THE INDEPENDENT INQUIRY
INTO CHILD SEXUAL ABUSE (IICSA)
BEFORE CHAIR PROFESSOR ALEXIS JAY OBE

WITNESS STATEMENT OF GLEN HULLEY

I, GLEN HULLEY, of PROJECT KARMA, 5 Everage Street, Moonee Ponds, Victoria 3083, Australia, will say as follows:

1. I provide this statement to the Independent Inquiry into Child Sexual Abuse in order to assist with its Case Study concerning sexual abuse of children outside the United Kingdom.

2. I am the founder of Project Karma. Project Karma was established in 2015 and it has been registered as a charity with the Australian Charities and Not-for-profits Commission since March 2016. Project Karma’s focus is to combat child sexual exploitation. The organisation is based in Melbourne, Australia but works to combat child sex exploitation both within Australia and in the key regions of South East Asia where the majority of these crimes occur.

3. As I will develop further below, Project Karma played an integral role in supporting Senator Derryn Hinch in changing Australian legislation to prohibit convicted child sex offenders from travelling overseas. Offenders on Australian child sex registers are now routinely not allowed to travel overseas, under the civil law, and attempting to travel whilst on a child sex register without permission from a competent authority is now a criminal offence. I believe that these legislative changes are necessary to stop foreign offenders from abusing children and abusing the previous system, whereby the data showed that convicted child sex offenders were frequently travelling to countries such as Thailand, Cambodia, the Philippines and Indonesia without any real checks or monitoring.

4. Although I focus on South East Asia below, it is important to underline that child sexual exploitation occurs throughout the world. South East Asia is not alone in this regard, but child sexual exploitation in tourism is a prevalent problem in the region with local and foreign offenders known to travel to hot spots to abuse children. This is particularly the case in relation to Australian offenders given the geographical proximity of South East Asia. I am aware that convicted child sex offenders from the UK also travel to this region.

Background

5. I have a background in policing and was a member of Victoria Police for over 13 years, having resigned in 2008. I have experience as a uniformed officer, a detective, a tactical intelligence operative, covert operations and major investigations. I also hold a current
Private Investigator Licence in Victoria. It was while I was on holiday in Cambodia in 2013 that I first became aware of the pervasiveness of child sexual exploitation in tourism and travel. On that holiday I was shocked when I was approached by a tuk-tuk driver out of the blue and offered an adult prostitute. I refused this offer, and was instead offered a 12 year old girl. When I refused the 12 year old child, I was introduced to a 4 year old who was being offered for sexual exploitation. This experience changed my life and I decided to dedicate my efforts full time to investigating child sexual exploitation and protecting and rescuing children.

6. I have visited numerous countries in South East Asia for my work and I found that if I was not approached by fixers, then I could soon uncover child sexual exploitation. I have led over 10 investigations in a number of places including Jakarta, Batam, Lombok, Bali, Manila, Cebu, Boracay in the Philippines; Pokhara and Kathmandu, Nepal; and Goa, India. It was through this work, investigating these crimes and rescuing children, that I became aware of the extent of the problem and the gaps in protection.

7. The reality is that child sexual exploitation is around a 36.6 billion dollar industry, and around 2 million children are affected in South East Asia alone. This is close to rivalling the drug trade in this region. Children are treated as objects, trafficked from location to location, and often kept in conditions of sexual slavery or tortured. This illicit market in child trafficking, live streaming of online abuse and child sexual exploitation tourism, must be stopped. In a country such as Indonesia there are local offenders and foreign offenders, including Australians, UK nationals and others who have prior convictions. This creates a market in local crime syndicates, which leads to the trafficking of children from different islands, who are brought across on the ferries to tourist sites in places such as Bali. Children are taken away from their families, forcefully or willingly, by people in desperate situations. These children, who are sometimes sold by their families, are then taken to crime hot spots.

8. Unregistered or non-compliant orphanages in Bali present a problem too. Many of the children in these orphanages are not orphans. Many are sent to these places by their parents because they cannot afford to feed them or they are given a promise of free health care and education for their child by the orphanage. There are people from these types of orphanages actively going to surrounding islands of Bali and to disaster zones in Indonesia. I am aware of cases in which orphanages pay families to "take care" of their child only for the orphanage then to use the child to bolster their "stock" for orphanage tourism revenue. In many cases they even obtain signed legal custody forms from the parents. It is in these types of operations that we see cases of foreigners with prior history attending these orphanages to gain access to children or even getting volunteer positions. We are currently investigating a UK citizen in Bali who is alleged to be doing exactly that. The vetting of visitors or volunteers is poor, registration and supervision often non-existent and children are often left exposed to grooming and sexual exploitation. This problem is not exclusive to Bali or Indonesia. There are many areas of South East Asia where this is an issue.

