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## **Sex Offender Registration and Notification Laws around the World**

A Report Prepared by the  
Federal Research Division, Library of Congress  
under an Interagency Agreement with the  
Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking,  
U.S. Department of Justice

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**74 Years of  
Fee-Based  
Research  
Services to  
the Federal  
Government  
1948–2022**



## PREFACE

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A collaborative effort between the Library of Congress’s Federal Research Division (FRD), the Law Library of Congress, and the U.S. Department of Justice’s Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), this report is a collection of legislative and regulatory language from some ninety countries pertaining to sex offender registration and notification systems. Completed in two phases, this project required researchers to conduct an initial global search. They surveyed a wide range of source material such as news reports, monitoring agency publications, grass-roots organization webpages, and reports by ECPAT (End Child Prostitution in Asian Tourism) International, the European Union, and the U.N. Office on Drugs and Crime, for mentions of sex offender registries or related discussions and events. Once researchers ascertained the existence of registry-related laws or regulations within jurisdictions, further research was conducted to locate the relevant statutory for this report.

*FRD’s Commitment to Unbiased Research:* FRD provides customized research and analytical services on domestic and international topics to agencies of the U.S. government, the District of Columbia, and authorized federal contractors on a cost-recovery basis. This report represents an independent analysis by FRD and the authors, who sought to adhere to accepted standards of scholarly objectivity. It should not be considered an expression of an official U.S. government position, policy, or decision.

Helene Zakia  
Project Manager

Information Cutoff Date for Research: October 2021.

## 1. HOW TO READ THIS REPORT

The goal of this report is to provide SMART and other interested stakeholders with a global list of country legislations and statutes pertaining to sex offender registration and notification.<sup>1</sup> This report contains a main narrative section and an appendix. Divided into a main report and an appendix, this report first presents the laws and regulations of forty-one countries found to have sex offender registration and notification systems, or something comparable. The appendix lists another forty-two countries found to have had notable movement regarding sex offender registration laws; for example, those that have proposed legislation on the subject matter, or, that have attempted, but failed, to pass relevant bills. Countries for which researchers did not find relevant information are excluded from this report.

Countries within the main report are organized into six geographic regions: Africa [Sub-Saharan], East Asia and the Pacific, Europe and Eurasia, Near East [North Africa and Middle East], South and Central Asia, and the Western Hemisphere. Associated territories, states, and in the case of the United Kingdom, Crown Dependencies and colonies, that have distinct local legislation or regulatory language pertaining to sex offender registration and notification, are included as well.

Within the main report, researchers organized each country's information into nine subheadings:

- **Applicable Law(s)** provides the titles of laws or regulations pertaining to sex offender registration and notification policies.
- **Offenses Requiring Registration** stipulates crimes or categories of crimes that, when an accused individual is convicted of one or more of them, requires them to register their information within that country's sex offender registration and notification system.
- **Data Stored in Registry** gives offender information collected for a country's sex offender registry or comparable equivalent.
- **Registrant Requirements** covers a variety of reporting requirements, including frequency of reporting, to whom an offender must report, and what changes to circumstances must be reported to authorities.
- **Duration of Registration** contains information pertaining to how long sex offenders must register and what circumstances, if any, will allow removal from a registry.
- **Access to Registry** details who is allowed to access and view the registry. This subheading also includes, where applicable, hyperlinks to the country's registry.

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<sup>1</sup> Please note that the goal of this report was to present statute-based language as is; the research presented here is not normative or comparative in design.

- **Notice of Travel** gives information on whether countries require registered sex offenders to report to authorities in the event that they undertake domestic or international travel.
- **Additional Notes** contains information researchers found to be helpful and germane, but did not fit within one of the previous categories.
- **Registry Available at** contains available website links to sex offender registries and databases.

Information within the appendix is grouped into two subheadings: **Status** and **Notes**. Source documents are also included at the end of each country profile.

## 2. STATUTORY LANGUAGE

Countries' statutory language on sex offender registration and notification can incorporate references to multiple sections of a chapter, or give deference to a separate regulatory body's authority. Internal mechanisms and underpinnings supporting legal codes may differ subtly or significantly, and countries may use differing terminologies and concepts. However, the multitude of methods through which countries operate converges in a comparable end goal—registering sex offenders.

Researchers prioritized the inclusion of direct statutory language quoted from primary sources. They strove, through the eight subheadings, to organize content in such a way that is consistent across all countries. Still, in many cases, the differences in how countries organized similar concepts within their legal and regulatory codes means that corresponding differences in content organization may appear in this report. These differences are explained more in the next section, "Research Methodology."

Countries can differ in the type of legal system they follow which may affect the way statutes are written, interpreted, and applied.<sup>2</sup> Australia, Canada, and the United Kingdom have territories, states, Crown Dependencies, or colonies that each have separate laws and regulations concerning sex offender registration and notification within their jurisdictions.

Where there is an absence or statutory silence on information that is usually present in other countries' laws on sex offender registration or notification, it should not be presumed that the element associated does not exist within that country; sources of law vary across countries and it is possible, for example, that in a country that follows customary law, statutes do not fully elucidate procedure. Readers are encouraged to interpret such silence as information that was not present during research.

This report serves as an introductory, overview guide to global legislation on sex offender registries, and it does not seek to provide a comprehensive understanding of countries' laws, policies, and criminal law systems.

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<sup>2</sup> For example, some countries, like most of the United States and England and Wales in the United Kingdom, follow common law, while others may follow customary law, European Union Law, French Law, or a combination thereof (U.S. Central Intelligence Agency, "World Factbook: Field Listing; Legal System," accessed December 21, 2021, <https://www.cia.gov/the-world-factbook/field/legal-system/>).

### 3. RESEARCH METHODOLOGY

Research was divided into two phases. The first phase of research was exploratory—FRD ascertained whether domestic laws of foreign countries have established sex offender registries (SORs). The second phase of research was descriptive. After determining a list of foreign jurisdictions that have established SORs, FRD and Law Library of Congress outlined specifics of the existing SORs.

FRD relied upon the following sources to obtain information on SORs:

- ProQuest and LexisNexis/NexisUni, to obtain a cursory overview of existing articles on the subject of SORs;
- European Parliament and European Union pages, for content about SORs;
- Official pages of Ministries of Justice in respective countries for access to primary or secondary source information on SORs;
- Reports published by DOJ's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) and their 2014 and 2016 global review of SORs, for references to existing sources;
- Non-government sex offender and registration monitoring agencies, for current information on SORs, links to reports or available external resources;
- United Nations Office on Drugs and Crime, European Union, and End Child Prostitution in Asian Tourism reports, for overviews on sexual crimes across the world;
- Country-specific local news reports, newspapers, and grass-roots organization pages, for content on SORs;
- Country-specific government pages, for information on SORs;
- International Labor Organization (a specialized agency of the U.N.) website, for access to copies of primary source information on SORs, enacted legislation, and copies of relevant penal codes and regulations;

In phase I, researchers conducted a broad review to establish whether countries have considered laws/regulations establishing SORs.

- If researchers located the affirmative existence of an SOR, the researcher conducted further inquiry to obtain the name of the regulation/legislation that promulgated the SOR.
- If researchers found no indication of an SOR within a country, researchers removed the country from the list of presented countries.

- If researchers found mention of legislative activity, such as a country's attempts to pass bills establishing an SOR, but no SOR currently exists within that country, researchers added relevant information on the country to the appendix.

In phase II, researchers conducted searches for legislative and regulatory language for each country found to have an existing SOR in phase I. This involved conducting web searches to access primary and secondary source information, which generally involved researching government webpages of judicial/justice sector ministries and parliaments to obtain primary source material – generally, copies of enacted legislation, penal codes, or statutes.

Researchers found that access to foreign law varied by jurisdiction. Some foreign governments (e.g., Australia, New Zealand, and South Africa) made legal materials available online. Those can be easily accessed and reviewed. Some governments, for example, Poland and Ireland, made their government pages available in two languages. English translations of legal materials were not always available for non-English speaking countries. For these, researchers first conducted in-house translations where language skills were available. Second, researchers utilized a secondary resource, such as the ILO for English translations of legal materials.

At times, the penal code, regulation, or statute propounding the SOR did not explicitly cover its details. To obtain more complete information, researchers, at times, turned to additional government sources (e.g., administrative agency websites) that provided details about their specific SOR systems in place. One example can be seen in Nigeria, where the Violence Against Persons (Prohibition) Act (VAPP Act) empowered the country's National Agency for the Prohibition of Trafficking in Persons (NAPTIP) to implement its provisions. One of these was for the NAPTIP to establish a sex offender registry. The VAPP Act provided few details; instead, information on the Nigerian SOR was sourced mainly from NAPTIP's website.

Researchers, where possible, included direct statutory language and provided original statutory organization. At times, it was not feasible for researchers to pull direct language (such as when the language in question was too long, included too many references to additional sections, or was organized in a way that did not facilitate a copied transfer). In those cases, researchers paraphrased. Many jurisdictions had available government-provided primary sources in English; however, at other times, jurisdictions' statutory language had to be translated to English by researchers or procured through a secondary translated source.

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### A Note about Quotation Marks

Given the fact that statutory language is often presented in alphabetized or bulleted lists, FRD employed the guidance described in Section 13.32 of the 17th edition of the Chicago Manual of Style, "Quotation Marks across Paragraphs." This section states that if quoted material is "run in" to the surrounding text, a quotation mark is needed at the beginning of the quoted material and at the beginning of each new paragraph, but only at the end of the final paragraph. For example:

Subheading Text: These passages often serve as introductory text for the statutory language, which is styled as follows:

- "Offense A,
- "Offense B, and
- "Offense C."

This styling was used to maintain the integrity of the original material, while also attempting to standardize the way the relevant information is presented across some ninety countries and lower jurisdictions.

## 4. COUNTRY FINDINGS BY REGION

### 4.1. Africa (Sub-Sahara)

#### 4.1.1 Kenya

##### **Applicable Laws:**

- Sexual Offences Act, No. 3, 2006
- Sexual Offences Regulations, 2008<sup>3</sup>

**Offenses Requiring Registration:** Kenya Sexual Offenses Regulation (2008) states that the Registrar of the High Court will maintain the “Register of Convicted Sexual Offenders.” According to the Kenya Sexual Offences Act, No. 3 (2006), the following acts are considered “sexual offences:”<sup>4</sup>

- Rape and attempted rape;
- “Sexual assault;
- “Compelled or induced indecent acts;
- “Acts which cause penetration or indecent acts committed within the view of a family member, child or person with mental disabilities;
- “Defilement;
- “Attempted defilement;
- “Gang rape;
- “Indecent act with child or adult;
- “Indecent act with adult;
- “Promotion of sexual offenses with a child;
- “Child trafficking;
- “Child sex tourism;
- “Child prostitution;
- “Child pornography;
- “Exploitation of prostitution;
- “Trafficking for sexual exploitation;

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<sup>3</sup> Sexual Offences Act, No. 3 (2006, Rev. 2009) (Kenya), accessed May 25, 2021, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_127528.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127528.pdf) and Sexual Offences Regulations (2008) (Kenya), accessed May 25, 2021, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_127528.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127528.pdf). The provided URL links to the same document that provides both the Act and the Regulations in tandem. The Kenyan Sexual Offences Act called for the creation of a “register for convicted sexual offenders” and stipulated that it should be “maintained by the Registrar of the High Court.” Sexual Offences Act, No. 3 (2006, Rev. 2009) Sec. 39 § 13 (Kenya). The Kenyan Sexual Offences Regulations created the “Register of Convicted Sexual Offenders,” and it contains information on sexual offenders. Sexual Offences Regulations (2008) (Kenya).

<sup>4</sup> Sexual Offences Act, No. 3 (2006, Rev. 2009) Sec. 2 (Kenya) and Sexual Offences Regulations (2008) Sec. 7 § 1 (Kenya).

- "Prostitution of persons with mental disabilities;
- "Incest by male persons;
- "Incest by female persons;
- "Test of relationship;
- "Sexual harassment;
- "Sexual offenses relating to position of authority and persons in position of trust;
- "Sexual relationships which pre-date position of authority of trust;
- "Deliberate transmission of HIV or any other life threatening sexually transmitted disease;
- "Administering a substance with intent;
- "Distribution of a substance by juristic person;
- "Cultural and religious offences;
- "Non-disclosure of conviction of sexual offences."<sup>5</sup>

**Data Stored in Registry:** The Kenya Sexual Offences Regulations, 2008 states that the Register of Convicted Sexual Offenders will contain the following information about offenders:

- Names and aliases;
- Nationality, Date, and place of birth;
- A physical description, including sex, race, height, weight, eye and hair color, scars, tattoos;
- Passport photo and fingerprints;
- "Physical address at the time of the offence and any other domiciles;
- The charged offense;
- "The date(s) of conviction and any sentence(s) imposed;
- Any "sentence entered on reversal or enhancement;"
- "The age of victim(s) in the sexual offence in question;
- "Previous convictions entered against the convict under the Act or related penal laws;
- "The relationship between the convict and the victim, if any, including information as to whether there was a position of trust;
- "Brief particulars of the offences as well as the circumstances under which the offence was committed;
- "Any other information, which, in the Registrar's opinion, requires to be kept;"<sup>6</sup>
- "Whether the sexual offender has been declared dangerous by a court of law;"<sup>7</sup>
- A physical address and telephone number are also required to be kept on file.<sup>8</sup>

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<sup>5</sup> *Id.* at Sec. 3 through Sec. 30 (Kenya).

<sup>6</sup> Sexual Offences Regulations (2008) Sec. 7 § 1 (Kenya).

<sup>7</sup> Sexual Offences Act, No. 3 (2006, Rev. 2009) Sec. 39 (Kenya). "An offender can be declared dangerous by the court if he or she has: a) more than one conviction for a sexual offence; b) been convicted of a sexual offence which was accompanied by violence or threats of violence; c) been convicted of a sexual offence against a child."

<sup>8</sup> Sexual Offences Regulations (2008) Form 1 (Kenya).

**Registrant Requirements:** The “Sexual Offences Regulation (2008) Form” indicates that sex offenders in Kenya must give notice of the below changes in writing and where possible, before the change occurs. Otherwise, the Form indicates, notice of the changes as well as the updated information are required within 21 days:<sup>9</sup>

- “Cease to live or reside at the registered address or moves to a different address;
- “Leave a job or obtains a new job, or leaves a school or enrolls in a new school;
- “Leaves the jurisdiction of the High Court.”

If offenders are changing addresses, places of work, or schools, they must provide information on the new location, including an address and phone number.

**Duration of Registration:** The Kenya Sexual Offences Regulations, 2008 states that “the registration period for a sex offender shall lapse upon the sex offender’s death.”<sup>10</sup>

**Access to Registry:**

- The Kenyan Sexual Offences Act states that “any person who has reasonable cause to examine it may examine the [R]egister.”<sup>11</sup>
- Sexual Offences Regulations, 2008 states, “any person who uses or allows to be used in a prejudicial manner information kept in the Register commits an offence and shall be liable, on conviction, to a fine not exceeding six thousand shillings or imprisonment for a term not exceeding six months, or both.”<sup>12</sup> Furthermore, the Regulations stipulate that “The Registrar shall not allow access to the Register where he has reason to believe that the information is intended to be used in a prejudicial manner.”<sup>13</sup>
- The following categories of people have access to the Register at all times, though previous rules apply to them as well:
  - “Judicial officers;
  - “Advocates of the High Court involved in criminal proceedings to which information kept in the Register has a bearing;
  - “Probation officers;
  - “Children officers;
  - “State counsels and prosecutors;
  - “Police investigators;
  - “The prisons department;

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<sup>9</sup> *Id.* at Sec. 7 § 4–6 (Kenya).

<sup>10</sup> *Id.* at Sec. 7 § 3 (Kenya).

<sup>11</sup> Sexual Offences Act, No. 3 (2006, Rev. 2009) Sec. 39 § 13 (Kenya).

<sup>12</sup> Sexual Offences Regulations (2008) Sec. 7 § 11 (Kenya).

<sup>13</sup> *Id.* at Sec. 7 § 9 § 10 (Kenya).

- “Other relevant agencies which, in the opinion of the Register, may require such information.

**Notice of Travel:** Yes. In Kenya, registered offenders must give notice before leaving the High Court’s jurisdiction.<sup>14</sup>

**Additional Notes:** In addition to the Register of Convicted Sexual Offenders, Kenya has a Dangerous Offenders DNA Data Bank, which was established by the Sexual Offences (Dangerous Offenders DNA Data Bank) Regulations (2008). The regulation concerning the data bank is presented in conjunction with the other two regulations governing the registration of sexual offenders in Kenya. The DNA Data Bank has both a crime scene index, which contains DNA data from crime scenes, and a dangerous offender’s index, which contains DNA profiles of dangerous offenders. Unlike the Register of Convicted Sexual Offenders, the DNA Data Bank’s primary purpose is to aid criminal investigations.<sup>15</sup>

#### 4.1.2. Nigeria

**Applicable Laws:** Violence Against Persons (Prohibition) Act (2015) (VAPP Act).<sup>16</sup>

The VAPP Act states that “a register for convicted sexual offenders shall be maintained and accessible to the public;”<sup>17</sup> it mandates that the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) will implement this register.<sup>18</sup>

In November 2019, NAPTIP launched the National Sexual Offender Database (NSOD). The NSOD includes both the Sexual Offender Register and the Service Provider Register, which is a database of entities that provide services to victims of sex-based violence.<sup>19</sup>

According to the NSOD website, “When a member of the public reports an alleged sexual violation, the interagency referral team made up of the Police, Civil Defence, and NAPTIP will investigate and add the details to the database of reported cases where evidence is confirmed and will in addition make the decision whether or not to prosecute.”<sup>20</sup>

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<sup>14</sup> *Id.* at Sec. 7 § 4 (Kenya).

<sup>15</sup> Sexual Offences (Dangerous Offenders DNA Data Regulations (2008) Sec. 3–5 (Kenya).

<sup>16</sup> Violence Against Persons (Prohibition) Act (2015) (Nigeria), accessed May 17, 2021, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf>.

<sup>17</sup> Violence Against Persons (Prohibition) Act (VAPP Act) (2015), Part I, Sec. 1 § 4 (Nigeria).

<sup>18</sup> *Id.* at Part IV, Sec. 44 (Nigeria).

<sup>19</sup> “Nigeria Finally Launches an Official Register of Sex Offenders,” *bellanaija.com*, November 25, 2019, accessed May 17, 2021, <https://www.bellanaija.com/2019/11/register-sex-offenders/>.

<sup>20</sup> National Agency for the Prohibition of Trafficking in Persons (NAPTIP), “Nigeria Sexual Offender & Service Provider Database: Frequently Asked Questions (FAQs),” accessed May 17, 2021, <https://nsod.naptip.gov.ng/faq.php>.

**Offenses Requiring Registration:** NAPTIP states that “the Sex offender register is a documentation of cases of *reported, arraigned or convicted* cases of sex violations as defined by the VAPP Act 2015.” [Emphasis added]<sup>21</sup> The VAPP Act does not define “sex violations,” but does give the following offenses:

- Sexual abuse;
- Sexual assault;
- Sexual exploitation;
- Sexual harassment;
- Sexual intimidation.<sup>22</sup>

NAPTIP further clarifies that “[arraigned case[s] [are those] where the alleged offender has been charged to court. If later discharged and acquitted, the text under the name will state the fact, as is. A reported case is one captured in the media with evidence of reportage.” NAPTIP explains: “reported” and “arraigned” cases are recorded on the register because:

“The register serves as a digital database with information of sexual offence...and information on the sexual offence status of Nigeria. [It] is [a] database of facts on sexual offence[s] which we hope can deter repeat offending. Once a case is in reported in the media or arraigned in court it has become data in the public domain.”<sup>23</sup>

**Data Stored in Registry:**

- Photograph;
- Name;
- Sex;
- Offense(s);
- Aliases;
- Address;
- Year convicted;
- Details.<sup>24</sup>

**Registrant Requirements:** Not specified.

**Duration of Registration:** Not specified.

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<sup>21</sup> NAPTIP, “Nigeria Sexual Offender & Service Provider Database: Frequently Asked Questions (FAQs).”

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> NAPTIP, “Nigeria Sexual Offender & Service Provider Database: Background Check; Search Convicted Cases,” accessed February 9, 2021, [https://nsod.naptip.gov.ng/view\\_cases.php](https://nsod.naptip.gov.ng/view_cases.php).

