

MATTHEW GOULD
Statement No: 1
Exhibits: 0
Dated: 9 January 2019

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE (IICSA)

**WITNESS STATEMENT
ON BEHALF OF THE MINISTRY OF JUSTICE**

I, MATTHEW GOULD, of 102 Petty France, London SW1H 9AJ, will STATE as follows:

Introduction

1. I am duly authorised to make this statement on behalf of the Ministry of Justice (MoJ) to assist the Independent Inquiry into Child Sexual Abuse (the Inquiry). I am a senior Civil Servant currently employed by the Ministry of Justice. Since 1 April 2017 I have been Deputy Director of the Criminal Courts and Criminal Law Policy Unit. The Unit leads policy development on criminal court reform and domestic and international criminal law.
2. The contents of this statement are true to the best of my information and belief.
3. I make this statement in response to the letters dated 12 and 23 November, and 13 December 2018 from Martin Smith, Investigation Lawyer, and in relation to paragraphs 14 to 24 of the most recently updated letter (13 December 2018). A separate witness statement will be provided by Gordon Davison in respect of paragraphs 4 to 13 of the same letter.

The Sexual Offences Act 2003, section 72

4. Section 72 of the Sexual Offences Act 2003 ("the 2003 Act") provides that the courts of England and Wales have jurisdiction over the offences listed in Schedule 2 of the 2003 Act when committed outside the UK by a UK national or a UK resident where the victim is aged under 18 at the time of the offence. Policy responsibility for section 72 of the Sexual Offences Act 2003, and extraterritorial jurisdiction generally, sits with the MoJ.

5. In 'Transforming the response to domestic abuse', a consultation which closed on 31 May 2018, the Government set out proposals to take extraterritorial jurisdiction over a range of offences for compliance with Article 44 of the Istanbul Convention (a Council of Europe Convention on preventing and combating violence against women and domestic violence which the UK signed in 2012). The relevant offences include sections 1 to 4 of the 2003 Act where the victim is aged 18 or over at the time of the offence and there is dual criminality. The government response to the consultation will be published along with a draft Domestic Abuse Bill later this session.
6. The MoJ does not hold the information requested by the Inquiry in paragraphs 14-16. This is because information held centrally by the MoJ on the Court Proceedings Database does not include the circumstances behind each case beyond the definition of the offence provided in statute. Therefore, although we can provide information on how many of each of the offences covered by section 72 of the Sexual Offences Act 2003 were proceeded against at court overall, we do not have a central record of how many of those offences were alleged to have taken place outside of the UK. This information may be obtained from individual court files, or through Crown Prosecution Service case files, which may be available upon request to those who hold them.

The training and information given to personnel at the MoJ in relation to the use of section 72.

7. The use of section 72 of the 2003 Act is a matter of prosecutorial discretion, and as such operational MoJ staff and particularly those working in Her Majesty's Courts and Tribunal Services (HMCTS) will not require specific knowledge of the application of this section of the Act as many functions of staff and clerks are administrative. As such, the MoJ holds no such training materials on the use of this section of the 2003 Act.
8. However, HMCTS does provide training to staff to cover the care of vulnerable and intimidated witnesses. This is via the Crown and Magistrates' Court Witness Liaison Officer Training and Vulnerable and Intimidated Witness Awareness Training. These materials focus on the care of victims and witnesses, who would be entitled to enhanced support.

Internal reviews on effectiveness and utility of section 72.

9. The MoJ has not carried out an internal review specifically to consider the utility or efficacy of section 72. Prosecutors would be best placed to provide observations on whether section 72 is an effective provision in securing prosecution of British citizens or

UK residents who commit sexual offences against children outside the jurisdiction of the United Kingdom or whether it can be improved.

10. That said, I am unaware of any problems with the use of section 72 and I am pleased that it has been used successfully to convict UK nationals who have abused children abroad. I am aware of a case in 2018 where a UK national was successfully prosecuted for a number of sexual offences against children that took place in Kenya. I understand that the Crown Prosecution Service (CPS), used the provisions of section 72 of the 2003 Act to bring the individual to justice. In that case we sent a registered intermediary to support the vulnerable young witnesses in Kenya during the particularly sensitive investigative process.

Statutory disclosure and barring

11. The legislation covering the disclosure of criminal record information in respect of excepted employment is set out in the Rehabilitation of Offenders Act (RoA) 1974 (Exceptions) Order 1975, and Part V of the Police Act 1997, as amended. The Exceptions Order and Section 113A and 113B of the Police Act 1997 provide eligibility for checks to be carried out in relation to individuals and on behalf of organisations based in England and Wales. The MoJ is responsible for the RoA. The Home Office is responsible for the Police Act and associated legislation which govern the disclosure and barring regime referred to in this question. I understand the Home Office will provide separate evidence to the Inquiry, setting out those provisions.

STATEMENT OF TRUTH

I believe the contents of this witness statement to be true.

Signed

DPA

Dated: 9 January 2019

Name: MATTHEW GOULD

Role: Deputy Director, Criminal Courts and Criminal Law Policy Unit.