9. Through my work I came to understand that it was too easy for foreign perpetrators to travel to commit these crimes. The Australian perpetrators would research online about where to go, who to see, and how much to pay overseas to abuse children. The offenders, once caught in their own country understand that it is easier to abuse children abroad with relative impunity. Sometimes, offenders pay local families even when they go home
to Australia. That way, when they return to Asia for another holiday, they can continue to abuse the victimised child. This practice also prevents children from coming forward to speaking out about these crimes.

Project Karma

10. After consulting for different organisations, I decided to found my own organisation, Project Karma. I have mentioned above, at paragraph 2, that Project Karma is based in Melbourne, Australia but it works to combat child sex exploitation both within Australia and in the key regions of South East Asia where the majority of these crimes occur. In particular, it has a focus upon five countries: India, Indonesia, Philippines, Thailand and Myanmar. As well as founding Project Karma, I am now one of four Directors of the organisation.

11. As a part of Project Karma’s Sentinel Model, I work on the ground with South East Asian communities to combat child sexual exploitation and sexual slavery by building dedicated teams and facilities that are effective, sustainable and locally operated. The Sentinel Model has commenced in Bali and has concrete goals including a minimum of 30 investigations and 100+ children rescued, with welfare and rehabilitation resources provided.

12. My policing experience means that we are able to do work that may be considered too risky or dangerous for other NGOs. Part of our strategy in working with local law enforcement is to disrupt organised crime networks that create and supply a market of children for sexual exploitation (this includes suspect orphanages). Our strategy includes:

   i) Establishing and training investigation teams to work with local police to catch and prosecute offenders;
   ii) Assisting with the provision of safe house facilities, counselling, medical care, legal advocacy and other services to child victims and their families;
   iii) Partnering with police, governments, their networks and NGOs;
   iv) Raising awareness through local community based training and building the links between communities and law enforcement; and
   v) Encouraging communities to confront child sexual abuse;

13. Project Karma has been actively involved in many investigations which have since led to the arrest and/or detention and/or extradition and/or deportation of approximately 30 child sex offenders in 18 separate cases. Current investigations cannot be disclosed but past investigations include:

   i) Robert Ellis: an Australian national, accused of sexually abusing 24 known children. Convicted in Indonesia in 2016 of sexually abusing 11 victims in Bali over a 2 year period and he was sentenced to 15 years’ imprisonment and a fine.

   ii) Peter Walbran: A complex case which exposed various flaws in keeping track of child sex offenders. In the 1990s Peter Walbran, a dual Australian/New Zealand citizen, worked at the Australian and British international schools in Jakarta (he was the Head Principal of the Australian International
School). He abused children during this period and was convicted of child sex offences in Indonesia in 2012, and served three years in jail in Lombok. When released he was deported back to Australia. Without detection (due, it seems, to him travelling on his New Zealand passport), he later travelled to Thailand and worked there at an international school. Within months, having travelled without detection, he was in a remote area of Thailand with a job as a teacher in a school of over 4,000 students and teaching children of the same age he had been previously convicted of abusing in Indonesia. He was detained following a raid by Australian Federal Police and Thai police and has since been deported to New Zealand.

iii) **Peter Scully**: Convicted Australian Child Sex Offender who was found running pay-per-view livestreaming service of children being tortured and abused on the dark web. He has recently (June 2018) been convicted in the Philippines of raping and trafficking young girls and he faces other charges across the Philippines. He is also accused of torturing, raping and murdering an 11 year old girl. This is possibly the most horrific case to date that I have been involved in. There has been much detail publicised regarding this case and full credit goes to the Philippines National Police, the National Bureau of Investigation, the Australian Federal Police and the Dutch National Police on securing his arrest and ultimate conviction and life sentence in the Philippines.

14. Through my work, and due to my policing background I have been aware of the need to have robust laws in place to tackle child sexual exploitation at its source. This is both with regard to offenders who travel to perpetrate the abuse, and also in relation to sex offenders who direct the abuse from Australia. We therefore work with governments to protect children from child sexual offenders including through:

   i) Establishing a child sexual offenders register;
   ii) Restricting where offenders can live and work;
   iii) Banning overseas travel;
   iv) Reporting and monitoring obligations;
   v) Appropriate public access to register information;
   vi) Reform to State Bail Acts;
   vii) Mandatory sentencing provisions; and
   viii) Restriction/ monitoring of Internet access/ usage.