**Access to Registry:** The database of convicted cases is free for the public to search, but the public must pay a fee to search for “reported” and “arraigned” cases. “Security agencies” also have access to the database.<sup>25</sup>

**Notice of Travel:** Not specified.

**Registry Available at:** <https://nsod.naptip.gov.ng/>

### 4.1.3. South Africa

**Applicable Laws:** Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 establishes the “National Register for Sex Offenders” (NRSO).<sup>26</sup>

**Offenses Requiring Registration:** In South Africa, the Criminal Law Amendment Act of 2007 establishes the “National Register for Sex Offenders” (NRSO). The Act states that a register will “establish[] and maintain[] a record of persons” who are convicted or who are alleged to have committed a sexual offense against a child or a mentally disabled person. The Act states that offenses that took place before and after the establishment of the NRSO, as well as offenses committed inside and outside of the country, will be included in the NRSO.<sup>27</sup> Examples of sexual offenses include:

- “Rape;
- “Compelled rape;
- “Sexual assault;
- “Compelled sexual assault;
- “Compelled self-sexual assault;
- “Compelling or causing persons 18 years or older to witness sexual offences, sexual acts or self-masturbation;
- “Exposure or display of or causing exposure or display of genital organs, anus or female breasts to persons 18 years or older (“flashing”);
- “Exposure or display of or causing exposure or display of child pornography to persons 18 years or older;
- “Engaging sexual services of persons 18 years or older;
- “Incest;
- “Bestiality;

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<sup>25</sup> NAPTIP, “Nigeria Sexual Offender & Service Provider Database: Frequently Asked Questions (FAQs).”

<sup>26</sup> Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007, Sec. 42 § 1 (S. Afr.), accessed May 27, 2021, [https://www.gov.za/sites/default/files/gcis\\_document/201409/a32-070.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a32-070.pdf). Act states that the NRSO was established to protect children and the mentally disabled.

<sup>27</sup> *Id.*

- "Sexual acts with corpse;
- "Acts of consensual sexual penetration with certain children (statutory rape);
- "Acts of consensual sexual violation with certain children (statutory sexual assault);
- "Sexual exploitation of children;
- "Sexual grooming of children;
- "Exposure or display of or causing exposure or display of child pornography or pornography to children;
- "Using children for or benefiting from child pornography;
- "Compelling or causing children to witness sexual offences, sexual acts or self-masturbation;
- "Exposure or display of or causing of exposure or display of genital organs, anus or female breasts to children ("flashing");
- "Sexual exploitation of persons who are mentally disabled;
- "Sexual grooming of persons who are mentally disabled;
- "Exposure or display of or causing exposure or display of child pornography or pornography to persons who are mentally disabled;
- "Using persons who are mentally disabled for pornographic purposes or benefiting therefrom."<sup>28</sup>

**Data Stored in Registry:** The South Africa Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 mandates that the NRSO must contain the following information:

- "The title, full names and surname of the person, including any known alias or nickname and, where applicable, the profession or trade of the person;
- "The last known physical address of the person, and any other contact details, including a postal address, where applicable;
- "The identity number, passport number and driver's license number of the person, where applicable;
- "The sexual offence against a child or a person who is mentally disabled in respect of which the person has been convicted, the sentence imposed, the date and place of conviction and sentence, as well as the relevant prisoner identification number, where applicable."
- "The court in which the trial took place and the case number;
- "The name of the medical institution or medical practitioner of a person and details of the sexual offence allegedly committed by a person who has been dealt with in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977;
- "Any other particulars as may be prescribed by regulation."<sup>29</sup>

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<sup>28</sup> Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007, Sec. 15-26 (S. Afr.).

<sup>29</sup> *Id.* at Sec. 49 § b (S. Afr.).

If the conviction and sentencing happened in a jurisdiction outside of South Africa, as much relevant information as possible should be collected “from the country and any other legal source” and added to the registry.<sup>30</sup>

**Registrant Requirements:**

- When registrants’ (those who have been convicted or who are alleged to have committed a sexual offense against a child or a mentally disabled person, or those who are required to register for other reasons) details change (i.e., names, sex, identity number, address) they must inform the register within 14 days;<sup>31</sup>
- All sexual offenders of children and mentally disabled persons are required to disclose the conviction to his/her employer.<sup>32</sup>

**Duration of Registration:**

- If the sentencing (for the crime which puts someone on the register) involves a term of imprisonment of between six and eighteen months, the registrant may apply to be removed from the register after ten years after the sentence;
- If the sentencing for the crime which puts someone on the register is six months or less, the registrant may apply to be removed from the register after ten years after the end of the sentence;
- If the offender is found to have a mental illness, he or she can apply to be removed from the register five years after he/she has recovered from the mental illness;
- If the sentence is for “any other form of lesser punishment,” the registrant may apply to be removed from the Register after five years.
- If the sentencing for the crime which puts someone in the register is more than eighteen months, or if the registrant has two or more convictions of sexual offense against a child or a person who is mentally disabled, he/she cannot be removed from the Register.<sup>33</sup>

**Access to Registry:**

- Employers and licensing authorities that work with children and the mentally disabled are authorized to use the registry for employment purposes and to ensure that applicants have not been convicted of a sexual offence against a child or a mentally disabled person.<sup>34</sup>

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<sup>30</sup> *Id.* at Sec. 49 § c (S. Afr.).

<sup>31</sup> *Id.* at Sec. 50 § 8 a (S. Afr.).

<sup>32</sup> *Id.* at Sec. 46 (S. Afr.).

<sup>33</sup> *Id.* at Sec. 51 § 1.a.(i)-(iii); 1.b.(iii); 2.a.–2.b. (S. Afr.).

<sup>34</sup> Department: Justice and Constitutional Development of the Republic of South Africa. “Criminal Law: FAQ; National Register for Sex Offenders (NRSO).” <https://www.justice.gov.za/vg/nrso.html>. (Accessed February 10, 2022).

- The registry is available to the public only for individuals who “fall in the categor[ies] of:”
  - “Employers;
  - “[A] Relevant Authority (department of state or administration in the national, provincial or local sphere of government; other functionary or institution exercising a power or performing a duty in terms of the Constitution of the Republic of South Africa...);
  - “[A]n employee in respect of her own particulars;
  - “[A] person applying for a license or approval to manage or operate any entity,
  - “[A] person applying to become a foster parent, applying for kingship care-giving; temporary safe care-giving, adoption or curatorship;
  - “[A]ny person whose particulars appear on the Register in respect of his or her own particulars.”<sup>35</sup>

**Notice of Travel:** Not specified.

**Additional Notes:**

- The South Africa Department of Justice and Constitutional Development (DoJCD) states on its website:

The National Register for Sex Offenders (NRSO) aims to stop the spate of incidents against children and mentally disabled people. [It] was established by an Act of Parliament in 2007...[and] is a record of names of those found guilty of sexual offences against children and mentally disabled people. The register gives employers in the public or private sectors such as schools; crèches and hospitals the right to check that the person being hired is fit to work with children or mentally disabled people. Being found guilty of a sexual offence against a child or mentally disabled person will result in one’s name being put on the National Register. The Register seeks to ensure that offenders do not work with children or mentally disabled people. Convicted offenders are also not allowed to apply for foster care or adoption, or to work with children. Employers can find out whether the people they put in charge of their children have not been found guilty of sexual offences in terms of the law.<sup>36</sup>

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<sup>35</sup> “Criminal Law: FAQ; National Register for Sex Offenders (NRSO)—Q8.”

<sup>36</sup> Department: Justice and Constitutional Development of the Republic of South Africa. “Criminal Law.” <https://www.justice.gov.za/crim.html>. (Accessed February 10, 2022).

- On a Frequently Asked Questions page by the DoJCD, it states:

The contents of the National Register will not be made available to the public. Only those entitled to apply for a clearance certificate will have access to the information contained in the National Register. It is a criminal offence for anyone to disclose or publish information contained in the National Register.<sup>37</sup>

- The FAQ further states that:

The Minister of the Department of Justice and Constitutional Development establishes and maintains the Register. The National Registrar for Sex Offenders administers the National Register for Sex Offenders. Police, Department of Correctional Services, the Department of Health and the courts nationwide submit the relevant information for the registration of offenders.<sup>38</sup>

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<sup>37</sup> "Criminal Law: FAQ; National Register for Sex Offenders (NRSO)—Q7."

<sup>38</sup> "Criminal Law: FAQ; National Register for Sex Offenders (NRSO)—Q4."

## 4.2. East Asia and the Pacific

### 4.2.1. Australia<sup>39</sup>

**Applicable Law:** Within Australia’s federal system of government, the Federal, or Commonwealth, Government and the Governments of the States and Territories share power.<sup>40</sup> Each of the states and territories enumerated below have enacted their own sex offender legislation and applicable laws regarding the establishment of the sex offender registration, and their monitoring mechanisms vary by state and territory.

#### 4.2.1.1. Australian Capital Territory

**Applicable Law:** Crimes (Child Sex Offenders) Act 2005.<sup>41</sup>

**Offenses Requiring Registration:** In Australia Capital Territory (ACT), The Crimes (Child Sex Offenders) Act 2005 mandates that offenders convicted of crimes under its “class 1” or “class 2” categories must register. Additionally, individuals issued a “child sex offender registration order” (but who may not have been found guilty of offenses falling into class 1 or 2 categories) are required to register also.

A court may issue a child sex offender registration order for offenses that are not class 1 or class 2 offenses: (i) if the court decides that the person poses “a risk to the sexual safety of 1 or more people or the community”; (ii) if the court imposes a sentence on a person and makes the order concurrent with the sentence; and (iii) upon the prosecution’s application for an order.<sup>42</sup>

- Crimes considered class 1 offenses in ACT include:
  - Any offense involving sexual intercourse with a child;

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<sup>39</sup> As noted in the Methodology, Australia is a country with several subnational jurisdictions, each of which maintains a separate statutory code on sex offender registration and notification. It consists of the six states of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia; furthermore, there are ten territories in Australia, with internal territories on the Australian mainland and external territories constituting sovereign territories offshore. The three internal territories are the Australian Capital Territory, the Jervis Bay Territory, and the Northern Territory. The seven external territories are the Ashmore and Cartier Islands, the Australian Antarctic Territory, Christmas Island, the Cocos (Keeling) Islands, the Coral Sea Islands, Heard Island and McDonald Islands, and Norfolk Island. Each state and internal territory, excluding the Jervis Bay Territory, has its own executive government, legislative branch, and judicial system. A SOR is documented for territories with existing registry systems.

<sup>40</sup> Australian Constitution Centre, “Federalism,” accessed February 1, 2021, <https://www.australianconstitutioncentre.org.au/federalism.html>.

<sup>41</sup> Crimes (Child Sex Offender) Act 2005 (A2005-30), Republication 32 (Austl. Cap. Terr.), Chapter 4, Section 117, January 6, 2021, accessed February 10, 2021, <https://www.legislation.act.gov.au/View/a/2005-30/current/PDF/2005-30.PDF>.

<sup>42</sup> *Id.* at Chapter 2, Sections 10, 15–18 (Austl. Cap. Terr.).

- Murder (where the person murdered is a child, and the murder was committed “in the course of or immediately after a class 1 or ...2 offence against the child,” whether by the murderer or by an accomplice);
- Sexual assault (where the person assaulted is a child, or that a child was present or nearby when the assault took place);
- “Sexual intercourse with young person;
- “Sexual intercourse with young person under special care;”
- “Sexual relationship with child or young person under special care;”
- “Act of indecency in the first degree” (where the other person is a child);
- “Sexual servitude” (where the other person is a child);
- “Sexual intercourse with a child [under 16] outside Australia;”
- “Persistent sexual abuse of child outside Australia;”
- “Sexual intercourse with young person outside Australia by defendant in position of trust or authority;”
- “Benefit from offence against Criminal Code (Cwlth), division 272;”
- “Encourage offence against Criminal Code (Cwlth), division 272;”
- “Any offence under a law of a foreign jurisdiction that, if it had been committed in the ACT, would have been a class 1 offence.”<sup>43</sup>
- Crimes considered class 2 offences in ACT include:
  - Acts of indecency in the second or third degrees where the other person is a child
  - “Act of indecency with young person;”
  - “Act of indecency with young person under special care;”
  - “Abduction;”
  - “Using child for production of child exploitation material etc.;
  - Using, possessing and trading child exploitation material;
  - “Using the internet etc. to deprave young person;”
  - “Accosting child for commercial sexual services;”
  - Causing child “to provide commercial sexual services;”
  - Deriving “proceeds from commercial sexual services by child;”
  - “Deceptive recruiting for sexual services;”
  - “Trafficking in children,” whether intentionally or “reckless as to whether the child will be used to provide sexual services or will be otherwise exploited for sexual services”
  - “Sexual activity (other than sexual intercourse) with child outside Australia;”
  - “Caus[ing] child to engage in sexual activity (other than sexual intercourse) in presence of defendant outside Australia;”
  - Procure and groom child to engage in sexual activity outside Australia;

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<sup>43</sup> *Id.* at Schedule 1, Class 1 offences (Austl. Cap. Terr.).

- “Possess, control, produce, distribute or obtain child exploitation material outside Australia;”
- The “use of postal service to procure or groom person under 16 years old for sexual activity;”
- “Any offense under a law of a foreign jurisdiction that, if it had been committed in the ACT, would have been a Class 2 Offense.”<sup>44</sup>

**Data Stored in Registry:** The ACT “child sex offenders register” must contain the following:

- “The offender’s name and other identifying particulars;
- “Details of each class 1 and class 2 offence of which the offender has been found guilty or with which the offender has been charged;
- “Details of each offence of which the offender has been found guilty that resulted in the making of a child sex offender registration order;
- “The date the offender was sentenced for each registrable offence;
- “The date the offender ceased to be in government custody for a registrable offence, or entered or ceased to be in government custody for an offence during the offender’s reporting period;
- “The date the offender stopped being in full-time government custody for a registrable offence.”<sup>45</sup>

The following information is required in the reporting section of the Act:

- “Offender’s name, together with any other name by which the offender is, or has previously been, known;
- “For each name other than the offender’s current name—the period when the offender was known by the other name;
- “The offender’s date of birth;
- “The address of each of the premises where the offender generally lives<sup>46</sup> or, if the offender does not generally live at any particular premises, the name of each of the localities where the offender can generally be found;
- “The names and ages of children...who generally live in the same household<sup>47</sup> as the offender or with whom the offender has regular unsupervised contact;<sup>48</sup>

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<sup>44</sup> *Id.* at Schedule 2, Class 2 offences (Austl. Cap. Terr.).

<sup>45</sup> *Id.* at Chapter 4, Section 117, Subsection 2 (Austl. Cap. Terr.).

<sup>46</sup> “A registrable offender generally lives at particular premises only if the offender lives at the premises for at least 7 days (whether or not consecutive) in a period of 12 months (see § 60(a)).”

<sup>47</sup> “A child generally lives in the same household as a registrable offender only if they live together in the household for at least 3 days (whether or not consecutive) in a period of 12 months (see § 60(b)).”

<sup>48</sup> “A registrable offender has regular unsupervised contact with a child only if the offender has unsupervised contact with the child for at least 3 days (whether or not consecutive) in a period of 12 months (see § 60(c)).”

- "If the offender is employed—
  - "The nature of the offender's employment; and
  - "The name of the offender's employer (if any); and
  - "The address of each of the premises where the offender is generally employed<sup>49</sup> or, if the offender is not generally employed at any particular premises, the name of each of the localities where the offender is generally employed.
- "Details of the offender's affiliation with any club or organisation that has child membership or child participation in its activities;
- "The make, model, colour, registration number, details of any modifications made, and any other particulars prescribed by regulation, of a motor vehicle owned by, or generally driven by, the offender;<sup>50</sup>
- "Details of any tattoo or permanent distinguishing mark that the offender has (including details of a tattoo or mark that has been acquired or removed);
- If the offender has ever been found guilty of a corresponding registrable offence, details of the offence, when and where the finding of guilt happened; and any order made by a court in relation to the finding of guilt;
- "If the offender has ever been found guilty under a corresponding law of an offence that required the offender to report to a corresponding registrar, details of the offence, when and where the finding of guilt happened, and any order made by a court in relation to the finding of guilt;
- "If the offender has ever been subject to a corresponding child sex offender registration order, details of the order, when and where the order was made, and the offence because of which the order was made;
- "If the offender has been in government custody since the offender was sentenced or released from government custody (as the case may be) for a registrable offence or corresponding registrable offence—details of when and where the government custody happened;
- "If, when making the report, the offender intends to travel outside the ACT, but within Australia, on an average of at least once a month (irrespective of the length of the absence)—in general terms, the frequency and destinations of the travel;
- "If the offender has ever been subject to a corresponding prohibition order, details of the order; and when and where the order was made;
- "Details of any carriage service used by the offender;
- "Details of any internet service provider or carriage service provider used by the offender.

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<sup>49</sup> A registrable offender is generally employed at particular premises only if the offender is employed at the premises for at least 7 days (whether or not consecutive) in a period of 12 months (see § 60(d)). Employment is also dealt with in § 61.

<sup>50</sup> A registrable offender generally drives a particular motor vehicle only if the offender drives the vehicle on at least 7 days (whether or not consecutive) in a period of 12 months (see § 60(e)).

- “Details of the kind of any internet connection used by the offender;<sup>51</sup>
- “Details of any email addresses, internet user names, instant messaging user names, chat room user names or any other user name or identity used by the offender through the internet or another electronic communication service;
- “The passport number and country of issue of each passport held by the offender.”<sup>52</sup>

**Registrant Requirements:**

- Annually, the offender must report in-person to the chief policy officer at an approved reporting place. Any changes to the offender’s personal details must then be reported to the chief policy officer. If the offender has been in government custody since the offender last reported, the offender must report to the chief policy officer details of when and where the custody happened;<sup>53</sup>
- An offender commits an offense if the offender fails to take all reasonable steps to report a change in any of the offender’s personal details. The offender must report the change at an approved reporting place if the change relates to the offender’s residence, an offender’s physical appearance, including tattoos and/or permanent distinguishing marks, or for any other change, in an approved way.<sup>54</sup>

**Duration of Registration:** Offenders’ required reporting period depends on the crimes for which they have been convicted:

- If convicted of a single Class 1 offense: 15 years;
- If convicted of a single Class 2 offense: 8 years;
- If convicted of two Class 2 offenses: 15 years;
- If convicted of two registrable offenses, one of which is a class 1 offense: Life;
- If convicted of more than two registrable offenses: Life.<sup>55</sup>

**Access to Registry:** Access is restricted.

- “The chief police officer must ensure—
  - “That the child sex offenders register, or a part of the register is only accessed by people who are authorized by the chief police officer or under a regulation;
  - “That personal information in the child sex offenders register is only disclosed by a person with access to the register, or the relevant part of the register—
    - “For law enforcement functions or activities and then only to an entity prescribed by regulation; or

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<sup>51</sup> Examples: wireless, broadband, ADSL or dial-up connection.

<sup>52</sup> *Id.* at Chapter 3, Section 59 (Austl. Cap. Terr.).

<sup>53</sup> *Id.* at Chapter 3, Section 37, Subsection 1 (Austl. Cap. Terr.).

<sup>54</sup> *Id.* at Chapter 3, Section 55, Subsection 1-2 (Austl. Cap. Terr.).

<sup>55</sup> *Id.* at Chapter 3, Section 84–87 (Austl. Cap. Terr.).

- “As otherwise required or authorized by a regulation or under an Act or other law;”<sup>56</sup>
- “The chief police officer must develop guidelines about access to, and disclosure of, personal information in the child sex offenders register to ensure that access to the personal information in the register is restricted to the greatest extent that is possible without interfering with the purpose of this Act.”<sup>57</sup>

**Notice of Travel:** Yes. Offenders must report information concerning regular travel within ACT, when leaving ACT, any changes in travel outside of ACT, and when returning to ACT. More specifically, offenders must report the following changes to their information:

- Regular travel;
- Offenders who plan to leave ACT (or decide not to leave), they must report their travel details;
- Offenders outside ACT must report travel details if staying more than 7 days and any change of travel plans (including any information about when they plan to return to ACT).<sup>58</sup>

#### 4.2.1.2. New South Wales

**Applicable Law:** Child Protection (Offenders Registration) Act 2000.<sup>59</sup>

**Offenses Requiring Registration:** In New South Wales (NSW), the Child Protection (Offenders Registration) Act 2000 mandates that offenders convicted of crimes under its “class 1” or “class 2” categories must register. Additionally, individuals issued a “child protection registration order” (but who may not have been found guilty of offenses falling into class 1 or 2 categories) are required to register also.

A court may issue a child protection registration order for offenses that are not class 1 or class 2 offenses: (i) if the court decides that the person poses “a risk to the lives or sexual safety of one or more children, or of children generally; (ii) if the court imposes a sentence on a person and makes the order concurrent with the sentence; and (iii) upon the prosecution’s application for an order.”<sup>60</sup>

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<sup>56</sup> *Id.* at Chapter 4, Section 118, Subsection 1 (Austl. Cap. Terr.).

<sup>57</sup> *Id.* at Chapter 4, Section 118, Subsection 2 (Austl. Cap. Terr.).

<sup>58</sup> Australian Government, Australian Institute of Family Studies, “Offender Registration Legislation in Each Australian State and Territory: Australian Capital Territory.”

<sup>59</sup> Child Protection (Offenders Registration) Act 2000, No. 42 (N.S.W.), March 1, 2020, accessed February 17, 2022, <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-2000-042>.

<sup>60</sup> *Id.* at Part 2A (N.S.W.).

