 12 EU nationals who want to work with children in England 13 and Wales are not undertaken." 14 He concludes by stating this was based on the pilot 15 identifying only limited potential offenders. Recently, 16 however, ACRO have seen increased usage of Directive 93 17 by our European counterparts, particularly with Germany. 18 Finally, Brexit has significant implications for the 19 UK's ability to safeguard vulnerable children through 20 the automated access of European databases, particularly 21 the European criminal record information system." 22 Chair, that concludes the evidence of Robert Price. 23 THE CHAIR: Thank you, Ms Benfield. That concludes today's 24 hearing and we will reconvene tomorrow. 25 (4.18 pm)</p> <p style="text-align: center;">Page 197</p>	<p>1 (The hearing was adjourned to 2 Thursday, 14 February 2019 at 10.00 am) 3 4 I N D E X 5 6 7 MR GLEN HULLEY (affirmed)1 8 9 Examination by MS HILL1 10 11 Questions by THE PANEL36 12 13 MS CECILIA FRENCH (sworn)37 14 15 Examination by MS HILL37 16 17 Questions by THE PANEL98 18 19 Statement of MS JOYATRI RAY (read)99 20 21 MR ROBERT JONES (sworn)111 22 23 Examination by MS HILL111 24 25 Questions by THE PANEL187</p> <p style="text-align: center;">Page 198</p>
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