**Australian System: Travel**

15. Prior to the change in the law, my understanding is that the laws and system in Australia were similar to that of the UK. Offenders had to notify the Australian Federal police of their intention to travel if they were on a register. More often than not they would be granted permission to travel. When the police were notified, a risk assessment was carried out and if an individual was not deemed high risk, then they could travel. We found that in a 4 year period leading up to a change in the law, no individual was found to be high risk. This effectively meant that sex offenders were able to travel abroad routinely.
16. Instead, the Australian Federal police would notify the country where the person would be travelling. The onus was then on the country to decide how to proceed. To me, it was clear that this system was not working. At least 800 people on the register travelled to South East Asia over a 4 year period and had not notified the authorities. Even though they were committing an offence by doing so, there was no red flag system, to notify the police that notification was not occurring. Even when convicted sex offenders did notify the police, this information was not picked up by the destination country. The regime also placed the onus on the children to speak out once they had been abused, rather than preventing the abuse.

17. I have travelled to a number of South East Asian countries and had meetings with immigration departments in these countries and I have seen the notification systems that are sent from all around the world to country offices. Often, the notification departments receive notifications globally, for all sorts of crimes. These notifications come through on a computer database. A lack of resources means that these departments are understaffed and quite often these notifications are not picked up in time and the individuals have already entered and left by the time the notification is seen. This explains why so many Australian child sex offenders were able to enter a country and abuse children despite their convictions. The notification system also places the onus on the receiving country to deal with the situation. This is difficult since the receiving country may not always apprehend the seriousness of this type of crime, when they are being informed about many other types of serious criminal notifications.

18. This made me realise that the only way to ensure that an Australian registered child sex offender is not going to harm children in another country, is not to let them leave Australia in the first place. When a person has been identified and punished for sexually exploiting or abusing a child, and been placed on a register, why would we allow them to go to a country with a lot of poverty and which is known for so-called child sex tourism? The laws we were lobbying for therefore sought to protect children from offenders and to comply with Australia’s duty of care to children, not only in Australia but around the world.

19. It is important to understand at government, policing and community level, that child sexual exploitation is a certain type of crime and allowing people to leave the country who are on a register, unmonitored, is irresponsible and negligent. If these individuals present a danger to Australian children, then they also present a danger to vulnerable children in impoverished circumstances and law enforcement and other government agencies owe these children a duty of care. The risk of allowing sexual offenders to travel to conditions where child sexual exploitation is easily available to them, is a very high risk and serious measures must be taken to prevent this risk. My sentiments for Australia apply globally and I call on the UK Government to adopt the Australian Government’s stance by banning the overseas travel of its registered child sex offenders.

Change to the Australian Law: Travel

20. In this section I provide an overview of the civil orders and criminal laws which operate in Australia. It should be borne in mind that I am not a lawyer but I do have extensive law enforcement expertise, as explained above, and I have been heavily involved in changes to the legal framework, as described in this statement.
21. In summary, there are a number of laws, both civil and criminal, which operate together to stop travelling child sex offenders from exploiting children abroad. Australia is leading in tackling this type of offending. These laws are briefly as follows:

   i) The Commonwealth Criminal Code Act 1995 makes it a crime for an Australian to travel overseas to engage in, encourage or benefit from sexual activity with children (under 16 years of age). Despite occurring overseas, the offences can be investigated and prosecuted in Australia and carry penalties of up to 25 years imprisonment for individuals and fines for companies. I am attaching, marked as Exhibit GH1, an extract from the Criminal Code which contains these provisions.

   ii) In particular, in December 2017 a new provision was introduced into the Commonwealth Criminal Code which makes it an offence for a person whose name appears on a child protection register to travel, or attempt to travel, overseas without permission from a competent authority. All registered offenders who are planning international travel must obtain permission from their relevant competent authority.

   iii) The Australian Passport Act 2005, as amended in 2017, provides for preventing child sex offenders on a federal register or a state register from travelling whilst on the register, and in some circumstances for refusal or cancellation of passports. I am attaching, marked as Exhibit GH2, an extract from the Act which sets out these provisions.