- Crimes considered by New South Wales to be Class 1 offenses include:
  - "Murder (where the person murdered is a child);
  - "An offence involving sexual intercourse with a child (other than...Class 2 offence[s]);
  - "Any offence under a law of a foreign jurisdiction that, if it had been committed in New South Wales, would have constituted an offence of a kind listed" as a class 1 offence;
  - "An offence under a law of a foreign jurisdiction that the regulations state is a class 1 offence;
  - "An offence, an element of which is an intention to commit an offence of a kind listed in this definition;
  - "An offence of attempting, or of conspiracy or incitement, to commit a Class 1 offence;
  - "An offence that, at the time it was committed...was a Class 1 offence...or in the case of an offence occurring before the commencement of this definition, was an offence of a kind listed in this definition."<sup>61</sup>
  
- Crimes considered by New South Wales to be Class 2 offenses include:
  - Manslaughter, "other than...as a result of a motor vehicle accident," where the victim is a child;
  - "An offence that involves sexual touching or a sexual act against or in respect of a child" and that is punishable by 12 months or more of imprisonment;<sup>62</sup>
  - "An offence of attempting, or of conspiracy or incitement, to commit a Class 1 offence;
  - Act of indecency;
  - Procuring or grooming a child under 16 for unlawful sexual activity;
  - Kidnapping;
  - Promoting, benefiting from, or engaging in acts of child prostitution;
  - Sexual offenses against children overseas.<sup>63</sup>
  - "Any offence under a law of a foreign jurisdiction that, if it had been committed in New South Wales, would have constituted an offence of a kind listed" as a class 2 offence;
  - "An offence, an element of which is an intention to commit an offence of a kind listed in this definition;

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<sup>61</sup> *Id.* at Part 1, Section 3 (N.S.W.).

<sup>62</sup> *Id.*

<sup>63</sup> Australian Government, Australian Institute of Family Studies, "Offender Registration Legislation in Each Australian State and Territory: New South Wales" and Child Protection (Offenders Registration) Act 2000, No. 42 (N.S.W.).

- “An offence that, at the time it was committed...was a Class 2 offence...or in the case of an offence occurring before the commencement of this definition, was an offence of a kind listed in this definition.”<sup>64</sup>

**Data Stored in Registry:** “The Register is to contain the following information in respect of each registrable person (to the extent that it is known by the Commissioner of Police)—

- “The person’s name and other identifying particulars;
- “Details of each class 1 or class 2 offence of which the person has been found guilty or with which the person has been charged;
- “Details of each offence of which the person has been found guilty that resulted in the making of a child protection registration order;
- “The date on which the person was sentenced for any registrable offence;
- “The date on which the person ceased to be in government custody in respect of a registrable offence, or entered or ceased to be in government custody in respect of any offence during the person’s reporting period;
- “Whether the person is a child or has any special need or disability;
- “Any information provided to the Commissioner in respect of the person under this Part;
- “Any information the Commissioner considers appropriate for inclusion in the Register;
- “Any other information prescribed by the regulations.”<sup>65</sup>

**Registrant Requirements:**

- Annually, the offender must report “relevant personal information to the Commissioner of Police;” and
- If the offender has been in government custody, the offender must report details of when and where such custody occurred.<sup>66</sup>
- Any changes to the offender’s personal details must be reported to the Commissioner of Police<sup>67</sup> within 7 days,<sup>68</sup> unless the change is about the “name and date of birth of each child who generally resides in the same household” as the offender. In this case, the change must be reported to the Commissioner of Police within 24 hours.<sup>69</sup>

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<sup>64</sup> *Id.* at Part 1, Section 3 (N.S.W.). *See also* Australian Institute of Family Studies, “Offender Registration Legislation in Each Australian State and Territory: New South Wales,” Class 1 and 2 offenses apply to offenses intended, attempted, incited or committed against a child in another jurisdiction. The Act has a retroactive application and applies to offenses committed prior to its commencement.

<sup>65</sup> Child Protection (Offenders Registration) Act 2000, No. 42 (N.S.W.), Division 9, Section 19, March 1, 2020, accessed February 11, 2021, <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-2000-042>.

<sup>66</sup> *Id.* at Division 3 Section 10. Subsection 1 (N.S.W.).

<sup>67</sup> *Id.* at Division 3 Section 11. Subsection 1 (N.S.W.).

<sup>68</sup> *Id.* at Division 3 Section 11. Subsection 1 (N.S.W.).

<sup>69</sup> *Id.* at Division 2 Section 9. Subsection 1 (E) (N.S.W.).

**Duration of Registration:** Offenders' required reporting period depends on the crimes for which they have been convicted:

- If convicted of a single class 1 offense: 15 years;
- If convicted of a single class 2 offense: 8 years;
- If convicted of two class 2 offenses: 15 years;
- If convicted of a class 1 offense and a subsequent "registrable offence:" Life;
- If convicted of a class 2 offense and a subsequent class 1 offense: Life;
- If convicted of a class 2 offense, a subsequent class 2 offense, and has been found guilty of 3 or more class 2 offenses: Life.<sup>70</sup>

**Access to Registry:** Restricted. Information cannot be disclosed, "relating to a registrable person obtained in connection with the administration or execution of this Act, unless the disclosure:

- "Is made in connection with the administration or execution of this Act or a corresponding Act or for law enforcement purposes; or
- "Is made with the consent of the person to whom the information relates; or
- "Is ordered by a court or any other body or person exercising judicial functions, for the purposes of the hearing or determination by the court, body, or person of any matter; or
- "Is made with the consent of the Commissioner of Police given...for the purposes of ensuring the safety or protection of a child or of children generally; or
- "Is made to the Minister or with the consent of the Minister (given in a particular case); or
- "Is authorised or required by or under this Act or any other law."<sup>71</sup>

**Notice of Travel:** Yes. Offenders must report information concerning regular travel within NSW, when leaving NSW, and when returning to NSW. More specifically, offenders must report the following changes to their information:

- While undertaking initial reporting obligations, if an offender intends to undertake regular travel of "an average of at least once a month..., irrespective of the length of... [the] absence, then the offender must report "the reason for travel[] and...the frequency and destinations of the travel."<sup>72</sup>
- If an offender "intends to leave New South Wales for 14 or more consecutive days to travel elsewhere in Australia or...outside of Australia," the offender must report at least 7 days (or if 7 days is "impractical," at least 24 hours) before departure:
  - The details of where the offender is going;
  - The approximate dates when the offender intends to be in the intended travel destinations;

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<sup>70</sup> *Id.* at Division 6 Section 14 (N.S.W.).

<sup>71</sup> Australian Government, Australian Institute of Family Studies, "Offender Registration Legislation in Each Australian State and Territory: New South Wales."

<sup>72</sup> *Id.* at Division 2, Section 9 (N.S.W.).

- “Each address or location...at which the person intends to reside” and corresponding dates of presence at these addresses;
- The approximate date of return to New South Wales; and
- If not intending to return to New South Wales, the offender must state this.<sup>73</sup>

#### 4.2.1.3. Northern Territory

**Applicable Law:** Child Protection (Offender Reporting and Registration) Act 2004.<sup>74</sup>

**Offenses Requiring Registration:** In Northern Territory, the Child Protection (Offender Reporting and Registration) Act 2004 mandates that offenders convicted of crimes under its “class 1” or “class 2” offenses categories must register. Additionally, individuals issued an “offender reporting order” (but who may not have been found guilty of offenses falling into class 1 or 2 categories) are required to register also.<sup>75</sup>

A court in Northern Territory may issue an “offender reporting order” if a person found “guilty of an offence that is not a Class 1 or...2 offense, or was found “guilty of a class 1 or 2 offense committed as a child, whether or not the person is still a child at the time of the finding of guilt, is determined by the court to “pose[] a risk to the lives or the sexual safety of one or more children or children generally.” The court must issue the offender reporting order concurrent with a sentence it is imposing. In Northern Territory, “the prosecution may apply for the order, but an application is not necessary.”<sup>76</sup>

- Crimes considered by Northern Territory to be Class 1 offenses include:
  - “Using a child for production of child abuse material or pornographic or abusive performance;”
  - “Sexual intercourse or gross indecency involving a child under 16 years;”
  - “Sexual intercourse or gross indecency by providers of services to mentally ill or handicapped person, where the victim is a child;”
  - “Sexual relationship with a child;”
  - “Incest, where the close family member is a child;”
  - “Murder and manslaughter, where the victim is a child;”
  - “Sexual intercourse and gross indecency without consent, where the victim is a child;”

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<sup>73</sup> *Id.* at Division 3, Section 11 (N.S.W.). Requirements for changes of plans and intention of return to New South Wales are further enumerated in the source.

<sup>74</sup> Northern Territory of Australia Child Protection (Offender Reporting and Registration) Act 2004 (N. Terr.), November 4, 2004, accessed February 16, 2021, <https://legislation.nt.gov.au/en/Legislation/child-protection-offender-reporting-and-registration-act-2004>.

<sup>75</sup> *Id.* at Part 2, Section 12 (N. Terr.).

<sup>76</sup> *Id.* at Part 2, Section 13 (N. Terr.).

- “Coerced sexual self-manipulation, where the victim is a child;”
  - “Sexual servitude, where the victim is a child;”
  - “Conducting business involving sexual servitude, where the victim is a child;”
  - “Deceptive recruiting for sexual services, where the victim is a child;”
  - “Inducing a child under 16 years of age to engage in sexual intercourse.”<sup>77</sup>
- Crimes considered by Northern Territory to be Class 2 offenses include:
    - “Possession of child pornography and certain indecent articles;”
    - “Publishing indecent articles...portray[ing] a child who is...or looks like he or she is under the age of 16 years of age;”
    - “Sexual intercourse or gross indecency involving child over 16...under special care;”
    - “Attempts to procure child under 16;”
    - “Indecent dealing with child under 16;”
    - “Indecent assault, where the victim is a child;”
    - “Abduction, enticement, or detention of child under 16 for immoral purpose;”
    - “Causing or allowing child to perform sex work or work in sex services business;”
    - “Receiving payment from sex work by child;”
    - “Agreeing to sex work by child;”
    - “Sexual Conduct involving child under 16;”
    - “Inducing child under 16...to be involved in sexual conduct;”
    - Trafficking and domestic trafficking in children “to provide sexual services;”
    - “Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service;”
    - “Using a carriage service” to “procure” or “groom” persons under 16.<sup>78</sup>

**Data Stored in Registry:** In an initial report, an offender must provide the following personal details:

- Current name and any alternative names, along with the dates during which those names were used;
- Date of birth;
- “The address of each of the premises at which he or she generally resides or, if he or she does not generally reside at any particular premises, the name of each of the localities in which he or she can generally be found;
- “The names and ages of any children who generally reside in the same household as that in which [the offender] generally resides, or with whom [the offender] has regular unsupervised contact;”

<sup>77</sup> *Id.* at Schedule 1, “Class 1 offences” (N. Terr.).

<sup>78</sup> *Id.* at Schedule 2, “Class 2 offences” (N. Terr.).

- If the offender is employed, the nature of the employment, the name of the employer, the address of the work premises, and the “name of each of the localities in which [the offender] is generally employed;”
- “Details of [the offender’s] affiliation with any club or organisation that has child membership or child participation in its activities;
- “The make, model, colour and registration number of any motor vehicle owned by, or generally driven by [the offender];
- “Details of any tattoos or permanent distinguishing marks that [the offender] has (including details of any tattoo or mark that has been removed);
- “Whether [the offender] has ever been found guilty in any foreign jurisdiction of a foreign reportable offence, or an offence that required [the offender] to report to a corresponding registrar, or been the subject of a corresponding offender reporting order and, if so, where that finding occurred or that order was made;
- “If [the offender] has been in government custody, whether in the [Northern] Territory or elsewhere, since [the offender] was sentenced or released” with respect to the offender’s “reportable offence, foreign reportable offence or corresponding reportable offence – details of when and where [the subsequent] government custody occurred;
- “If, at the time of making a report under this Division, [the offender] travels or intends to travel, within the Territory or elsewhere, frequently (irrespective of the length of any such travel):
  - “(i) in general terms, the reason for travelling; and
  - “(ii) in general terms, the frequency and destinations of the travel;
- “A telephone number at the premises where the [offender] generally resides or, if the reportable offender does not generally reside at any particular premises, at least one telephone number by which the reportable offender may be contacted for each of the localities in which [the offender] can generally be found;
- All phone numbers used by the offender;
- All email addresses used by the offender;
- “The name of each internet service provider the...offender uses to access the Internet, and usernames” used by the offender;
- “Any other information prescribed by regulation.”<sup>79</sup>

**Registrant Requirements:**

- Each calendar year, “during the calendar month in which he or she first reported,” an offender must report their details to the Commissioner. If the offender has been in government custody since the offender last reported, the offender must report details of when and where that custody occurred.

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<sup>79</sup> *Id.* at Part 3, Section 16 (N. Terr.).

- If an offender experiences a change in their “personal details,” they must report those changes to the Commissioner within 7 days. As well, “any additional personal details... required, ...that have not been previously reported,” must be reported to the Commissioner within 7 days.
- Changes to an offender’s appearance must be reported within 7 days, unless it is “insignificant.” Changes to appearances that must be reported include:
  - The shaving or growing of facial hair (or wearing false facial hair);
  - Changing a hair color;
  - Changing hair styles by going from having hair to bald, going from curly to straight hair or vice versa, or “shortening hair previously worn long or wearing a wig.”
- If the Commissioner suspects unreported changes to an offender’s personal details, or if the Commissioner otherwise requires the offender to “clarify or expand on information,” then the Commissioner may give an offender written notice “to answer questions about his or her personal details...” “...at a time and place specified in the notice.”<sup>80</sup>

**Duration of Registration:** As in other Australian regions, Northern Territory offenders’ required reporting period depends on the crimes for which they have been convicted:

- If convicted on a single Class 1 offense or two Class 2 offenses: 15 years;
- If convicted of a single Class 2 offense: 8 years;
- If convicted of a Class 1 offense and subsequently, another reportable offense: Life;
- If convicted of a Class 2 offense and, subsequently, a Class 1 offense: Life;
- If convicted of a Class 2 offense, a subsequent Class 2 offense, and “has ever been found guilty of 3 or more Class 2 offences:” Life;
- Sexual Reoffending: Life.<sup>81</sup>

**Access to Registry:** Restricted.

- “The Commissioner must ensure:
  - “That the Register, or any part of the Register, is only accessed by a person or class of persons authorised to do so by the Commissioner; and
  - “That personal information in the Register is only disclosed by a person with access to the Register, or the relevant part of the Register, in circumstances authorised by the Commissioner or as otherwise required or authorised by or under any Act or law;
- “Personal information in the Register that is to be disclosed (otherwise than to a police officer or a law enforcement agency) may only be disclosed by a person authorised to do so by the Commissioner;

<sup>80</sup> *Id.* at Part 3, Sections 18-19 (N. Terr.).

<sup>81</sup> *Id.* at Part 3, Section 37 (N. Terr.). Note: “2 or more offences arising from the same incident are to be treated as a single offence; and 2 or more offences arising from the same incident are to be treated as a single Class 1 offence if at least one of those offences is a Class 1 offence.”

- “The Commissioner must develop guidelines in relation to the accessing and disclosure of personal information in the Register to ensure that access to the personal information in the Register is restricted to the greatest extent that is possible without interfering with the objects of this Act;
- “For this section, the Register includes any information from any register maintained under a corresponding Act and that is accessible by the Commissioner, whether or not the information is contained in the Register.”<sup>82</sup>

**Notice of Travel:** Yes. Offenders must report information concerning “frequent travel,” travel within Northern Territory, when leaving Northern Territory, and when returning to Northern Territory. More specifically, offenders must report the following changes to their information:

- While undertaking initial reporting obligations, if an offender intends to undertake “frequent” travel, irrespective of the length of such trips, then the offender must report “in general terms the reason for travelling and the frequency and destinations of the travel.”<sup>83</sup>
- If an offender intends to travel within the Northern Territory, they must report at least 7 days before departure:
  - “Each address or location at which the offender intends to stay;”
  - The dates associated with how long the offender will stay at each address.
- If an offender intends to leave Northern Territory, they must report at least 7 days before departure:
  - Each State, Territory, or country to which they intend to travel and the dates associated with the stay;
  - “Each address or location within each State, Territory or country” to which the offender intends to travel and the dates associated with the stay;
  - The date on which the offender intends to return to Northern Territory;
  - If the offender does not intend to return, a statement to that effect.<sup>84</sup>

#### 4.2.1.4. Queensland

**Applicable Law:** Child Protection (Offender Reporting) Act 2004.<sup>85</sup>

**Offenses Requiring Registration:** In Queensland, the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 mandates that offenders convicted of offenses under the

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<sup>82</sup> *Id.* at Part 4, Section 65 (N. Terr.).

<sup>83</sup> *Id.* at Part 3, Section 16 (N. Terr.).

<sup>84</sup> *Id.* at Part 3, Sections 20–23 (N. Terr.).

<sup>85</sup> Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (Queensl.), January 1, 2005, accessed February 16, 2021, <https://www.legislation.qld.gov.au/view/pdf/inforce/2017-07-01/act-2004-052>.

Dangerous Persons (Sexual Offenders) Act 2003<sup>86</sup> as well as those it defines as “reportable offenders” must register. The Act defines a “reportable offender” as a person who is:

- “Sentenced for a reportable offence after the commencement of...” the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004;
- “Sentenced for a crime for which a court has made a declaration under subsection (5A);<sup>87</sup>
- “An existing reportable offender;
- “A corresponding reportable offender;
- “Subject to an offender reporting order;
- “Subject to an offender position order.”<sup>88</sup>

The Act defines “reportable offence” as:

- “An offence...committed in respect to a child;”
- An offence “reasonably believed” by the police commissioner to be an offence committed by an offender, who believed that the offence was being committed against a child;
- “Another offence mentioned in Schedule 1 of the Act; or
- “Another offence that results in an offender reporting order being made.”<sup>89</sup>

A court in Queensland may issue an “offender reporting order” if it finds a person “guilty of an offence...that is not a prescribed offence, or [it] makes a forensic order in relation to a person,” and the court finds that “the person poses a risk to the lives or the sexual safety of 1 or more children, or of children generally,” or if “the offence is a child abduction offence...if the court is satisfied...that the context [of the abduction]...was not familial and it is appropriate to make the order.” The court may make the offender reporting order “on its own initiative” as well as by application from the prosecution, but it must issue the offender reporting order upon conviction and the court imposes a sentence for the offence.<sup>90</sup>

- Crimes considered by Queensland to be Schedule 1 offenses include:
  - The production, sale, possession, “exhibition or display,” or leaving in a public or private place, of “prohibited publication[s],” such as those involving child abuse;
  - “Indecent treatment of children under 16;
  - “Carnal knowledge with or of children under 16;

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<sup>86</sup> Dangerous Persons (Sexual Offenders) Act 2003 (Queensl.), June 6, 2003, accessed February 22, 2022, <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2003-040>.

<sup>87</sup> “...If a court finds a person guilty of an offence other than a reportable offence, it may also declare it is satisfied the facts and circumstances surrounding the offence constitute elements of a reportable offence.” Child Protection (Offender Reporting and Offender Prohibition Order) Act at Part 2, Section 5(5A) (Queensl.).

<sup>88</sup> *Id.* at Part 2, Section 5(1) (Queensl.). Exceptions omitted.

<sup>89</sup> *Id.* at Part 2, Section 9 (Queensl.).

<sup>90</sup> *Id.* at Part 3, Section 13 (Queensl.).

- "Using internet to procure children under 16;
- "Grooming children under 16;
- "Taking child for immoral purposes;
- "Involving child in making child exploitation material," and making, distributing, and possessing child exploitation material;
- The making, distributing, or possessing of child exploitation material;
- "Sexual intercourse with a child," in or outside Australia;
- "Sexual activity (other than sexual intercourse) with child," in or outside Australia;
- "Inducing child under 16 to engage in sexual intercourse...[or] sexual conduct;
- "Sexual conduct involving child under 16;
- "Abuse of persons with an impairment of the mind;
- "Conspiracy to defile;
- "Incest;
- "Procuring engagement in prostitution;
- "Procuring engagement in," "knowingly participating in the provision of," or "persons found in places reasonably suspected of being used" for prostitution
- "Rape;
- "Attempt to commit rape;
- "Assault with intent to commit rape;
- "Sexual assaults;
- "An offence under a law of a foreign jurisdiction that, if it had been committed in Queensland, would have constituted an offence of a kind listed in this schedule;
- "An offence that has, as an element, an intention to commit an offence of a kind listed in this schedule;
- "An offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed in this schedule;
- "An offence that, at the time it was committed was a class 1 offence or a class 2 offence within the meaning of this Act as in force immediately before the commencement of the *Child Protection (Offender Reporting) and other Legislation Amendment Act 2014*."<sup>91</sup>

**Data Stored in Registry:** In Queensland, the reportable offender must make an "initial report" of his or her "personal details" to the commissioner<sup>92</sup> as well as "periodic reports" of the same "until the offender's reporting period ends."<sup>93</sup> Reportable offenders must also report any changes to

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<sup>91</sup> *Id.* at Schedule 1, "Prescribed Offences."

<sup>92</sup> *Id.* at Part 4, Section 14 (Queensl.).

<sup>93</sup> *Id.* at Part 4, Section 18 (Queensl.).

personal details.<sup>94</sup> Queensland defines “personal details” in Schedule 2 of the Child Protection (Offender Reporting) Act 2004:

- Schedule 2, “Personal details for reportable offenders:”
  - Name and other names by which the offender has been known and the periods of time during which the offender was known by those names;
  - Date of birth and place of birth;
  - “Details of any tattoos or permanent distinguishing marks that the reportable offender has, including details of any tattoo or mark that has been removed or changed;
  - “Details of any premises where the reportable offender generally resides; or if the offender does not generally reside at particular premises—each locality where the offender can generally be found;
  - “If, since a reportable offender last reported the offender’s personal details under this Act, the offender has stopped generally residing at particular premises and has not started generally residing at other premises, a statement that the offender has stopped generally residing at the particular premises and details of each locality where the offender can generally be found;
  - “For any child with whom the reportable offender has reportable contact, if known to the offender, the child’s name, address, age, and date of birth, the nature of the reportable contact, any telephone contact number for the child, and any email address belonging to the child or to which the child has access;”
  - The nature of the offender’s employment, the name of the employer; and “the address or locality of each of the offender’s usual places of employment;”
  - The “details of any club or organisation of which the reportable offender is an associate, employee, member, official or subordinate that has child members, organises, supports or undertakes activities in which children participate;”
  - The details of any club or organization of which the reportable offender is an associate, employee, member, official, or subordinate that “directly supports the function or operation of a club or organisation of a type” that has child members or organizes, supports, or undertakes activities in which children participate;
  - “The make, model, colour and registration number of any motor vehicle that the reportable offender owns or has driven for at least 7 days, whether or not the days are consecutive, within a 1-year period;
  - “Whether the reportable offender has ever been subject to a corresponding offender reporting order; and if so, where and when the order was made;

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<sup>94</sup> *Id.* at Part 4, Section 19A (Queensl.).

- “Whether the reportable offender has ever been found guilty in a foreign jurisdiction of a reportable offence, or an offence that required the offender to report to a corresponding registrar, and if so, where and when the finding was made;
- “If the reportable offender has been in government detention since the offender was sentenced or was released from government detention for a reportable offence or corresponding reportable offence, [the] details of when and where the government detention occurred;
- If the reportable offender “used or intends to be used” “a carriage service within the meaning of the Telecommunications Act 1997 (Cwlth), including the name of the carriage service provider; and any current telephone number for the service;”
- If the reportable offender “used or intends to be used” “an internet carriage service within the meaning of the Broadcasting Services Act 1992 (Cwlth), including the name of the internet service provider, whether the connection is a wireless, broadband, ADSL or dial-up connection, and any current telephone number for the service;”
- “[The] details of any social networking site that the reportable offender joins, participates in or contributes to, or with which the offender registers or opens an account, including passwords for the registration or account;
- “[The] details of either of the following used, or intended to be used, by the reportable offender through the internet or another electronic communication service, including passwords, an email address [or] an internet user name, including a user name or identity associated with an instant messaging service, chat room or social networking site;
- “The passport number and country of issue of each passport held by the reportable offender;
- “For a reportable offender who is making the offender’s initial report and intends to travel outside Queensland, but within Australia, on an average of at least once a month (irrespective of the length of the period of travel), the reason for travelling, in general terms and the frequency and destinations of the travel, in general terms.”<sup>95</sup>

**Registrant Requirements:**

- In Queensland, “A reportable offender must periodically make reports (each a periodic report) of the offender’s personal details to the police commissioner until the offender’s reporting period ends.”<sup>96</sup> “A reportable offender must make a periodic report in each

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<sup>95</sup> Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (Queensl.), Sched. 2.

<sup>96</sup> *Id.* at Part 4, Section 18 (Queensl.).

reporting month, starting in the first reporting month after the offender makes the offender's initial report."<sup>97</sup>

- There are several additional reporting requirements related to changes in specific categories of information. For example, "A reportable offender must report any change in the offender's personal details to the police commissioner—for a change relating to reportable contact between the offender and a child—within 24 hours after the change happens."<sup>98</sup>

**Duration of Registration:** Queensland offenders' required reporting period are subject to the following conditions:

- If convicted for a single reportable offense: 5 years;
- If convicted for more than one reportable offense, but was not given notice of reporting obligations conviction prior to committing additional reportable offenses: 5 years;
- If convicted of a reportable offense, was given notice of reporting obligations, and after being given notice, "commits and is found guilty of 1 single further reportable offence:" 10 years;
- If convicted for a reportable offense, was given notice of reporting obligation, and after being given notice, "commits and is found guilty of more than 1 single further reportable offence:" Life.<sup>99</sup>

**Access to Registry:** Restricted.

- "The police commissioner must ensure—
  - "That the register, or any part of the register, is only accessed by a person, or a class of person, who is authorised to do so by the police commissioner; and
  - "That personal information in the register is only disclosed by a person with access to the register, or the relevant part of the register, in circumstances authorised by the police commissioner or as otherwise required by or under any Act or law;
- "The police commissioner must develop guidelines about the access to, and disclosure of, personal information in the register that attempt to ensure that access to the personal information in the register is restricted to the greatest extent possible without interfering with the purpose of this Act...."<sup>100</sup>

**Notice of Travel:** Yes. Offenders must report information concerning travel when leaving Queensland (whether to travel within or outside of Australia) and details regarding their return to Queensland. More specifically:

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<sup>97</sup> *Id.* at Part 4, Section 19 (Queensl.).

<sup>98</sup> *Id.* at Part 4, Section 19A (Queensl.).

<sup>99</sup> *Id.* at Part 4, Section 36 (Queensl.).

<sup>100</sup> *Id.* at Part 5, Section 69 (Queensl.).

- If a reportable offender “intends to leave Queensland for 48 or more hours to travel elsewhere in Australia or intends to leave Queensland to travel out of Australia,” then “at least 7 days before leaving Queensland, the reportable offender must report the intended travel to the police commissioner and must give details of...” the travel;
- “If circumstances arise making it impracticable for a reportable offender to make the report 7 days before the offender leaves, it is sufficient...if the offender reports the required information to the police commissioner at least 24 hours before the intended travel;”
- “If the reportable offender decides not to leave Queensland, the offender must report his or her change of intention to the police commissioner within 48 hours after deciding not to leave;”
- Reportable offenders must report their “return to Queensland to the police commissioner within 48 hours after entering and remaining in Queensland for 48 consecutive hours, not counting any time spent in government detention” and provide copies of their “passport[s] and travel documents verifying or supporting details in the report;”
- “As soon as practicable after receiving a report...about a reportable offender’s intentions in relation to travel out of Australia...[or] about a reportable offender’s intentions in relation to travel out of Australia, the police commissioner must ensure that a copy of the report is given to the commissioner of the Australian Federal Police.”<sup>101</sup>

#### 4.2.1.5. South Australia

**Applicable Law:** Child Sex Offenders Registration Act 2006.<sup>102</sup>

**Offenses Requiring Registration:** In South Australia, the Child Sex Offenders Registration Act 2006 mandates that offenders convicted of crimes under its “class 1 or “class 2” categories, regardless of the time of conviction, must register. Additionally, individuals issued a “child sex offender registration order” (but who may not have been found guilty of offenses falling into class 1 or 2 categories) are required to register also.<sup>103</sup>

A South Australia court may issue a child sex offender registration order for a person convicted of offenses that are not class 1 or class 2 offenses, if the person was convicted of class 1 or 2 offenses committed as a child, “on sentencing a person for a single class 2 offence where the sentence imposed does not include a term of imprisonment and is not a supervised sentence, or on making a restraining order against a person...” if the court decides that the person poses “a risk to the

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<sup>101</sup> *Id.* at Part 4, Subdivision 4, Section 20-24 (Queensl.).

<sup>102</sup> Child Sex Offenders Registration Act 2006 (S. Austl.), November 30, 2006, accessed February 17, 2021, [https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/child%20sex%20offenders%20registration%20act%202006/current/2006.32.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/child%20sex%20offenders%20registration%20act%202006/current/2006.32.auth.pdf).

<sup>103</sup> *Id.* at Part 1 (S. Austl.). Exceptions omitted.

safety and well-being of any child or children.” Furthermore, in so doing, the court does not have to identify a risk to a particular child or children. However, the court may only issue such an order upon the application of a prosecutor “dealing with a person for an offence” or, “in any other case, a police officer.”<sup>104</sup>

- Crimes considered class 1 offenses in South Australia include:
  - Murder, if the victim was a child and “the offence arises from the same incident as a sexual offence;”
  - Endangering the life of a person, if “the person whose life was likely to be endangered was a child and the offence arises from the same incident as a sexual offence;”
  - Kidnapping, “if the person was sentenced on the basis that the kidnapping was done with the intention of committing a sexual offence against a child;”
  - Rape of a child;
  - “Compelled sexual manipulation” of a child;
  - “Unlawful sexual intercourse;”
  - “Persistent sexual abuse of a child;”
  - Persistent sexual exploitation or abuse of a child;
  - “Sexual exploitation of a person with a cognitive impairment, involving sexual intercourse if the victim was a child;”
  - Abduction of a child;
  - “Inflicting sexual servitude” on a child victim;
  - “Unduly influencing [a child]...to provide commercial sexual services;”
  - “Use of a child in commercial sexual services;”
  - Conspiracy, intent to commit, “aiding, abetting, counselling, or procuring the commission of” any of the above;
  - “An offence against the law of a foreign jurisdiction that corresponds to an offence referred to in any...preceding paragraphs.”<sup>105</sup>
- Crimes considered class 2 offenses in South Australia include:
  - Manslaughter, where victim was a child and “the offence arises from the same incident as a sexual offence;”
  - “Creating risk of serious harm to [a child], if the offence arises from the same incident as a sexual offence;”
  - “Sexual exploitation of [a child] with a cognitive impairment, involving indecent contact;”
  - “Indecent assault” and “gross indecency,” if the victim was a child;

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<sup>104</sup> *Id.* at Part 2, Section 9 (S. Austl.).

<sup>105</sup> *Id.* at Part 2, Section 2 (S. Austl.).

- Procuring a child for sexual intercourse;
  - “Production or dissemination,” or “possession of child exploitation material;”
  - “Procuring child to commit an indecent act;”
  - “Deceptive recruiting for” or “use of children in commercial sexual services;”
  - “Bestiality;”
  - “Incest, if the person with whom the offender had sexual intercourse was under...17...;”
  - The conspiracy or attempt to commit, or “the aiding, abetting, or counselling, or procuring the commission an offence referred to in any...” of the above class 2 offences;
  - “An offence against the law of a foreign jurisdiction that corresponds to an offence referred to in any of the preceding paragraphs” regarding class 2 offenses.<sup>106</sup>
- This Act also applies to offenders who have committed registrable offenses in foreign countries and who, if they resided in the foreign country, would still be within that country’s reporting period.<sup>107</sup>

**Data Stored in Registry:** In South Australia, the registerable offender must provide the following details:

- Name and other names by which the offender has been known and the periods of time during which the offender was known by those names;
- Date of birth;
- “The address of each of the premises at which he or she generally resides or, if he or she does not generally reside at any particular premises, the name of each of the localities in which he or she can generally be found;
- “His or her postal address for service of notices and documents under this Act;
- “The names and ages of any children who generally reside in the same household as that in which he or she generally resides;
- “If the registrable offender knows that he or she is likely to have reportable contact during the next 12 month period with a particular child—the name and age of the child;
- The nature of the offender’s employment, the name of the employer, and “the address of each of the premises at which he or she generally works or, if he or she does not generally work at any particular premises, the name of each of the localities at which he or she generally works;”
- “[The] details of his or her affiliation with any club or organisation that has child membership or child participation in its activities;
- “The make, model, colour and registration number of any motor vehicle owned by, or generally driven by, him or her;

<sup>106</sup> *Id.* at Part 3, Section 3 (S. Austl.).

<sup>107</sup> *Id.* at Part 2, Section 6, Subsection 2, and Section 7 (S. Austl.).

- “[The] details of any tattoos or permanent distinguishing marks that he or she has (including details of any tattoo or mark that has been removed);
- “Whether he or she has ever been found guilty in any foreign jurisdiction of a registrable offence or of an offence that required him or her to report to a corresponding registrar or been subject to a corresponding child sex offender registration order and, if so, where that finding occurred or that order was made;
- “If he or she has been in government custody since he or she was sentenced or released from government custody (as the case may be) in respect of a registrable offence or foreign registrable offence, details of when and where that government custody occurred;
- “If, at the time of making a report under this Division, he or she has a valid passport—the passport number, date and place of issue and date of expiry of the passport;
- “If, at the time of making a report under this Division, he or she leaves, or intends to leave, South Australia to travel elsewhere in Australia on an average of at least once a month (irrespective of the length of any such absence), in general terms, the reason for travelling; and...the frequency and destinations of the travel;
- “[The] details of any carriage service (within the meaning of the Telecommunications Act 1997 of the Commonwealth) used, or intended to be used, by the person;
- “[The] details of any internet service provider or provider of a carriage service (within the meaning of the Telecommunications Act 1997 of the Commonwealth) used, or intended to be used, by the person;
- “[The] details of the type of any internet connection used, or intended to be used, by the person, including whether the connection is a wireless, broadband, ADSL or dial-up connection;
- “[The] details of any email addresses, passwords, internet user names, instant messaging user names, chat room user names or any other access code, user name or identity used, or intended to be used, by the person through the internet or other electronic communication service;
- “Any other information prescribed by the regulations.”<sup>108</sup>

**Registrant Requirements:**

- “A registrable offender must report his or her personal details to the Commissioner each year” on the date specified by the Commissioner...;
- “A registrable offender must report to the Commissioner any change in his or her personal details within 7 days after that change occurs;”<sup>109</sup>

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<sup>108</sup> *Id.* at Part 3, Section 13 (S. Austl.).

<sup>109</sup> *Id.* at Part 3, Section 15-16 (S. Austl.).

- “Despite any other provisions of this Act, if a registrable offender has reportable contact with a child, he or she must report the details of that contact to the Commissioner within 2 days of such contact occurring;”<sup>110</sup>
- Reports must be made in person, unless the registrable offender has the approval of the Commissioner “or the regulations,” to make a report “in a manner permitted,” such as by email;
- Police officers “approved for the purpose by the Commissioner may receive a report made by a registrable offender....”<sup>111</sup>

**Duration of Registration:** In South Australia, offenders’ required reporting period depends on the crimes for which they have been convicted:

- If convicted of a single Class 1 offense: 15 years;
- If convicted of a single Class 2 offense, “where the sentence included a term of imprisonment or was a supervised sentence”: 8 years;
- If convicted of two Class 2 offenses: 15 years;
- If convicted of two or more Class 1 offenses: Life;
- If convicted of one Class 1 offense and 1 or more Class 2 offenses: Life;
- If convicted of 3 or more Class 2 offenses: Life.<sup>112</sup>

**Access to Registry:** Restricted. The Act tasks the Commissioner with developing access guidelines to the register, and the Commissioner must ensure that only “authorized” persons or classes of persons have access to the South Australia register. It stipulates that “access to information contained in the register is restricted to the greatest extent that is possible without interfering with the purpose of this Act.”<sup>113</sup>

**Notice of Travel:** Yes. Offenders must report information concerning regular travel outside of South Australia, non-routine travel outside of South Australia, and when returning to South Australia. More specifically, offenders must report the following:

- If the offender intends to make regular travel to “elsewhere in Australia on an average of at least once a month (irrespective of the length of any such absence), [the offender must report,] in general terms, the reason for travelling; and...the frequency and destinations of the travel;”<sup>114</sup>
- If the offender “intends to leave South Australia for 7 or more consecutive days to travel elsewhere in Australia,” or he or she “intends to leave South Australia to travel out of

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<sup>110</sup> *Id.* at Part 3, Division 2, Section 20A (S. Austl.).

<sup>111</sup> *Id.* at Part 3, Division 2, Section 22 (S. Austl.).

<sup>112</sup> *Id.* at Part 3, Section 34 (S. Austl.).

<sup>113</sup> *Id.* at Part 4, Section 61 (S. Austl.).

<sup>114</sup> *Id.* at Part 3, Section 13 (S. Austl.).

Australia; [then] “at least 7 days before leaving South Australia [or if “impractical,” at least 24 hours in advance], the registrable offender must report the intended travel to the Commissioner and must provide details of:

- “Each State, Territory or country to which he or she intends to go while out of South Australia;
- “The approximate dates during which he or she intends to be in each of those States, Territories or countries;
- “Each address or location within each State, Territory or country at which he or she intends to reside (to the extent that they are known) and the approximate dates during which he or she intends to reside at those addresses or locations;
- “If he or she intends to return to South Australia, the approximate date on which he or she intends to return;
- “If he or she does not intend to return to South Australia—a statement of that intention.”<sup>115</sup>

#### 4.2.1.6. Tasmania

**Applicable Law:** Community Protection (Offender Reporting) Act 2005.<sup>116</sup>

**Offenses Requiring Registration:** In Tasmania, The Community Protection (Offender Reporting) Act 2005 mandates that offenders convicted of crimes under its “class 1,” “class 2,” or “class 3” categories must register. A court must, at the time of sentencing, make an order directing the offender to comply with reporting obligations, “unless the court is satisfied that the person does not pose a risk of committing a reportable offence in the future.”<sup>117</sup> Additionally, individuals issued an “offender reporting order” (but who may not have been found guilty of offenses falling into class 1, 2, or 3 categories) are required to register also.

A court may issue an “offender reporting order” for offenses that are not class 1, class 2, or class 3 offenses if the court determines at the time of sentencing “that the person poses a risk of committing a reportable offense in the future. Furthermore, it is not required that the prosecution request such an order be made.”<sup>118</sup>

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<sup>115</sup> *Id.* at Part 3, Division 2, Section 17 (S. Austl.).

<sup>116</sup> Community Protection (Offender Reporting) Act 2005 (Tas.). December 15, 2005, accessed February 17, 2021, <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2005-061>.

<sup>117</sup> *Id.* at Part 2, Section 6 (Tas.).

<sup>118</sup> *Id.* at Part 2, Section 7 (Tas.).

- Crimes considered class 1 offenses in Tasmania include:
  - "Possessing, accessing, or attempting to access child exploitation material [a child is defined as someone under 18 years of age];
  - "Grooming with intent to expose a child [or young person] to indecent material;
  - Possessing and accessing child exploitation material;
  - "Indecency;
  - "Exhibiting obscene material;
  - "Possessing, controlling, producing, distributing, or obtaining child pornography material," and using "a postal or similar service for child pornography material" or "child abuse material;"
  - "Using a postal or similar service" to "procure" or "groom," or to "send indecent material" to persons under 16;
  - "Using a carriage service" for the "possess[ion], control[], produc[tion], supply[], or obtaining" of child pornography, for "child abuse material," for "sexual activity with," the "procure[ment]" and "grooming" of, or the "transmi[ssion] of indecent communication to" person under 16 years of age;
  - "Loitering near children.
  - "Exposing person;
  - "Observation in breach of privacy;
  - "Observation, recording...publishing, distributing...[or] possession of prohibited visual recording;
  - "Indecent or offensive behavior;
  - "Assaulting with indecent intent."<sup>119</sup>
- Crimes considered class 2 offenses in Tasmania include:
  - "Making, reproducing..., or causing or permitting," or "being in any way involved in the making or reproduction of child exploitation material;"
  - "Distributing or facilitating the distribution of child exploitation material;
  - "Sexual activity (other than sexual intercourse) with young person outside of Australia," when the "defendant [is] in a position of trust or authority;"
  - "Sexual activity (other than sexual intercourse) with a child outside Australia;
  - "Procuring" or "grooming" a child to engage in sexual activity outside of Australia;
  - "Bestiality;
  - "Penetrative sexual abuse of a child [or young person];
  - "Permitting penetrative sexual abuse of a child [or young person] on premises;
  - "Persistent sexual abuse of a child [or young person];
  - "Indecent act with or directed at a child [or young person];

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<sup>119</sup> *Id.* at Schedule 1 (Tas.).