22. In late 2015, I met with Derryn Hinch, who at that time was running to be senator and who was a well-known journalist at the time. During that conversation, I provided Sen. Hinch with data on Australian offenders who were travelling to sexually exploit children in Asia. I informed Sen Hinch that convicted Australian paedophiles were boarding low-cost flights and travelling freely to Asian countries to take advantage and exploit impoverished children. I provided Sen Hinch with data that an average of 25 registered sex offenders were going to Bali each month from Australia and that in 2014, 250 registered child sex offenders had entered the Philippines from Australia. This can be understood in a context where 1 million Australians visit Bali every year.

23. Following this meeting, Sen. Hinch worked to change the laws in Australia to prevent child sex offenders from travelling internationally. Our conversation took place in October 2015, and by July 2016, he became a Senator and in November 2016, the Government formed a working party to look at this issue. The working party carried out a consultation, and I met with Sen. Hinch twice in his office to discuss Project Karma’s on the ground experience investigating Australians abroad. By May 2017, the legislation was drafted and this related to an amendment to the Australian Passport Act 2005. In May 2017, when the legislation was drafted and it was voted through bipartisan, and two weeks later it was voted through by the Senate into law unopposed. It has been one of the fastest pieces of legislation that Australia has created and has been immediately effective. See my Exhibit GH2 for the key provisions.

24. At the time, there were debates about how this measure would affect human rights and civil liberties. I am not a lawyer, but I understand that under the human rights charter, there is a right to have a passport, and during the time the legislation was being drafted,
civil liberties arguments were raised. But my answer to that was and has been, that this is a necessary and proportionate restriction to human rights. The government and legislators agreed with that assessment.

25. The day after the legislation came into force, a child sex offender tried to travel abroad and was arrested at Sydney airport. My understanding is that since the law has come into place, registered child sex offenders are unable to travel abroad and this has been 100% effective.

26. In Australia, there are currently about 30,000 people on the registers. About 3,000 people are on the registers for life. It is only while you are on the register that you are prevented from travelling. An issue which has surfaced has been that the passport ban relates only to the Australian passport. In the case of Peter Walbran mentioned above, he was convicted for child sexual offences, and was deported back to Australia. However, he then escaped before he was placed on the child sex register. He was able to go back to Thailand and work in a school there. We discovered that he was able to enter the country because he had double nationality, and he was able to enter on his New Zealand nationality. Walbran’s case illustrates the need for good coordination and communication between the forces and that gaps still remain.

27. The Government has also funded and put resources into protection. Australian Federal police work closely with State and Territory police, and other Commonwealth agencies and international law enforcement partners to prevent, disrupt, investigate and prosecute these types of offences. However, in practice, as set out further below, the extra-territorial powers are rarely used.

**View on Civil Orders**

28. I have a brief and small understanding of the civil orders in the UK, I am not aware of the processes behind them. I do not have access to the data as to how many are applied, but I do have a general awareness of the UK system from my experience on the ground in South East Asia. We know that there are British citizens, with previous convictions who have committed offences in South East Asia. I know of at least 2 or 3 cases in the last four years of British nationals who have travelled abroad to abuse children and who have previous convictions. These cases indicated to me that the UK system is not working. I have had some correspondence with UK law enforcement (CEOP) but I have not been involved in a full investigation with UK forces. I have however worked with them in relation to cyber-sex web cam operations in the Philippines.

29. My experience with the Australian system indicates to me that the gaps in the UK system are too wide. While the measures currently in place in the UK are necessary and important, these measures present a lot of hurdles and processes which places the burden on other countries to deal with, what is effectively, Britain’s duty of care. My view is that, the most effective way to prevent child sexual exploitation by British nationals convicted of child sex offences, is to stop them from travelling to places such as South East Asia. The current system is inadequate to stop people from travelling, to monitor them when abroad, and to bring them to justice for offending.

**Extra-territorial Powers**
30. I understand that the UK provision under review in this Case Study, Section 72, is very similar to the Australian powers, which I will refer to as extra-territorial powers, which in effect means that a national can be prosecuted in their home country for acts committed abroad.

31. The Australian Government also publicises these provisions, saying it is committed to doing all it can to stop sexual exploitation of children, and giving the public details on how to report child sex offences committed overseas. I am attaching, marked as Exhibit GH3, a webpage from the Australian Government department of Foreign Affairs and Trade on travelling and child sex offences.

32. Regarding the Australian system, the provision is not used very often. Instead the Federal police prefer to refer the case to the country where the abuse occurred. More often than not, it is the local police who then have to conduct the investigation. The United States is also able to prosecute someone in their home country, and my experience is that the US uses their powers much more frequently than the UK or Australia. I struggle to think of cases in Australia or the UK where these powers have been applied. In my experience it is very unusual.