- "Penetrative sexual abuse of a person with a mental impairment;
- "Indecent assault;
- "Aggravated sexual assault;
- "Interfering (indecently) with human remains.
- "Administering a drug with intent to facilitate the commission of an offence.
- "Incest;
- "Interfering (indecently) with human remains;
- "Administering a drug with intent to facilitate the commission of an offence;
- "Forcible abduction;
- "Abduction of a young person under the age of 17 years;
- "Stalking and bullying;
- "Intimidating, assaulting, or threatening to assault a sex worker;
- "Administering to a sex worker, or causing a sex worker to take, any drug or other substance with the intent to stupefy or overpower that sex worker;
- "Intimidating, assaulting, or threatening to assault person or threatening to cause person to be deported for purpose of inducing provision or continued provision of sexual services in a sexual services business, or fee or reward derived from provision of sexual services in a sexual services business."<sup>120</sup>
- Crimes considered class 3 offenses in Tasmania include:
  - "An offence under a law of a foreign jurisdiction, the elements of which, if they had occurred in Tasmania, would have constituted an offence of a kind referred to" under Tasmania law, as well as the intent, attempt, conspiracy, or incitement thereof;
  - If committed prior to the enactment of relevant Tasmania law, would have constituted a Class 3 offense;
  - In referencing an external list of criminal offenses, if convicted of those, "if there are reasonable grounds to believe that, in the course of, or as a part of the events surrounding the commission of that offence, an offence specified in" Tasmania's Class 1, 2, or 3 offenses was committed by the offender."<sup>121</sup>

**Data Stored in Registry:** In Tasmania, "a reportable offender must report to the Registrar or an authorised person":

- Name and other names by which the offender has been known and the periods of time during which the offender was known by those names;
- Date of birth;
- "Any application he or she has made, or intends to make, to the Registrar of Births, Deaths and Marriages for a change of details;

<sup>120</sup> *Id.* at Schedule 2 (Tas.).

<sup>121</sup> *Id.* at Schedule 3 (Tas.).

- "The address of each of the premises at which he or she generally resides;
- "The names and ages of any children with whom he or she engages in any form of direct or indirect communication for the purpose of inviting any further communication or contact with the child," or "with whom he or she has reportable contact;
- "The address of any premises to which he or she has unrestricted access for the purposes of storing any item or for any other purpose;
- "Details of his or her parental status, including whether or not a partner or the reportable offender is pregnant;
- "The name and address of the school or child care facility attended by any child with whom he or she has reportable contact;
- "Details of the existence of any family law court order that involves a child with whom he or she has reportable contact;
- The nature of the offender's employment, the name of the employer, and the "address of each of the premises at which he or she is generally employed or, if he or she is not generally employed at any particular premises, the name of each of the localities in which he or she is generally employed;"
- "Details of his or her affiliation with any club or organisation that has members who are children or that conducts activities in which children participate;
- "The make, model, colour and registration number of any motor vehicle, boat, caravan, motorhome, jet ski, or other vehicle, owned by, or generally driven by, him or her;
- "Details of any tattoos or permanent distinguishing marks (including details of any tattoo or mark that has been removed) and any surgery or cosmetic procedure which has significantly altered his or her appearance;
- "Details of any internet service provider or provider of a carriage service (within the meaning of the Telecommunications Act 1997 of the Commonwealth) used, or intended to be used, by the person;
- "Details of the type of any internet connection used, or intended to be used, by the person, including whether the connection is a wireless, broadband, asymmetric digital subscriber line (ADSL), satellite or dial-up connection;
- "Details of any email addresses, internet user names, instant messaging user names, chat room user names or any other user name or identity used, or intended to be used, by the person through the internet or other electronic communication service and any passwords associated with each of these;
- "Details of any passwords, codes or other information or assistance required to enable the Registrar, or a police officer of a class authorised in writing by the Registrar, to gain access to data stored on any computer, mobile telephone or other electronic device capable of storing electronic data owned, used, or intended to be used, by the person;

- "Details of any mobile or fixed telephone number used, or intended to be used, by the person;
- "Whether he or she has ever been found guilty in any foreign jurisdiction of a reportable offence or of an offence that required him or her to report to a corresponding registrar or been subject to a corresponding offender reporting order and, if so, where that finding occurred or that order was made;
- "If he or she has been in government custody since he or she was sentenced or released from government custody (as the case may be) in respect of a reportable offence or corresponding reportable offence, details of when and where that government custody occurred;
- "A reportable offender must present to the Registrar or an authorised person for inspection all valid passports held by the offender and provide to the Registrar or an authorised person updated details in relation to any of those passports;
- "A reportable offender must present to the Registrar, or an authorised person, for inspection, any computer, mobile telephone, or other electronic device capable of storing electronic data, owned, used, or intended to be used, by the reportable offender."<sup>122</sup>

**Registrant Requirements:**

- In Tasmania, a reportable offender must "report to the Registrar and provide his or her personal details to the Registrar each year;"<sup>123</sup>
- Reports must "be made in person by the reportable offender at a place approved (either generally or in a particular case) by the Registrar," and "only the Registrar or an authorized person may receive a report...;"<sup>124</sup>
- During the reporting process, the Registrar may take photographs of an offender "and carry out non-intimate forensic procedures" on the offender;<sup>125</sup>
- Changes to an offender's personal details must be reported within 7 days of the change to the Registrar or an authorized person;
- Changes to an offender's reportable contact with a child must be reported to the Registrar or an authorized person within 24 hours.<sup>126</sup>

**Duration of Registration:** In Tasmania, offenders' required reporting period depends on the crimes for which they have been convicted:

- If sentenced for a single Class 1 offense: 8 years;
- If sentenced for more than one Class 1 offense: 15 years;

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<sup>122</sup> *Id.* at Part 3, Section 17 (Tas.).

<sup>123</sup> *Id.* at Part 3, Section 18 (Tas.).

<sup>124</sup> *Id.* at Part 3, Section 20 (Tas.).

<sup>125</sup> *Id.* at Part 3, Section 21 (Tas.).

<sup>126</sup> *Id.* at Part 3, Section 16 (Tas.).

- If sentenced for a single Class 2 or a single Class 3 offense: 15 years;
- If sentenced for two or more Class 2 or Class 3 offenses: Life, “or such lesser period as is determined by the court”;
- If sentenced to one or more Class 2 and one or more Class 3 offenses: Life, “or such lesser period as is determined by the court;”<sup>127</sup>
- If the reportable offender “is a reportable offender in respect of an offence described by section 15(f) or (g) [of the Act]”<sup>128</sup>: Life, “or such lesser period as is determined by the court”<sup>129</sup>
- Upon application, and only if a magistrate believes that an offender no longer poses a “risk of committing a reportable offence in the future,” the “magistrate may make an order suspending the reportable offender’s reporting obligations.”<sup>130</sup>

**Access to Registry:** Restricted. The Act stipulates that only persons “authorized” to access the Tasmania register may do so, and that “personal information in the Register is only to be disclosed by a police officer with access to the Register, or the relevant part of the Register, in circumstances authorised by the Commissioner or as otherwise required or authorised by or under any written or other law.”<sup>131</sup>

**Notice of Travel:** Yes. Offenders must report their travel plans if they intend to leave Tasmania for any period of time and when returning to Tasmania. More specifically, offenders must report the following changes to their information “at least 7 days before leaving Tasmania,” to the Registrar:

- “Details of each State, Territory or country to which he or she intends to go while out of Tasmania;
- “Details of the approximate dates of the periods during which he or she intends to be in each of those States, Territories or countries;
- “Details of each address or location within each State, Territory or country at which he or she intends to reside (to the extent that they are known) and the approximate dates of the periods during which he or she intends to reside at those addresses or locations;
- “If he or she intends to return to Tasmania, the approximate date on which he or she intends to return;
- “If he or she does not intend to return to Tasmania, a statement of that intention; and

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<sup>127</sup> *Id.* at Part 3, Section 24 (Tas.).

<sup>128</sup> Part 2, Section 15(f) and (g): “[An offender must register if he or she is found guilty of] an offence against section 158 [or 159] of the Criminal Code if there are reasonable grounds to believe that, in the course of or as part of the events surrounding the commission of that offence, an offence specified in Schedule 1, 2 or 3 was committed by the offender.”

<sup>129</sup> *Id.* at Part 3, Section 24 (Tas.).

<sup>130</sup> *Id.* at Part 3, Section 19 (Tas.).

<sup>131</sup> *Id.* at Part 4, Section 44 (Tas.).

- “All valid passports for inspection;”
- Furthermore, after returning to Tasmania, an offender must present “all valid passports” to the Registrar or an authorised person for inspection within 7 days.<sup>132</sup>

**Additional Notes:**

- “The Commissioner may retain for law enforcement, crime prevention or community protection purposes any of the following taken under this Division from, or in relation to, a reportable offender:
  - “Copies of any documents;
  - “Any forensic material, within the meaning of the Forensic Procedures Act 2000, taken as a result of the carrying out of a non-intimate forensic procedure on a reportable offender;
  - “Any photographs.”<sup>133</sup>
- Forensic material collected from a reportable offender may be stored in a DNA database system.<sup>134</sup>

**4.2.1.7. Victoria**

**Applicable Law:** Sex Offenders Registration Act 2004.<sup>135</sup>

**Offenses Requiring Registration:** In Victoria, the Sex Offender Registration Act 2004 mandates that offenders convicted of crimes under its “Class 1” or “Class 2” categories must register. Additionally, individuals issued a “child sex offender registration order” (but who may not have been found guilty of offenses falling into class 1 or 2 categories) are required to register also.<sup>136</sup>

A court may issue a child sex offender registration order for offenses that are not Class 1 or Class 2 offenses, if the court decides “beyond a reasonable doubt, that the person poses a risk to the sexual safety of one or more persons or of the community.”<sup>137</sup>

- Crimes considered by Victoria to be Class 1 offenses include:
  - “Persistent sexual abuse of a child under the age of 16;”
  - “Facilitating a sexual offence against a child;”
  - “Aggravated sexual servitude;”

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<sup>132</sup> *Id.* at Part 3, Section 19 (Tas.).

<sup>133</sup> *Id.* at Division 3, Section 22 (Tas.).

<sup>134</sup> *Id.* at Division 3, Section 22A (Tas.).

<sup>135</sup> Victorian Current Acts. *Sex Offenders Registration Act 2004* (Vict.), November 16, 2004, accessed December 19, 2021, [http://www5.austlii.edu.au/au/legis/vic/consol\\_act/sora2004292/index.html](http://www5.austlii.edu.au/au/legis/vic/consol_act/sora2004292/index.html).

<sup>136</sup> *Id.* at Part 2, Section 7 (Vict.).

<sup>137</sup> *Id.* at Part 2, Section 11 (Vict.). Additional requirements and caveats omitted.

- "Sexual intercourse with child outside Australia;"
- "Sexual activity (other than sexual intercourse) with child outside Australia;"
- "Aggravated offence—sexual intercourse or other sexual activity with child outside Australia;"
- "Sexual intercourse with young person outside Australia—defendant in position of trust or authority;"
- "Procuring child to engage in sexual activity outside Australia;"
- "Grooming' child to engage in sexual activity outside Australia;"
- "Any offence under a law of a foreign jurisdiction that, if it had been committed in Victoria, would have constituted an offence of a kind listed in this Schedule;"
- "An offence under a law of a foreign jurisdiction that the regulations state is a Class 1 offence;"
- "An offence an element of which is an intention to commit an offence of a kind listed in this Schedule," or an offense of "attempting, ...conspiracy, or incitement to commit an offence of a kind listed in...Schedule [1].
- "An offence that, at the time it was committed was a Class 1 offence for the purposes of this Act, or in the case of an offence committed before 1 October 2004, was an offence of a kind listed in this Schedule."<sup>138</sup>
- Crimes considered by Victoria to be Class 2 offenses include:
  - Sexual assault, or "sexual assault by compelling sexual touching," where the person against whom the offence is committed is a child;
  - "Assault with intent to commit a sexual offense," or "threat to commit a sexual offence," where the person against whom the offence is committed is a child;
  - "Procuring sexual act by threat...or by fraud," if the victim is a child;
  - "Administration of an intoxicating substance..., abduction, or detention for a sexual purpose, if the person against whom the offense is committed is a child;
  - "Sexual activity directed at another person, if the person against whom the sexual activity is directed is a child;"
  - "Sexual assault of a child under the age of 16... [or] of a child aged 16 or 17 under care, supervision or authority;"
  - "Sexual activity in the presence of a child under the age of 16...[or] of a child aged 16 or 17 under care, supervision or authority;"
  - "Causing a child under the age of 16..., [or] a child aged 16 or 17 under care, supervision, or authority, to be present during sexual activity;"
  - "Encouraging a child under the age of 16... [or] a child aged 16 or 17 under care, supervision, or authority, to engage in, or be involved in, sexual activity;"

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<sup>138</sup> *Id.* at Schedule 1 (Vict.).

- "Grooming for sexual conduct with a child under the age of 16;"
- "Loitering near schools etc. by sexual offender;"
- "Abduction or detention of a child under the age of 16 for a sexual purpose;"
- "Causing or allowing a sexual performance involving a child;"
- "Inviting or offering a sexual performance involving a child;"
- "Involving a child in the production of..., producing..., distributing..., administering or encouraging [the] use of a website used to deal with..., possessing..., [or] accessing child abuse material, except if the offence only relates to child abuse material that depicts or describes a person who is, or who appears or is implied to be, a child as a victim of cruelty or physical abuse, where the cruelty or physical abuse is not sexual;"
- "Assisting a person to avoid apprehension" as it relates to child abuse material, "except if the offence only relates to child abuse material that depicts or describes a person who is, or who appears or is implied to be, a child as a victim of cruelty or physical abuse, where the cruelty or physical abuse is not sexual;"
- "Sexual assault of a person with a cognitive impairment or mental illness;"
- "Sexual activity in the presence of a person with a cognitive impairment or mental illness, if the person in the presence of whom the sexual activity is engaged in is a child;"
- "Causing a person with a cognitive impairment or mental illness to be present during sexual activity, if the person in the presence of whom the sexual activity is engaged in is a child;"
- "Aggravated deceptive recruiting for commercial sexual services;"
- "Bestiality;"
- "Causing or inducing a child to take part in sex work;"
- "Obtaining payment for sexual services provided by a child;"
- "Agreement for provision of sexual services by a child;"
- "Allowing child to take part in sex work;"
- "Trafficking in children," domestic or otherwise, "where the purpose of the exploitation is to provide sexual services...;"
- "Possessing, controlling, producing, distributing, or obtaining child pornography material outside Australia;"
- "Using a postal or similar service for child pornography material;
- "Using a postal or similar service to procure persons under 16."<sup>139</sup>

**Data Stored in Registry:** Initial reports by registrable offenders in Victoria must contain:

- Name and other names by which the offender has been known and the periods of time during which the offender was known by those names;

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<sup>139</sup> *Id.* at Schedule 2 (Vict.).

- Date of birth;
- Address of residence, or details “identify[ing] any place where [the offender] sleeps on a regular basis;
- Telephone number;
- Email address;
- Internet service provider;
- “Internet user names, instant messaging user names, chat room user names; or other user name or identity—used or intended to be used by the registrable offender through the Internet or other electronic communication service;”
- “The name of each child with whom he or she has contact;”
- The offender’s employment, name of the offender’s employer, the address of the place where the offender works;
- “Details of his or her affiliation with any club or organisation that has child membership or child participation in its activities;
- “The make, model, colour and registration number (if any) of any motor vehicle or caravan owned by, or generally driven by, him or her;
- “Details of any tattoos or permanent distinguishing marks that he or she has (including details of any tattoo or mark that has been removed);
- “Whether he or she has ever been found guilty in any foreign jurisdiction of a registrable offence or of an offence that required him or her to report to a corresponding registrar or been subject to a corresponding sex offender registration order and, if so, where that finding occurred or that order was made;
- “If he or she has been in government custody since he or she was sentenced or released from government custody (as the case may be) in respect of a registrable offence or corresponding registrable offence, details of when and where that government custody occurred;
- “If, at the time of making a report under this Division, he or she leaves, or intends to leave, Victoria to travel elsewhere in Australia on an average of at least once a month (irrespective of the length of any such absence), in general terms, the reason for travelling; and...the frequency and destinations of the travel;
- “The passport number and country of issue of each passport held by the registrable offender.”<sup>140</sup>

**Registrant Requirements:**

- Registrable offenders are required to report personal details annually to the Commissioner of Police;
- Changes in personal details must be reported within 7 days;

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<sup>140</sup> *Id.* at Part 3, Section 14 (Vict.).

- Changes in address and changes to the children he or she has contact with both must be reported within one day.<sup>141</sup>

**Duration of Registration:** In Victoria, offenders' required reporting period depends on the crimes for which they have been convicted:

- If convicted of a single Class 1 offense: 15 years;
- If convicted of a single Class 2 offense: 8 years;
- If convicted of two Class 2 offenses: 15 years;
- If convicted of three or more Class 2 offense: Life;
- If convicted of two or more Class 1 offenses: Life;
- If convicted of one Class 1 and one or more Class 2 offenses: Life;
- Class 3 offense: Same as a Class 1 offense;
- Class 4 offenses: Same as a Class 2 offense.<sup>142</sup>

**Access to Registry:** Restricted. In Victoria, "the Chief Commissioner of Police must ensure that the Register, or any part of the Register, is only accessed by a person, or a class of person, who is authorised to do so by the Chief Commissioner of Police; and that personal information in the Register is only disclosed in accordance with this Act."<sup>143</sup>

**Notice of Travel:** Yes. Offenders must report their travel plans if they intend to leave Victoria and when returning to Victoria, whether the travel is domestic or international. More specifically, offenders must report the following changes to their information at least 7 days before leaving Victoria to the Chief Commissioner of Police:

- If an offender "intends to leave Victoria for 2 or more consecutive days to travel elsewhere in Australia; or intends to leave Victoria to travel out of Australia, [then], at least 7 days before leaving Victoria, the registrable offender must report the intended travel to the Chief Commissioner of Police and must provide details of:
  - "Each State, Territory or country to which he or she intends to go while out of Victoria; and
  - "The approximate dates during which he or she intends to be in each of those States, Territories or countries; and
  - "Each address or location within each State, Territory or country at which he or she intends to reside (to the extent that they are known) and the approximate dates during which he or she intends to reside at those addresses or locations; and

<sup>141</sup> *Id.* at Division 2, Sections 16, 17 (1), and 17 (1A) (Vict.).

<sup>142</sup> *Id.* at Part 3, Section 34 (Vict.).

<sup>143</sup> *Id.* at Part 4, Section 63 (Vict.).

- “If he or she intends to return to Victoria, the approximate date on which he or she intends to return; and
- “If he or she does not intend to return to Victoria, a statement of that intention.”<sup>144</sup>

#### 4.2.1.8. Western Australia Territories

**Applicable Law:** Community Protection (Offender Reporting) Act 2004.<sup>145</sup>

**Offenses Requiring Registration:** In Western Australia, the Community Protection (Offender Reporting) Act 2004 mandates that offenders convicted of crimes under its “Class 1” or “Class 2” categories must register. Additionally, individuals convicted of a Class 3<sup>146</sup> offense and who had previously been found guilty of Class 3 offenses must register. Individuals issued an “offender reporting order” or “past offender reporting order” (but who may not have been found guilty of offenses falling into Class 1, 2, or 3 categories) are required to register also.

A Western Australia court may issue an “offender reporting order” for offenses that are not Class 1 or Class 2 offenses, if the court decides “that the offender poses a risk to the lives or the sexual safety of one or more persons, or of persons generally.” In making such a determination, the court has broad latitude to consider “any...matter the court considers relevant.”<sup>147</sup>

- Crimes considered by Western Australia to be Class 1 offenses include:
  - “Facilitating sexual offences against children outside Western Australia;”
  - Murder, where the victim is a child;
  - “Sexual offences against a child under 13;
  - “Sexual offences against a child of or over 13 and under 16;
  - “Persistent sexual conduct with child under 16;
  - “Sexual offences against child of or over 16 by person in authority...;
  - “Aggravated sexual penetration without consent” where the victim is a child;
  - “Sexual coercion,” where the victim is a child;
  - “Sexual offences by relatives and the like;
  - “Sexual offences against incapable person.”<sup>148</sup>

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<sup>144</sup> *Id.* at Part 3, Section 18 (Vict.).

<sup>145</sup> Community Protection (Offender Reporting) Act 2004 (W. Austl.). [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc\\_44475.pdf/\\$FILE/Community%20Protection%20\(Offender%20Reporting\)%20Act%202004%20-%20%5B02-i0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_44475.pdf/$FILE/Community%20Protection%20(Offender%20Reporting)%20Act%202004%20-%20%5B02-i0-00%5D.pdf?OpenElement).

<sup>146</sup> According to the most recent version of the act, Class 3 offenses are defined in Section 12. As of this writing, the act indicates that this section “has not come into operation.”

<sup>147</sup> *Id.* at Section 13 (W. Austl.).

<sup>148</sup> Community Protection (Offender Reporting) Act 2004 (W. Austl.), Schedule 1, Section 10.

- The following are also considered by Western Australia to be Class 1 offenses:
  - “An offence under a law of a foreign jurisdiction the elements of which, if they had occurred in Western Australia, would have constituted an offence of a kind referred to in this section;
  - “An offence under a law of a foreign jurisdiction that is prescribed by the regulations to be a Class 1 offence;
  - “An offence an element of which is an intention to commit an offence of a kind referred to in this section;
  - “An offence of attempting, or of conspiracy or incitement, to commit an offence of a kind referred to in this section;
  - “An offence that, at the time it was committed, was a Class 1 offence for the purposes of this Act, or in the case of an offence committed before the commencement day— was an offence of a kind referred to in this section.”<sup>149</sup>
- Crimes considered by Western Australia to be Class 2 offenses include:
  - “Showing offensive material to child under 16;
  - “Using electronic communication to procure, or to expose to indecent matter, a child under 16;
  - “Involving child in child exploitation;
  - Production, possession, or distribution of child exploitation material;
  - “Indecently recording” child under 16;
  - “Indecently recording child of or over 16 by person in authority;
  - “Indecent assault” and “aggravated indecent assault” where the victim is a child;
  - “Sexual servitude” or “conducting business involving sexual servitude” where the victim is a child;
  - “Kidnapping (if the person against whom the offence is committed is a child who is neither a de facto child nor lineal relative...);
  - “Child stealing (if the child against whom the offence is committed is neither a de facto child nor lineal relative...);
  - “Child sex offender being in or near a place where children are regularly present;
  - “Employment of child to perform in indecent manner;”
  - “Deceptive recruiting for commercial sexual services, (if the person against whom the offence is committed is a child);
  - “Causing, permitting, or seeking to induce child to act as prostitute;
  - “Sexual conduct involving” or “inducing child under 16 to be involved in sexual conduct;
  - “Child pornography.”<sup>150</sup>

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<sup>149</sup> *Id.* at Part 2, Division 1, Section 10 (W. Austl.).

<sup>150</sup> *Id.* at Schedule 2, Section 11 (W. Austl.).

- The following are also considered by Western Australia to be Class 2 offenses:
  - “An offence under a law of a foreign jurisdiction the elements of which, if they had occurred in Western Australia, would have constituted an offence of a kind referred to in this section; or
  - “An offence under a law of a foreign jurisdiction that is prescribed by the regulations to be a Class 2 offence; or
  - “An offence of attempting, or of conspiracy or incitement, to commit an offence of a kind referred to in this section; or
  - “An offence that, at the time it was committed—
    - “Was a Class 2 offence for the purposes of this Act; or
    - “In the case of an offence committed before the commencement day—was an offence of a kind referred to in this section.”<sup>151</sup>

**Data Stored in Registry:** In Western Australia, reportable offender must give the following details in an initial report:

- Name and other names by which the offender has been known and the periods of time during which the offender was known by those names;
- Date of birth;
- Address of residence, or name of localities “in which he or she can generally be found;”
- Telephone number;
- Email address;
- Internet service provider “he or she is supplied with or...regularly uses;”
- Passport details, including number, date of expiration, and country of issuance;
- Names used “when using the internet for the purposes of communication” as well as the “website or communication service provided by means of the internet in connection with” the names and email addresses provided;
- Usernames, “code[s],” “passwords or other information that he or she uses to gain access to the internet generally, email addresses, “communication service[s],” or a particular website,” other than banking institutions;
- “The names and ages of any children who generally reside in the same household as that in which he or she generally resides, or with whom he or she has regular unsupervised contact;
- “The address of each of the premises at which he or she is regularly present; and [where] any children generally reside;”
- The offender’s employment, name of employer, address of employment or “the name of each of the localities in which he or she is generally employed;”

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<sup>151</sup> *Id.* at Part 2, Division 1, Section 11 (W. Austl.).

- “Details of his or her affiliation with any club or organisation that has members who are children or that conducts activities in which children participate;
- “The make, model, colour and registration number of any motor vehicle owned by, or generally driven by, him or her;
- “Details of any tattoos or permanent distinguishing marks that he or she has (including details of any tattoo or mark that has been removed);
- “Whether he or she has ever been found guilty in any foreign jurisdiction of a reportable offence or of an offence that required him or her to report to a corresponding registrar or been subject to a corresponding offender reporting order or a corresponding protection order recognised under section 108 and, if so, where that finding occurred or that order was made;
- “If he or she has been in government custody since he or she was sentenced or released from government custody (as the case may be) in respect of a reportable offence or corresponding reportable offence—details of when and where that government custody occurred;
- “If, at the time of making a report under this Division, he or she leaves, or intends to leave, Western Australia to travel elsewhere in Australia on an average of at least once a month (irrespective of the length of any such absence), in general terms, the reason for travelling and...the frequency and destinations of the travel.”<sup>152</sup>

**Registrant Requirements:**

- Reportable offenders must report personal details to the Commissioner each year;
- Changes in personal details must be reported to the Commissioner within 7 days;
- If there is a change in “the place where the reportable offender or a child resides” or “as to when the reportable offender has unsupervised contact with a child,” the change must be reported within 24 hours.<sup>153</sup>

**Duration of Registration:** In Western Australia, offenders’ required reporting period depends on the crimes for which they have been convicted:

- If convicted of a single Class 1 offense: 15 years
- If convicted of a single Class 2 offense: 8 years
- If convicted of 2 Class 3 offenses: 15 years
- If convicted of a Class 1 offense,
  - Class 1 offense: 15 years.
  - Two class 3 offenses: 15 years.
  - Sexual Reoffending: Life.<sup>154</sup>

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<sup>152</sup> *Id.* at Part 3, Division 1, Section 26 (W. Austl.).

<sup>153</sup> *Id.* at Part 3, Section 28 (W. Austl.).

<sup>154</sup> *Id.* at Division 4, Section 46 (W. Austl.).

**Access to Registry:** Restricted. “The Commissioner must ensure that the Register...is only accessed by a person who is authorize to do so by the Commissioner, and that personal information in the Register is only disclosed...in circumstances authorised by the Commissioner, or as otherwise authorised by... law.”<sup>155</sup>

**Notice of Travel:** Yes. Offenders must report information concerning regular travel, when leaving Western Australia, any changes in travel outside of Western Australia, and when returning to Western Australia. More specifically regarding travel outside of Western Australia – whether domestic or international – offenders must report the following to the Commissioner at least 7 days before leaving:

- “Each State, Territory or country to which he or she intends to go while out of Western Australia;
- The approximate dates of the periods during which he or she intends to be in each of those States, Territories or countries;
- “Each address or location within each State, Territory or country at which he or she intends to reside (to the extent that they are known) and the approximate dates of the periods during which he or she intends to reside at those addresses or locations;
- “If he or she intends to return to Western Australia, the approximate date on which he or she intends to return;
- “If he or she does not intend to return to Western Australia, a statement of that intention.”<sup>156</sup>

**Registry Available at:** <https://www.wa.gov.au/service/security/law-enforcement/access-registered-sex-offender-information>.

#### 4.2.2. Japan

##### **Applicable Laws:**

- Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes Against Children by Criminals Released from Prison (“Circular”).<sup>157</sup>

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<sup>155</sup> *Id.* at Part 4, Section 81 (W. Austl.).

<sup>156</sup> *Id.* at Part 3, Section 30 (W. Austl.).

<sup>157</sup> 子ども対象・暴力的性犯罪の出所者による再犯防止に向けた措置の実施について(通達) [Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes Against Children by Criminals Released From Prison (Circular)], National Police Agency, 丙生企 [No. 71], 丙地 [No. 9], 丙刑企 [No. 50], 丙捜一 [No. 7] (July 13, 2017), <https://www.npa.go.jp/laws/notification/seian/seiki/saihanbousi-kyokutyuu.pdf> (in Japanese).

- Act on Prevention of Sexual Violence against Children/Students by Teachers and School Staff (“Act”).<sup>158</sup>
- Osaka<sup>159</sup> and Fukuoka<sup>160</sup> Prefecture ordinances (“ordinances”).

### Offenses Requiring Registration:

- Under the Circular, and in cases where the victims are 12 years of age or younger, a conviction of and subsequent imprisonment for the following crimes require registration:
  - Indecency through compulsion, attempted indecency through compulsion, and indecency through compulsion causing death or injury;
  - Attempted indecency through compulsion;
  - Forcible sexual intercourse, attempted forcible sexual intercourse, and forcible sexual intercourse causing death or injury;
  - Indecency by a person having custody of a person under 18, sexual intercourse by a person having custody of a person under 18, attempt of either crime, and either crime causing death or injury;
  - Robbery and forcible sexual intercourse, robbery and forcible sexual intercourse causing death, attempt of either crime, and habitual robbery and forcible sexual intercourse;
  - Kidnapping for profit committed for obscene purposes and its attempt.<sup>161</sup>
- Under the Act on Prevention of Sexual Violence against Children/Students by Teachers and School Staff:
  - To have sexual intercourse and the like with children/students, or to have children/students have sexual intercourse and the like with others;
  - To do obscene acts to children/students, or to have children do obscene acts;
  - To do any of the following acts that are prohibited by the Child Pornography Prevention Act:
    - Intermediation in child prostitution;
    - Solicitation of child prostitution;
    - Possession and provision of child pornography and other related acts;
    - Trafficking in children for the purpose of child prostitution;

<sup>158</sup> 教育職員等による児童生徒性暴力等の防止等に関する法律 [Act on Prevention of Sexual Violence Against Children/Students by Teachers and School Staff], Act No. 57 of 2021 (not in force yet), [https://www.shugiin.go.jp/internet/itdb\\_gian.nsf/html/gian/honbun/houan/g20405019.htm](https://www.shugiin.go.jp/internet/itdb_gian.nsf/html/gian/honbun/houan/g20405019.htm) (in Japanese).

<sup>159</sup> 大阪府子どもを性犯罪から守る条例 [Osaka Prefecture Ordinance to Protect Children from Sex Crimes], Osaka Pref. Ordinance No. 2 of 2012, <https://www.pref.osaka.lg.jp/attach/15107/00000000/jobun.pdf> (in Japanese).

<sup>160</sup> 福岡県における性暴力を根絶し、性被害から県民等を守るための条例 [Ordinance to Eradicate Sexual Violence in Fukuoka Prefecture and Protect Citizens of the Prefecture from Sexual Damage], Fukuoka Pref. Ordinance No. 17 of 2019, [http://www.gikai.pref.fukuoka.lg.jp/uploaded/pdf/jourei\\_seibouryoku.pdf](http://www.gikai.pref.fukuoka.lg.jp/uploaded/pdf/jourei_seibouryoku.pdf) (in Japanese).

<sup>161</sup> 盗犯等ノ防止及処分ニ関スル法律 [Act on Prevention and Punishment of Robbery and Theft], Act No. 9 of 1930, art. 4 and 刑法 [Penal Code], Act No. 45 of 1907, amended by Act No. 72 of 2017, arts. 176-77; 179, paras. 1, 2; 180-81; 225; 228; 243; 241, paras. 1, 3; <http://www.japaneselawtranslation.go.jp/law/detail/?id=3581&vm=02&re=02>.

- The following acts, limited to those that have a harmful effect on the mind and body of the children, that cause the children/students to be significantly embarrassed or anxious; alternatively, to have children/students do the following acts:
  - To touch sexual parts or other parts of the body of a person over clothes or directly;
  - To photograph, install or place a camera, or other equipment for photographing a person's underwear or body that is normally hidden by clothing;
  - To do something that dishonors children's sexual sense and has a harmful effect on the mind and body of children.<sup>162</sup>
- The regulated offenses of the Osaka and Fukuoka ordinances are generally the same as those in the Circular. They apply to crimes involving victims 17 years of age or younger. In addition, Osaka includes the crime of having a child pose to produce child pornography products, while Fukuoka includes possession and provision of child pornography and other related acts, and acts of so-called revenge porn.<sup>163</sup>

#### Data Stored in Registry:

- Under the Circular, the scheduled release date, admission date, planned return location, and continuous confirmation of the offender's whereabouts is collected by the local police headquarters having jurisdiction over the offender's place of residence to prevent recidivism.<sup>164</sup>
- Under the Act, the national government establishes a database of information on the names of teachers and school staff whose specific license has expired, the reasons for the expiration or withdrawal of the license, and the facts that caused the expiration or withdrawal of the license.<sup>165</sup>
- Under the ordinances, an offender will give his or her name, address, gender, date of birth, contact information, name of offense, and date when the prison term was completed.<sup>166</sup>

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<sup>162</sup> Act No. 57 of 2021, art. 2, para. 3. Some of these are crimes stipulated by the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act No. 52 of 1999, Child Pornography Prevention Act) at Articles 5 through 8, <http://www.japaneselawtranslation.go.jp/law/detail/?id=2895&vm=02&re=02>.

<sup>163</sup> 教員のわいせつ行為対策法成立、免許状再交付は審査会に聴取 [Act on Countermeasures Against Obscenity by Teachers was Enacted; Consult with Committee Regarding the Reissuance of Licenses], ReseEd (May 31, 2021), <https://reseed.resemom.jp/article/2021/05/31/1650.html> (in Japanese); Child Pornography Prevention Act, art. 7, para. 4.; and 私事性的画像記録の提供等による被害の防止に関する法律 [Act on Prevention of Damage Caused by Spreading Private Sexual Image Records], Act No. 126 of 2014, art. 3, paras. 1–3.

<sup>164</sup> Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes, No. 5.

<sup>165</sup> Act No. 57 of 2021, art. 15, para. 1.

<sup>166</sup> Osaka Pref. Ordinance No. 2 of 2012, Art. 12, para. 1. Fukuoka Pref. Ordinance No. 17 of 2019, Art. 16, para. 1. Act on Countermeasures against Obscenity by Teachers was Enacted; Consult with Committee Regarding the Reissuance of Licenses], ReseEd (May 31, 2021) and 性犯罪に関する総合的研究 [Comprehensive Research on Sex Crimes], 法務総合

**Registrant Requirements:**

- Under the Circular, offenders must give their location of residence after release from imprisonment, as well as give continuous confirmation of the same. The local police headquarters may conduct interviews with the offender for this purpose. Additionally, if offenders intend to move or to travel, they must obtain permission from the local police headquarters. The head of the police headquarters will report the information of an offender who intends to move to another prefecture, to the National Police Agency as well as the police headquarters of the prefecture.<sup>167</sup>
- Under the Act, none.
- Under the Ordinances, those convicted of sex crimes involving minors must register the information listed above with the governor for five years following their release from prison.

**Duration of Registration:**

- Under the Circular, after a period of time has passed without the offender being re-arrested due to a sex crime, the offender may be removed from registry if the offender moves to terminate. The duration of registration depends on the situation and is determined by the officials involved in recidivism prevention. The National Police Agency may lift the registration of an offender; in this case, the police headquarters will be notified.<sup>168</sup>
- Under the Act, this is not specified.
- Under the ordinances, offenders must register for five years following their release from prison.<sup>169</sup>

**Access to Registry:**

- Under the Circular, access is available within the National Police Agency and by the police headquarters. The Circular stipulates that confidentiality will be strictly observed.<sup>170</sup>
- Under the Act, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) and prefecture education committees have access to the license removal database.
- Under the ordinances, this is not stipulated.

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研究所研究部報告[Report of the Research Department of the Institute of Forensic Integration] No. 55, 72 (2016), <http://www.moj.go.jp/content/001178521.pdf> (in Japanese).

<sup>167</sup> Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes, No. 5.

<sup>168</sup> Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes, No. 5.

<sup>169</sup> Osaka Pref. Ordinance No. 2 of 2012, Art. 12, para. 1. Fukuoka Pref. Ordinance No. 17 of 2019, Art. 16, para. 1.

<sup>170</sup> Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes, No. 7.

**Notice of Travel:**

- Under the Circular, offenders must obtain permission from the police headquarters having jurisdiction over their location of residence if they intend to move or if they intend to travel for more than 7 days.<sup>171</sup>
- Under the Act, this is not stipulated.
- Under the ordinances, this is not stipulated.

**Additional Notes:** In April 2021, the Liberal Democratic Party of Japan, the ruling party, proposed to Prime Minister Suga that a sex crime record database be established for the purpose of preventing adults who engaged in obscene acts in the past from entering certain occupations related to children.<sup>172</sup> After Prime Minister Suga received the recommendations, he instructed the relevant ministries and agencies to consider it.<sup>173</sup>

### 4.2.3. *Korea, South*

**Applicable Laws:**

- Act on Special Cases Concerning the Punishment, etc., of Sexual Crimes (“Act on Special Cases”);
- Act on the Protection of Children and Youth Against Sex Offenses, its enforcement decree, and its enforcement regulation (“Act on the Protection of Children”).

**Offenses Requiring Registration:** In South Korea, the Act on Special Cases mandates that offenders convicted of stipulated crimes must register. Additionally, individuals issued an order to register must comply.

Crimes stipulated in the Act on Special Cases include:

- Rape and other crimes involving rape or sexual intercourse (e.g., attempt, robbery and rape, sexual intercourse by abuse of occupational authority);
- Indecent act by compulsion other crimes involving indecent act;
- Intrusion upon publicly used places with intent to satisfy sexual urges;
- Obscene acts by using means of communication;
- Taking photographs or videos of another’s body which may cause any sexual stimulus; and

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<sup>171</sup> Regarding Implementation of Measures to Prevent Recidivism of Violent Sex Crimes, No. 5.

<sup>172</sup> 縦割り行政の打破に関するプロジェクトチーム, 自由民主党行政改革推進本部 [Project Team on Breaking Down Vertically Divided Administration, Liberal Democratic Party Administrative Reform Promotion Headquarters], 子供たちを性暴力から守るための制度創設に向けて (中間提言) [Toward The Establishment of a System to Protect Children from Sexual Violence], [https://jimin.jp-east-2.storage.api.nifcloud.com/pdf/news/policy/201499\\_1.pdf](https://jimin.jp-east-2.storage.api.nifcloud.com/pdf/news/policy/201499_1.pdf) (in Japanese).

<sup>173</sup> 性犯罪歴をデータベースで照会 制度の創設 菅首相 検討指示へ [Establishing An Inquiry System for Sex Crime History in A Database, Prime Minister Suga Instructed Examination of Such System], NHK, April 22, 2021, <https://www3.nhk.or.jp/news/html/20210422/k10012991291000.html> (in Japanese).

- Distribution of false video products, intimidation or compulsion by using sexual photograph of other person.<sup>174</sup>

The Act on Protection of Children states that, with respect to a stipulated list of crimes, the court will pronounce an order for a convicted offender to register.<sup>175</sup> Crimes stipulated include:

- Rape, indecent act by force of children or youth;
- Illicit sex with disabled children or youth;
- Illicit sex with children or youth aged 13 to under 16;
- Murder after rape or rape resulting in death;
- Production, distribution of child or youth pornography;
- Child or youth trafficking, buying sex of child or youth;
- Coercive conduct against children or youth;
- Business of arranging prostitution; and
- Having a child engage in lewd acts or arranging such acts, or committing sexual harassment or sexual abuse against a child.<sup>176</sup>

**Data Stored in Registry:** The South Korea registry stores the following information about a registrant:

- Name;
- Resident registration number;
- Address and actual place of residence;
- Occupation and place of work, etc.;
- Contact information (referring to a telephone number and an email address);
- Physical build description (height and weight);
- Vehicle registration number;
- Sentence, remission, or suspended sentence of a fine or heavier punishment;
- Care and custody, in-custody treatment, and protective supervision;
- Lapse of a suspended sentence;
- Revocation of suspension of execution;
- Sentence or disposition of confiscation, additional charge, social service order, order to complete education, etc., imposed together with punishment by a fine or heavier punishment;

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<sup>174</sup> Act on Special Cases Concerning the Punishment, etc., of Sexual Crimes (South Korea), art. 42, para. 1, referring to art. 2(1)3. and 4, and (2) (limited to paragraph (1)3. and 4.), and arts. 3 through 15. [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=40947&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=40947&lang=ENG).

<sup>175</sup> Act on Protection of Children and Youth Against Sex Offenses (South Korea), art. 45, subpara. 1. [https://elaw.klri.re.kr/eng\\_mobile/viewer.do?hseq=51160&type=part&key=16](https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=51160&type=part&key=16).

<sup>176</sup> Act on Protection of Children and Youth Against Sex Offenses (South Korea), art. 2, subpara. 2(a)(d). [https://elaw.klri.re.kr/eng\\_mobile/viewer.do?hseq=51160&type=part&key=16](https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=51160&type=part&key=16).

- When the registrant will stay in a foreign country for six months or more, the country where he or she will stay and length of the stay;
- Information on the personal history of sex crimes subject to registration;
- Previous convictions for sex crimes (the names and frequency of such crimes); and
- Whether an electronic device is attached to the registrant under the act on electronic monitoring.<sup>177</sup>

**Registrant Requirements:** In South Korea, persons subject to registration must submit their basic personal information listed below to the head of the police office that has jurisdiction over their domicile, within 30 days from the date on which the judgment becomes final. Persons who are placed in a correctional facility submit their basic personal information to the head of the correctional facility.