33. There are a number of difficulties with exercising extra-territorial powers. These include:

   i) That some child sex offences may not be a crime in the domestic law of where the abuse takes place;

   ii) The legal ability to conduct criminal investigations in a foreign country and the ability to obtain the necessary evidence to initiate criminal proceedings and the ability to present witnesses to a court to give that evidence; and

   iii) That the country where domestic sexual abuse takes place may have criminal penalties such as the death penalty. Countries like Australia often have a policy of not cooperating with foreign agencies in investigating their own citizens abroad for an offence that may lead to a death penalty being imposed in that country.

34. It is therefore fundamental that arrangements or agreements are in place between the country and the home country. I would imagine that lots of discussions have taken place between the UK Government and South East Asian governments, since the UK, Australia and other countries have a duty of care to prevent child sexual exploitation by their own citizens in another country. These agreements are important for a number of reasons. First, the agencies of the country where the crime takes place tends to carry out the investigation and the arrest. A country like the UK has no power to arrest their own national in a foreign country. There is therefore a sovereignty issue. Secondly, agreements are necessary where something might be a crime in one country, but not a crime in another. The UK will then need to have an agreement to ensure it can conduct an investigation alongside local police and obtain the evidence necessary to secure a conviction under section 72 in the UK. For example, making or possessing child pornography may not be a crime in one country, but it is a crime in the UK. An agreement needs to be in place to ensure that these crimes can be investigated where they would not usually be investigated by local law enforcement.
35. Another difficulty is that authorities and cross border agencies are willing to cooperate, but the difficulty is that a foreign agency cannot be seen taking the lead on investigations or that there are country specific issues in place which mean that authorities may not be willing to take a lead on the issue. For example, in Indonesia, new legislation has been introduced which has provided for the death penalty where *inter alia*, a child has been murdered, has contracted a sexual disease or where they have been tortured. In other cases, a convicted person may be sentenced to chemical castration. I am not aware that the death penalty has been applied in any case, however the effect of it is that where an Australian is accused of a crime which could lead to the death penalty, the Australian Government will not actively participate in the investigation given their competing human rights obligations and previous bad publicity resulting from the "Bali Nine" case a number of years ago, resulting in 2 Australian citizens being executed in 2016.

36. Despite these difficulties, there are good working models that can be used and expanded upon. International Justice Mission (IJM) has a model in the Philippines which brings police forces from foreign countries, who then work with NGOs and the national police force. For example the US agencies - the FBI and Homeland Security - have a good relationship with the Philippines agencies, the NBI and Philippine National Police. I believe that IJM's work has led to 200 arrests in the last 2 years. The US presence in the Philippines and on the ground is leading to real results. This cooperation helps to explain the greater use of extra-territorial powers compared to Australia or the UK.

**The Disclosure and Barring System (DBS)**

37. I am not familiar with the DBS system in the UK. In relation to Australians travelling abroad for work, each country has different laws regarding travel overseas, depending on the seriousness of the crime, the severity of the penalty and other criminal activity that has occurred between the time the conviction occurred and the visa application. The Walbran case above illustrates how an Australian with pre-existing convictions was allowed to work at a school abroad. Walbran used to be the principal of a school in Indonesia. He fled to Lombok, abused 7 children there, was arrested and jailed for 3 years. He was released and after 2 and a half years deported back to Australia. When he landed in Australia he was summoned using extra-territorial powers and asked to go to court. He resurfaced 12 months later in Thailand working as a teacher at a school with 4000 children.

38. Realistically it is difficult to ensure checks in Indonesia or Thailand are done on applicants. I have spoken with a number of international teacher recruitment businesses in South East Asia regarding the laws in place by Governments in these countries and also set by their own internal processes with regard to screening and vetting applicants for criminal history, sadly the answers are all similar in expressing difficulty due to no laws being in place in these countries, no Government licensing or auditing for starting one of these businesses, a general reluctance of foreign institutions like universities being willing to confirm an applicant’s qualifications. There is also an issue with law enforcement in the applicant’s home country not being willing to reveal criminal history upon request. How far are schools or universities or these companies in these countries going to go to get someone’s criminal background checked? In my opinion, a travel ban is the only way of ensuring that a sex offender does not travel abroad to abuse children.

**Conclusion**
39. I hope that this Statement assists the Inquiry. If any further information is required, I am happy to assist.

Statement of Truth

I believe the facts stated in this Witness Statement are true.

Signed: DPA

Dated: 4/12/2018