Basic personal information consists of the registrant's:

- Name;
- Resident registration number;
- Address and actual place of residence;
- Occupation and place of work, etc.;
- Contact information (referring to a telephone number and an email address);
- Physical build description (height and weight); and
- Vehicle registration number.<sup>178</sup>

**Duration of Registration:** The duration of registration for South Korean offenders depends on the severity of the punishment:

- A person sentenced to capital punishment, imprisonment for an indefinite term, or imprisonment for more than 10 years: 30 years;
- A person sentenced to imprisonment for more than three years but not more than 10 years: 20 years;
- A person sentenced to imprisonment for not more than three years and a person who was not punished due to mental disorder even though he or she has committed a sex crime against child or youth: 15 years;
- A person subject to a fine: 10 years.<sup>179</sup>

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<sup>177</sup> Act on Special Cases Concerning the Punishment, etc., of Sexual Crimes (South Korea), art. 44, para. 1.

<sup>178</sup> *Id.* at art. 43.

<sup>179</sup> *Id.* at art. 45, para. 1.

**Access to Registry:** The Minister of Justice retains and manages registered information.<sup>180</sup> The Minister of Justice may distribute registered information to public prosecutors or the heads of various levels of police offices for prevention and investigation of sex crimes.<sup>181</sup>

The disclosure of registered information to the public is governed by the Act on Protection of Children and Youth Against Sex Offenses and is made by the minister of Gender Equality and Family. The minister of Justice sends information necessary for disclosing registered information to the minister of Gender Equality and Family.<sup>182</sup>

The court must pronounce an order to disclose information through the internet in concurrence with a judgment in a case of a sex offense against a child or youth unless the accused is a child or youth, or any other special circumstance against disclosure of personal information exists.<sup>183</sup> The information provided for the public is as follows:

- The registrant's name, age, address, and actual place of residence (up to the road name), body size (height and weight), and photograph;
- A summary of the sex offense subject to registration (including the date of judgment, the name of the offense, and the sentence imposed);
- Any previous criminal record of sexual violence (the names of the crimes and the number of times they were committed); and
- Whether an electronic device is attached is attached to the registrant.<sup>184</sup>

**Notice of Travel:** Yes. Registrants in South Korea, who plan to leave the country to stay in a foreign country for at least six months, must report the foreign country where they will stay and the length of stay to the head of the competent police office before departure. When registrants, who have spent six months or more abroad, return to South Korea, they must report their entry into the country to the head of the competent police office within 14 days.<sup>185</sup>

**Registry Available at:** <https://www.sexoffender.go.kr/indexN.nsc>

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<sup>180</sup> *Id.*

<sup>181</sup> *Id.* at art. 46.

<sup>182</sup> *Id.* at art. 47.

<sup>183</sup> Act on Protection of Children and Youth Against Sex Offenses (South Korea), art. 49, para. 1.

<sup>184</sup> *Id.* at para. 3.

<sup>185</sup> *Id.* at art. 43-2.

#### 4.2.4. *New Zealand*

**Applicable Law:** Child Protection (Child Sex Offender Government Agency Registration) Act 2016.<sup>186</sup>

**Offenses Requiring Registration:** In New Zealand, individuals convicted of a qualifying sexual offense against children must register. Under Child Protection (Child Sex Offender Agency Registration) Act 2016, the perpetrator, at the time of offense, must have been 18 years of age or older, and his or her victim must have been under 16 years of age. Offenders found guilty and sentenced to imprisonment of a qualifying sexual offense are registered in the sex offender registry at the discretion of the sentencing judge.<sup>187</sup>

- In New Zealand, crimes that require registration are divided into three classes. Class 1 Offenses include
  - “Indecent communication with a young person under 16;”
  - “Meeting a young person following sexual grooming;”
  - “Organizing or promoting child sex tours;”
  - “Abduction for purposes of marriage or sexual connection, if the victim is under 16;”
  - “Offenses involving knowledge in relation to objectionable publications, if the subject...is under 16 and the publication deals with sex.”
  - “Exhibition to persons” of “publications deal[ing] in sex” to a person under 16.<sup>188</sup>
- Crimes considered by New Zealand to be Class 2 offenses include:
  - “Indecent act with consent induced by threat, if the victim is under 16;”
  - “Indecent act on a dependent family member...under 16, on a child under 12, or on a young person under 16;”
  - “Indecent assault, if the victim is under 16;”
  - “Exploitative indecent act on person with significant impairment, if victim is under 16;”
  - “Sexual conduct with child or young person outside NZ...,” or being “party or accessory” to the same.<sup>189</sup>
- Crimes considered by New Zealand to be Class 3 offenses include:
  - “Sexual violation” or “attempted sexual violation,” if the victim is under 16;
  - “Assault with intent to commit sexual violation, if the victim is under 16;
  - “Sexual connection with consent induced by threat, if the victim is under 16;

<sup>186</sup> Child Protection (Child Sex Offender Government Agency Registration) Act 2016, No. 42, (N.Z.), <https://www.legislation.govt.nz/act/public/2016/0042/latest/DLM6463913.html>.

<sup>187</sup> New Zealand Police, “Child Sex Offender Register Fact Sheet,” October 14, 2016, <https://www.police.govt.nz/sites/default/files/documents/child-sex-offender-register-factsheet.pdf>.

<sup>188</sup> Child Protection (Child Sex Offender Government Agency Registration) Act 2016, s 4, sch. 2 (N.Z.).

<sup>189</sup> *Id.*

- "Incest, if victim under 16;
- "Sexual connection with a dependent family member" or its attempt, if the victim is under 16;
- "Sexual connection with child under 12" or its attempt;
- "Sexual connection with a young person under 16" or its attempt;
- "Exploitative sexual connection with person with significant impairment" or its attempt, if the victim is under 16."<sup>190</sup>

**Data Stored in Registry:** According to the New Zealand Child Protection (Child Sex Offender Agency Registration) Act 2016, the register must contain:

- "The registrable offender's name and other identifying particulars;
  - "Details of each qualifying offence or corresponding offence of which the registrable offender has been convicted or with which he or she has been charged;
  - "The date on which the registrable offender was sentenced for any qualifying offence;
  - "For each qualifying offence of which the registrable offender has been convicted, the sentencing notes of the sentencing Judge;
  - "The date on which the registrable offender ceased to be in custody in respect of a qualifying offence, or entered or ceased to be in custody in respect of any offence during his or her reporting period;
  - "Any information reported in respect of the registrable offender under sub-part 2 of this Part;
  - "Any information provided to the Commissioner in respect of the registrable offender under this Part."<sup>191</sup>
- According to the Child Sex Offender Register handbook made by the New Zealand police:
    - Name and any other name known by (and when);
    - Date of birth;
    - Passport(s) information;
    - Identifying physical characteristics, such as tattoos and scars;
    - Address (residential and postal, if different);
    - Name, sex, and date of birth for any child living in the same household, as well as the name of the primary caregiver;
    - Digital information (phone/cellphone numbers, internet service provider, online accounts, aliases, website[s] owned/administered, and email addresses);
    - Employer name and address, as well as type of work being conducted;
    - Club or organizational memberships;

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<sup>190</sup> *Id.*

<sup>191</sup> *Id.* at pt. 2, subpt. 1, s 10 (N.Z.).

- Motor vehicle information.<sup>192</sup>
- Information required in the initial report in the “[...] the relevant personal information to be reported by a registrable offender consists of the following information:
  - “his or her name, together with any other name by which he or she is, or has previously been, known;
  - in respect of each name other than his or her current name, the period during which he or she was known by that other name;
  - his or her date of birth;
  - the address of each of the premises at which he or she generally resides or, if he or she does not generally reside at any particular premises, the name of each of the localities in which he or she can generally be found;
  - the name, sex, and date of birth of each child who generally resides in the same household as that in which the offender generally resides;
  - in respect of each child who generally resides in the same household as that in which the offender generally resides, the name of the principal caregiver;
  - his or her postal address for service of notices and documents under this Act;
  - if he or she is working,—
    - the nature of the work;
    - the name of his or her employer (if any); and
    - the address of each of the premises at which the offender generally works or, if he or she does not generally work at any particular premises, the name of each of the localities at which he or she generally works.
  - details of his or her affiliation with any club or organization that has a child membership or child participation in its activities, including any online club or organization;
  - the make, model, colour, and registration number of any motor vehicle owned by, or generally driven by, the offender;
  - details of any tattoos, scars, or permanent distinguishing marks that he or she has (including details of any tattoo or mark that has been removed);
  - if, at the time of making an initial report, he or she has 1 or more valid passports, the passport number, place of issue, and date of expiry of each passport;
  - details of any telecommunications service used, or intended to be used, by the offender, including—Reprinted as 1 December 2020 Child Protection (Child Sex Offender Government Agency Registration) Act 2016 Part 2 s 16 11
    - (i) the name of any landline or mobile telephone service provider used, or intended to be used, by the offender; and”

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<sup>192</sup> New Zealand Police, “CSO Register: Information for People on the Register,” October 2016, 10, [https://www.police.govt.nz/sites/default/files/documents/cso\\_register\\_information\\_booklet.pdf](https://www.police.govt.nz/sites/default/files/documents/cso_register_information_booklet.pdf).

- (ii) any phone numbers used, or intended to be used, by the offender
- the name of any Internet service provider, and the details of any routing or modem device, used, or intended to be used, by the offender;
- details of any username for any online social networks, online gaming accounts, or online storage accounts used, or intended to be used, by the offender;
- details of any website domain owned or website administered, or intended to be owned or administered, by the offender;
- details of any email addresses used, or intended to be used, by the offender.”<sup>193</sup>

**Registrant Requirements:** In New Zealand, registrable offenders must make annual reports to ensure all information is correct. Any changes to a registerable offender’s address must be reported within 48 hours. All other changes to personal information must be reported within 72 hours.<sup>194</sup>

**Duration of Registration:** In New Zealand, offenders’ required reporting period depends on the crimes for which they have been convicted:

- If sentenced to a term of imprisonment for a single Class 1 offense or its repealed equivalent: 8 years;
- If sentenced to a “non-custodial sentence for a qualifying offence and is subject to a registration order”: 8 years;
- If sentenced to a term of imprisonment for a class 2 offense or its repealed equivalent: 15 years;
- If sentenced to a term of imprisonment for a class 3 offense or its repealed equivalent: life.
- “If a registrable offender has reporting obligations in respect of more than 1 qualifying offence or corresponding offence, the reporting periods for each of those offences run concurrently (to the extent that they overlap), not cumulatively.”<sup>195</sup>

**Access to Registry:** Restricted. In New Zealand, the register is not available to the public; it is available to “authorized personnel from Police and Corrections, ...[who] have the authority to release information to an affected person (e.g., parent, teacher, or regular caregiver of the child) if it is believed that the registered person poses a threat to the life, welfare, or sexual safety of a specific child or children. There are disclosure protocols for releasing information, and any unauthorized passing on of that information by the affected person is an offense.”<sup>196</sup>

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<sup>193</sup> Child Protection (Child Sex Offender Government Agency Registration) Act 2016, pt. 2, s 16 (N.Z.).

<sup>194</sup> *Id.* at pt. 2, s 18, 20 (N.Z.).

<sup>195</sup> *Id.* at pt. 2, s 35 (N.Z.).

<sup>196</sup> New Zealand Police, “Child Sex Offender Register Fact Sheet,” October 14, 2016, <https://www.police.govt.nz/sites/default/files/documents/child-sex-offender-register-factsheet.pdf>.

**Notice of Travel:** Yes. In New Zealand, "...if a registrable offender intends to travel away from his or her registered residential address, within New Zealand, for more than 48 hours," then:

- "At least 48 hours before travelling, the registrable offender must report the intended travel to the Commissioner and must provide the following details:
  - "Each address at which the offender intends to stay;
  - "The dates on which the offender intends to stay at each of those addresses;
  - "Whether any child will or is likely to reside together with the offender at any of those addresses;
  - "If the offender intends to return to his or her registered residential address, the date on which he or she intends to return."<sup>197</sup>

#### 4.2.5. Palau

**Applicable Law:** Title 17 of the Palau Penal Code Index – Division 3, Chapter 16, "Sexual Offenses," and Chapter 17, "Registration of Sex Offenders and Other Covered Offenders and Public Access to Registration Information."<sup>198</sup>

**Offenses Requiring Registration:** In Palau, individuals designated "sex offender" or "offender against minors" must register.<sup>199</sup> The following offenses are considered "sexual offenses" and require registration on the Republic of Palau Sex Offender Registry:

- "Criminal sexual conduct toward a minor...;
- "Solicitation of a minor who is less than eighteen years old to engage in sexual conduct" or to practice prostitution;
- "Use of a minor in a sexual performance;
- "Production, distribution, or possession of child pornography chargeable as a felony...
- "Electronic enticement of a child...if the offense was committed with the intent to promote or facilitate the commission of another covered offense...
- "A criminal offense that is comparable to or that exceeds a "sexual offense" as defined in" this section "if the criminal offense was committed in another jurisdiction;
- Any act that is an "attempt, criminal solicitation, or criminal conspiracy to commit" an offense designated in this section.<sup>200</sup>

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<sup>197</sup> Child Protection (Child Sex Offender Government Agency Registration) Act 2016, pt. 2, s 21 (N.Z).

<sup>198</sup> Penal Code (Palau), No. 9-21 2013. Title 17 Penal Code Index. Division 3: Offenses Against the Person. Chapter 17: Registration of Sex Offenders and Other Covered Offenders and Public Access to Registration Information. February 24, 2014. Accessed April 19, 2021. [http://www.paclii.org/cgi-bin/sinodisp/pw/legis/num\\_act/pcotroprn9212013343/pcotroprn9212013343.html?stem=&synonyms=&query=sexual%20offenses](http://www.paclii.org/cgi-bin/sinodisp/pw/legis/num_act/pcotroprn9212013343/pcotroprn9212013343.html?stem=&synonyms=&query=sexual%20offenses).

<sup>199</sup> *Id.* at § 1700.

<sup>200</sup> *Id.* at § 1700 (Palau).

The following offenses are among those considered “Crimes against minors” and also require registration:

- “Kidnapping of a minor, by someone other than a parent,” or the attempt, criminal solicitation, or criminal conspiracy thereof;
- “Unlawful imprisonment in the first or second degree...by someone other than a parent,” or the attempt, criminal solicitation, or criminal conspiracy thereof.
- “A criminal offense that is comparable to or which exceeds” the kidnapping, unlawful imprisonment, or the attempts, criminal solicitations, or criminal conspiracies thereof, “if the criminal offense was committed in another jurisdiction.”<sup>201</sup>

Furthermore, “a person who establishes or maintains a residence in the Republic of Palau and who has not been designated as a covered offender...but who has been designated as a covered offender, sex offender, offender against minors, repeat covered offender, sexually violent predator, or any other sexual offender designation in another jurisdiction and was...subject to registration or community or public notification, or both...shall register [in Palau] and be subject to community and public notification....”<sup>202</sup>

#### **Registrant Requirements:**

- The offender is required to register with the attorney general. The offender is also required to register in person with Bureau of Public Safety in order to provide their photograph, fingerprints, and registration information. The latter registration is required regardless of residency, as long as an offender is in Palau for more than 10 days, or “for an aggregate period exceeding thirty days in one calendar year.” Offenders will register no later than three working days after the earliest of:
  - “Arrival in the Republic of Palau;
  - “Release from incarceration;
  - “Release from commitment;
  - “Work release or furlough;
  - “Conviction for a covered offense (unless incarcerated);
  - “Release on probation;
  - “Placement on parole; or
  - “Arrival in a county in which the offender resides or expects to be present for a period exceeding ten days.”<sup>203</sup>
- The offender is required to report every year (within the thirty-day period following the offender’s date of birth) to the Bureau of Public Safety where the offender resides, and review the existing information in the registry that is within the offender’s knowledge,

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<sup>201</sup> *Id.* at § 1700 (Palau).

<sup>202</sup> *Id.* at § 1701 (Palau).

<sup>203</sup> *Id.* at § 1701 (Palau).

correct any information that has changed or is inaccurate, provide any new information that may be required, and “allow the police and such other bureau or agency designated by the attorney general to take a current photograph of the offender.”<sup>204</sup>

**Data Stored in Registry:** According to § 1701, data stored in Republic of Palau Sex Offender Registry includes the following:

- Name, prior names, nicknames and pseudonyms, aliases;
- Date of birth (and any alias dates of birth), social security number (and any alias social security numbers), sex, race, height, weight, and hair and eye color;
- Address and telephone number of the residence, or (if an address is not available) a description of the place or area of residence, where the offender has resided for at least thirty nonconsecutive days within a sixty-day period;
- The length of time the offender has resided at each address or place;
- The address (or description of the place or area) and the length of time of the stay, and telephone number where the covered offender is staying for a period of more than ten days, if other than the residence stated above;
- The future address and telephone number where the covered offender is planning to live if other than the residences stated above;
- Electronic mailing addresses, instant message names, internet designations or monikers, and any other internet addresses used for routing or self-identification;
- Cell phone numbers and any “other designations used for routing or self-identification in telephonic communications;”
- Names and business addresses of current and known future employers, including information for any place where the covered offender works as a volunteer or otherwise works without remuneration, and the starting and ending dates of any such employment.
- For offenders without a fixed place of employment, a description of the places where offenders work, such as information about normal travel routes or the general work area(s).
- Professional licenses held by the offender.
- Names and addresses of current and known future educational institutions with which the offender is affiliated in any way, including but not limited to affiliation as a faculty member, an employee, or a student, and the starting and ending dates of any such affiliation.
- The year, make, model, color, and license or registration or other identifying number of all vehicles, including automobiles, watercrafts, and aircrafts, currently owned or operated by the covered offender and the address (or description of the place(s)) where the offender’s vehicle or vehicles are habitually parked, docked, or otherwise kept.

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<sup>204</sup> *Id.* at ch. 17 (Palau).

- Passports and information about the passports, and documents establishing immigration status (if the covered offender is an alien).
- A statement listing all covered offenses for which the offender has been convicted or found unfit to proceed or acquitted pursuant to 17 PNC Chapter 5 of this Penal Code.
- A statement indicating whether the covered offender has received or is currently receiving treatment ordered by a court of competent jurisdiction or by the probation or paroling authority.
- A statement indicating whether the covered offender is a citizen of the Republic of Palau.
- Any additional identifying information about the offender.
- A current photograph of the offender.
- A physical description of the offender, including a description of particular identifying characteristics such as scars or tattoos.
- Confirmation that the offender has provided his or her fingerprints and palm prints.
- Judgment of conviction, judgment of acquittal, or judicial determination of unfitness to proceed documenting the criminal offense or offenses for which the offender is registered.
- The text of the provision of law defining the criminal offense or offenses for which the offender is registered.
- The criminal history of the offender, including the date of all arrests and convictions, the status of parole, probation, or supervised release, registration status, and the existence of any outstanding arrest warrants.
- Color copies of a valid driver's license or identification card.
- Color copies of passports and documents establishing immigration status.
- A signed statement indicating that all of the registration information is accurate and current.<sup>205</sup>

**Duration of Registration:**

- In Palau, covered offenders register with "the attorney general and comply with the provisions of [the applicable penal code chapters] for life, or for a shorter period of time as provided...."
- Covered offenders may petition the court to terminate registration requirements.<sup>206</sup>
- In order to terminate registration requirements, an offender must successfully petition the attorney general by:
  - "Providing an order issued by the court that designated the person as an offender... which states that such designation has been removed, or demonstrates to the attorney general that such designation (if not imposed by a court) has been removed by operation of law or court order in the jurisdiction in which the designation was

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<sup>205</sup> *Id.* at § 1701 (Palau).

<sup>206</sup> *Id.*

- made, and such person does not meet the criteria for registration as a covered offender under the laws of the Republic of Palau; or
- “Demonstrating that the convictions upon which the sexual offender designation was established in another jurisdiction are not covered offenses under 17 PNC section 1700, thereby showing that such person does not meet the criteria for registration as an offender under the laws of the Republic of Palau.”<sup>207</sup>

**Access to Registry:** In Palau, law enforcement agents have access to the registry “for law enforcement purposes. “Government agencies conducting confidential background checks” will have access to the registry information as well. Furthermore, the Palau attorney general and the Bureau of Public safety will release the following as public information, as long as it does not disclose the identity of the victim of the offense requiring registration:

- “Name, prior names, nicknames and pseudonyms, and all aliases;”
- Date of birth and any alias dates of birth;
- “Physical description of the offender, including a description of particular identifying characteristics such as scars or tattoos;”
- Address or (if an address is not available) “a description of the place or area of residence, where the offender has resided for at least thirty nonconsecutive days within a sixty-day period” and period of residence;
- The address (or description of area) and the length of stay in a place of more than ten days, if other than the residence stated above;
- Future actual address, if known;
- Name or description of location of employment, including volunteer work or other non-compensated work;
- “Professional licenses held by the offender;”
- “Names and addresses of current and known future educational institutions with which the offender is affiliated as a faculty member, an employee, or a student, and the starting and ending dates of any such affiliation;
- “The year, make, model, color, and license number of all vehicles, including automobiles, watercrafts, and aircrafts, currently owned or operated by the offender, excluding vehicles operated exclusively for purposes of work;
- “A statement listing all covered offenses for which the offender has been convicted or found unfit to proceed or acquitted pursuant to 17 PNC Chapter 5 of this Penal Code;
- “Judgment of conviction, judgment of acquittal, or judicial determination of unfitness to proceed documenting the criminal offense or offenses for which the offender is registered;
- “The text of the provision of law defining the criminal offense or offenses for which the offender is registered;

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<sup>207</sup> *Id.* at §§ 1701, 1708 (Palau).

- "A recent photograph of the covered offender."<sup>208</sup>

Regarding community notification in Palau: "To facilitate community notification, after a covered offender registers or updates a registration, the attorney general may provide public information in the registry about that offender to any organization, company, or individual who requests such notification pursuant to procedures established by the attorney general through rules adopted pursuant to 6 PNC Chapter 1, the Administrative Procedure Act."<sup>209</sup>

**Notice of Travel:** The current Palau statutes do not specifically indicate whether there are specific requirements related to the registry regarding foreign travel. Domestically, however, registered offenders must the address and telephone number of any place of residence where they reside or intend to reside for more than 10 days.<sup>210</sup>

**Additional Notes:**

- Registration on the Republic of Palau Sex Offender Registry extends to non-residents of the Republic of Palau provided they remain in the Republic of Palau for more than ten days or for an aggregate period exceeding thirty days in one calendar year.<sup>211</sup>
- When an offender's public information is made publicly accessible, separate registries shall be maintained for:
  - Sex offenders.
  - Offenders against minors.<sup>212</sup>

#### 4.2.6. Pitcairn Islands (*British Overseas Territory*)

**Applicable Law:** Sexual Offences (Notification and Prevention) Ordinance, Chapter XLIV, Revised Edition 2017.<sup>213</sup>

**Offenses Requiring Registration:** In the Pitcairn Islands, the conviction of certain stipulated offenses will require that an offender register. Those offenses include:

- Rape;
- Intercourse with girl under 13, or under 16 if the offender was 20 or over;
- "Incest by a man," if the other party was under 18;

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<sup>208</sup> *Id.* at § 1702 (Palau).

<sup>209</sup> *Id.*

<sup>210</sup> *Id.* at § 1701 (Palau).

<sup>211</sup> *Id.*

<sup>212</sup> *Id.*

<sup>213</sup> Sexual Offences (Notification and Prevention) Ordinance, Chapter XLIV, Laws of Pitcairn, Henderson, Ducie and Oeno Islands, Revised Edition 2017 (Pitcairn Is.), <http://www.government.pn/Laws/Cap%2044%20-%20Sexual%20Offences%20%28Notification%20and%20Prevention%29%202017%20Rev%20Ed.pdf>.

- "Buggery," if the offender was 20 or over, and the other party was under 18;
- "Indecency between men," if the offender was 20 or over, and the other party was under 18;
- "Indecent assault" on either woman or man, "if the other party was under 18, or the offender has been sentenced to imprisonment for a term of at least 30 months or admitted to a hospital subject to a restriction order;"
- "Assault with intent to commit buggery," if the victim...was under 18;
- "Causing or encouraging the prostitution of, intercourse with or indecent assault on girl 16;"
- "Indecent conduct towards young child;"
- "Inciting girl under 16 to have incestuous sexual intercourse;"
- "Indecent photographs of children, if the indecent photographs or pseudo-photographs showed persons under 16 and –
  - "The conviction, finding or caution was before the commencement of this Ordinance, or
  - "The offender was over 18 or is sentenced in respect of the offense to imprisonment for a term of at least 12 months;"
- "Penalty for fraudulent evasion of duty etc.," in relation to "indecent or obscene articles," if the prohibited goods include indecent photographs of persons under 16, and –
  - "The conviction, finding, or caution was before the commencement of this Ordinance, or
  - "The offender was over 18, or is sentenced in respect of the offense to imprisonment for a term of at least 12 months;"
- "Possession of indecent photograph of a child," "if the indecent photographs or pseudo-photographs showed persons under 16, and –
  - "The conviction, finding, or caution was before the commencement of this Part, or
  - "The offender was over 18 or is sentenced in respect of the offense to imprisonment for a term of at least 12 months;"
- "Abuse of position of trust" if the offender was 20 or over;
- "Sexual assault," if:
  - "[T]he offender was under 18, he or she is or has been sentenced, in respect of the offense, to imprisonment for a term of at least 12 months;
  - "In any other case:
    - "The victim was under 18, or
    - "The offender...is or has been sentenced to a term of imprisonment, or detained in a hospital, or made the subject of a community-based sentence of at least 12 months;"
- "Meeting a child following sexual grooming etc.;"

- "Abuse of a position of trust," where the offender was sentenced to imprisonment or hospital detainment for a minimum of 12 months;
- "Familial child sex offenses" if the offender is 18 or over, or was sentenced for the crime to at least 12 months;
- "Offences against persons with a mental disorder impeding choice;"
- "Care workers for persons with mental disorder," where the offender was sentenced to a term of imprisonment for at least 12 months;
- "Causing or inciting child prostitution or pornography;"
- "Controlling a child prostitute or a child involved in pornography;"
- "Administering a substance with intent;"
- "Committing an offense or trespassing, with intent to commit a sexual offense;"
- "Sex with an adult relative,"
- Exposure;
- Voyeurism;
- "Intercourse with an animal, sexual penetration of a corpse;"
- "Possession of extreme pornographic images."<sup>214</sup>

**Data Stored in Registry:** In the Pitcairn Islands, the offender must give the following information to the police "within the period of 3 days beginning with the relevant date":

- Date of birth;
- Aliases and dates of use of each;
- Home address;
- "The address of any other premises in the Islands at which, at the time the notification is given, he or she regularly resides or stays;"
- "Any prescribed information" – "'prescribed' means prescribed by regulations made by the Governor."<sup>215</sup>

**Registrant Requirements:** In Pitcairn Islands, within 3 days of changing the following, the offender must notify the police of the change:

- His or her name;
- Home address;
- Having stayed for a qualifying period in the Islands at an address not registered.
- Any prescribed change in circumstances;
- Release from custody pursuant to an order of a court or from imprisonment[, home detention,] or detention in a hospital.<sup>216</sup>

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<sup>214</sup> *Id.* at Part II, Section 4, and Schedule 1 (Pitcairn Is.).

<sup>215</sup> *Id.* at Part II, Section 7 (Pitcairn Is.).

<sup>216</sup> *Id.* at Part II, Section 8 (Pitcairn Is.).

**Duration of Registration:** Duration of registration obligations for Pitcairn Island registrants vary according to the following circumstances:

- "A person who, in respect of the offense, is or has been sentenced to imprisonment for life or to imprisonment for a term of 30 months or more...[is subject to] "[a]n indefinite period beginning with the relevant date;"
- "A person who in, respect of the offense or finding, is or has been admitted to a hospital subject to a restriction order...[is subject to] "[a]n indefinite period beginning with that date;"
- "A person who, in respect of the offense, is or has been sentenced to imprisonment for a term of more than 6 months but less than 30 months...[is subject to] "10 years beginning with that date;"
- "A person who, in respect of the offense or finding, is or has been admitted to a hospital without being subject to a restriction order...[is subject to] "7 years beginning with that date;"
- A person who "...is cautioned in respect of such an offense...[is subject to] 2 years beginning with that date;"
- "A person who has been ordered to come up for sentence in respect of the offense if called upon...[is subject to] [a] period specified in the order;"
- "A person [required to register] of any other description... [is subject to] 5 years beginning with the relevant date."<sup>217</sup>

**Access to Registry:** There is no public access to the register in the Pitcairn Islands. However, "[a] police officer may, for the purposes of the prevention, detection, investigation or prosecution of offences under this part, supply information to which this section applies to...the Governor or "[a] person providing services to the Governor in connection with a relevant function, for use for the purpose of verifying the information."<sup>218</sup>

**Notice of Travel:** Yes. An offender who leaves Pitcairn Islands must give notification prior to leaving and upon return. The leaving offender must, "as soon as reasonably practicable, but not less than 24 hours before" the date of departure, give the following details:

- The date of departure;
- "The country (or, if there is more than one, the first country) to which he or she will travel and the point of arrival in each such additional country;
- "Where he or she intends to travel to more than one country outside the Island, the intended point of arrival in each such additional country;

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<sup>217</sup> *Id.* at Part II, Section 6 (Pitcairn Is.).

<sup>218</sup> *Id.* at Part II, Section 16 (Pitcairn Is.).

- “The identity of any carrier or carriers he or she intends to use for the purposes of departure from and return to the Islands and of travelling to any other point of arrival;
- “Details of accommodation arrangements for his or her first night outside the Islands;
- “In a case in which he or she intends to return to the Islands on a particular date, that date; and
- “Where—
  - “A relevant offender has given a notification, ...and
  - “At any time prior to his or he intended departure from the Islands, the information disclosed in that notification becomes inaccurate or incomplete as a statement of all the information mentioned in that subsection which he or she currently holds, the relevant offender must give a further notification under this section.
- The returning offender must give notification “within 3 days of [the] offender’s return to the Islands and must disclose the date of...return...”<sup>219</sup>

**Additional Notes:** “The Pitcairn Islands...the least populous jurisdiction in the world, [is] a British Overseas Territory with approximately 50 residents. Nevertheless, in response to some very public sexual assault trials in 2004, it has enacted a sex offender registration and notification program which mirrors, to a large extent, that of the United Kingdom.”<sup>220</sup>

#### 4.2.7. Samoa

**Applicable Law:** Sex Offenders Registration Act 2017.<sup>221</sup>

**Offenses Requiring Registration:** In Samoa, the Sex Offenders Registration Act 2017 mandates that offenders convicted of crimes under its “Class 1,” “Class 2,” or “Class 3” categories, whether before or after the commencement of the Act, must register. Additionally, “a person whom a court has ordered to be a registrable offender” must register, as does “a corresponding offender who enters Samoa.”<sup>222</sup>

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<sup>219</sup> *Id.* at Part II, Section 9 (Pitcairn Is.).

<sup>220</sup> U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, *Global Overview of Sex Offender Registration and Notification Systems*, April 2014, <https://www.icmec.org/wp-content/uploads/2016/05/Global-Overview-of-Sex-Offender-Registration-2.pdf>.

<sup>221</sup> Sex Offenders Registration Act 2017, No. 24 (Samoa), accessed September 8, 2021, <https://www.palemene.ws/wp-content/uploads/Sex-Offenders-Registration-Act-2017-Eng.pdf>.

<sup>222</sup> *Id.* at Part 2, Section 5 (Samoa).

- Crimes considered by Samoa to be Class 1 offenses are as follows:
  - "Sexual violence;"
  - "Incest;"
  - "Sexual connection with a child under 12;"
  - Furthermore, "any repeat offender who is convicted of a Class 2 or Class 3 offense against a child or a severely intellectually disabled person is deemed to have committed a Class 1 offense."<sup>223</sup>
- Crimes considered by Samoa to be Class 2 offenses are as follows:
  - "Unlawful sexual connection;"
  - "Attempted sexual violation;"
  - "Assault with intent to commit sexual violation;"
  - "Sexual connection with consent induced by threats;"
  - "Sexual connection with a dependent family member under 21 years;"
  - "Commits indecent act with or on a person who is a dependent family member under 21 years;"
  - "Attempted sexual connection with a child;"
  - "Commits indecent act with or on a child;"
  - "Sexual conduct with person under 16;"
  - "Attempts to have sexual connection with a young person;"
  - "Abduction of a child under 16 with intent to have sexual connection;"
  - "Dealing in people under 18 for sexual exploitation."<sup>224</sup>
- Crimes considered by Samoa to be Class 3 offenses are as follows:
  - "Indecent acts on another person with consent induced by threats;"
  - "Commits an indecent act with or on a young person;"
  - "Indecent assault;"
  - "Using threats of intimidation for the purpose of sexual conduct;"
  - "Commits or attempts to have sexual connection with severely intellectually disabled person;"
  - "Indecently assaults or attempts to indecently assault a severely intellectually disabled person;"
  - "Solicitation (if the victim is a child);"
  - "Publication, distribution or exhibition of indecent material on child;"
  - "Solicitation of children."<sup>225</sup>
- Additionally, "corresponding registrable offenders," who enter Samoa are also considered registrable offenders. "A corresponding registrable offender is a person

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<sup>223</sup> *Id.* at Schedule 1 (Samoa).

<sup>224</sup> *Id.* at Schedule 2 (Samoa).

<sup>225</sup> *Id.* at Schedule 3 (Samoa).

[who] has been required to report to the corresponding register in [a prior] jurisdiction and [who] would, if he or she were currently in that jurisdiction, still be required to report to that corresponding registrar."<sup>226</sup>

**Data Stored in Registry:** In Samoa, "[t]he Police Commissioner is responsible for establishing and maintaining the Register of Sex Offenders...; the Register must contain all of the following information in respect of each registrable offender":

- "The registrable offender's name and other identifying particulars;
- "Details of each registrable offence of which the registrable offender has been found guilty, or with which he or she has been charged;
- "The date on which the registrable offender was sentenced for any registrable offence;
- "The date on which the registrable offender ceased to be in government custody in respect of a registrable offence, or entered or ceased to be in government custody in respect of any offence during his or her reporting period;
- "Any information reported in respect of the registrable offender under Part 3;
- "Any other information that the Police Commissioner considers appropriate to include in the Register."<sup>227</sup>

**Registrant Requirements:** In Samoa, "[r]egistrable offender[s] must report annually."<sup>228</sup> Furthermore, he or she "must report changes to relevant personal details: A registrable offender must report to the Police Commissioner any change in his or her personal details within seven (7) days after that change occurs."<sup>229</sup> Reports are to be made in person to approved police stations.<sup>230</sup>

**Duration of Registration:** Offenders' required reporting period depends on the crimes for which they have been convicted:

- If convicted of two or more Class 1 offenses: Life;
- If convicted of a single Class 1 offense and one or more Class 2 or 3 offenses: Life;
- If convicted of three or more Class 2 or 3 offenses: Life;
- If convicted of a single Class 1 offense: 15 years;
- If convicted of two Class 2 offenses: 15 years;
- If convicted of one Class 2 offense and one or more Class 3 offenses: 15 years;
- If convicted of one Class 2 offense: 10 years;
- If convicted of two Class 3 offenses: 10 years;
- If convicted of a single Class 3 Offense: 5 years;

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<sup>226</sup> *Id.* at Part 2, Section 9, Subsection 1 (Samoa).

<sup>227</sup> *Id.* at Part 4, Section 38, Subsection 2 (Samoa).

<sup>228</sup> *Id.* at Part 3, Section 14 (Samoa).

<sup>229</sup> *Id.* at Part 3, Section 15 (Samoa).

<sup>230</sup> *Id.* at Part 3, Section 18-19 (Samoa).

- With regard to offenders convicted outside of Samoa: “A corresponding registrable offender must continue to comply with the reporting obligations imposed by this Part until he or she would not be required, if he or she were in a foreign jurisdiction, to report to the corresponding registrar of that foreign jurisdiction.”<sup>231</sup>

**Access to Registry:** In Samoa, access to the register is restricted. Only people “authorised to do so by the Police Commissioner,” by statute, or by regulations, may access the register. Furthermore, “[t]he Police Commissioner must develop guidelines in relation to the accessing and disclosure of personal information in the Register, that ensure that access to the personal information in the Register is restricted to the greatest extent...possible...” However, the court may order “information relating to a registrable offender...be published or otherwise made available to the public;” alternatively, “[r]egulations made under this Act [may] authorize the publication of information” in the register.<sup>232</sup>

**Notice of Travel:** Yes. Offenders must report when they leave Samoa to travel to another country. Specifically, offenders are subject to the following requirements:

- “At least seven (7) days before leaving Samoa, the registrable offender must report the intended travel to the Police Commissioner, and must provide details of all the following:
  - “Each country to which he or she intends to go while out of Samoa;
  - “The approximate dates during which he or she intends to be in each of those countries;
  - “Each address or location within each country at which he or she intends to reside (to the extent that they are known) and the approximate dates during which he or she intends to reside at those addresses or locations;
  - “If he or she intends to reside at those addresses or locations;
  - “If he or she intends to return to Samoa, the approximate date on which he or she intends to return;
  - “If he or she does not intend to return to Samoa, a statement of that intention.”<sup>233</sup>

**Additional Notes:** “The Police Commissioner is responsible for establishing and maintaining the Register of Sex Offenders, and has all necessary authority in relation to matters associated with the establishment and management of the Register in accordance with this Part.”<sup>234</sup>

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<sup>231</sup> *Id.* at Part 3, Section 27, Subsection 1 (Samoa).

<sup>232</sup> *Id.* at Part 4, Section 39 (Samoa).

<sup>233</sup> *Id.* at Part 3, Section 14 (Samoa).

<sup>234</sup> *Id.* at Part 4, Section 38 (Samoa).

#### 4.2.8. Taiwan (Republic of China)

##### Applicable Laws:

- Criminal Code of the Republic of China (“Criminal Code”);<sup>235</sup>
- Sexual Assault Crime Prevention Act (2015) (“Act”).<sup>236</sup> The Act mandates that offenders, defined as people who violate specified articles in the Criminal Code, register themselves with the police bureau.<sup>237</sup>

**Offenses Requiring Registration:** In Taiwan, an offender convicted of the following crimes from the Criminal Code must register:

- Article 221: “A person who by threats, violence, intimidation, inducing hypnosis, or other means against the will of a male or female and who has sexual intercourse with such person shall be sentenced to imprisonment for not less than three years but not more than ten years.”<sup>238</sup>
- Article 222: “A person who commits an offense specified in the preceding article under one of the following circumstances shall be sentenced to imprisonment for not less than seven years:
  - “1. Offense committed by two or more persons.
  - “2. Offense against a male or a female under the age of fourteen.
  - “3. Offense against a mentally, physically or otherwise handicapped person.
  - “4. Offense with the use of a drug in the offense.
  - “5. Abuse against the victim.
  - “6. Offense committed by taking the opportunity of operating a means of transportation used for the public or unspecified people.
  - “7. Commission of an offense by intruding into a residence or a structure used for residence or a vessel or by hiding inside of it for commission of the offense.
  - “8. Carrying a weapon while the offense is committed.
  - “An attempt to commit an offense prescribed in the preceding paragraph is punishable.”<sup>239</sup>

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<sup>235</sup> Criminal Code of the Republic of China [Criminal Code], Laws & Regulations Database of the Republic of China, January 15, 2020 (Taiwan), accessed May 18, 2021, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=C0000001>.

<sup>236</sup> Sexual Assault Crime Prevention Act [S.A.C.P. Act], Law & Regulations Database of the Republic of China, December 23, 2015 (Taiwan), accessed May 18, 2021, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080079>. Last amended on December 23, 2015, the Sexual Assault Crime Prevention Act aims to “prevent sexual assault and to protect the rights of victims.”

<sup>237</sup> *Id.* at art. 23 (Taiwan).

<sup>238</sup> Criminal Code, Part 2, Chapter 16, art. 221 (Taiwan).

<sup>239</sup> *Id.* at art. 222 (Taiwan).

- Article 224: "A person who commits an obscene act against a male or female against their will through the use of violence, threats, intimidation, or hypnosis shall be sentenced to imprisonment of not less than six months but not more than five years."<sup>240</sup>
- Article 225: "A person who takes advantage of the mental or physical handicap, mental or intellectual defect, or a similar condition which makes resistance impossible for intercourse with a male or a female shall be sentenced to imprisonment for not less than three years but not more than ten years. A person who takes advantage of the mental or physical handicap, mental or intellectual defect, or a similar condition which makes resistance impossible for obscene behavior with a male or a female shall be sentenced to imprisonment for not less than six months but not more than five years. An attempt to commit an offense prescribed in paragraph is punishable."<sup>241</sup>
- Article 226: "If the commission of an offense specified in Article 221, 222, 224, 224-1 or 225 results in the death of the victim, the offender shall be sentenced to life imprisonment or imprisonment for not less than ten years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than ten years. If the offense causes suicide of the victim because of shame or humiliation or causes aggravated injury in an attempt to commit suicide, the offender shall be sentenced to imprisonment for not less than ten years."<sup>242</sup>
- Article 332, Paragraph 2, Subparagraph 2: "A person who commits robbery and takes the opportunity to commit one of the following conducts shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years: ... 2. Forcing the victim to commit sexual intercourse."<sup>243</sup>
- Article 334, Subparagraph 2: "A person who commits piracy and takes the opportunity to commit one of the following acts shall be sentenced to death, life imprisonment, or imprisonment for not less than twelve years: 2. Forcing the victim to commit sexual intercourse."<sup>244</sup>
- Article 348, Paragraph 2, Subparagraph 1: "A person who commits an offense specified in paragraph 1 of the preceding article and who has one of the following circumstances shall be sentenced to death or life imprisonment or imprisonment for not less than twelve years: 1. Forcing the victim to commit sexual intercourse."<sup>245</sup>
- Recidivist of Article 227: "A person who has sexual intercourse with a male or female under the age of fourteen shall be sentenced to imprisonment for not less than three years but not more than ten years. A person who commits an obscene act against a male or female

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<sup>240</sup> *Id.* at art. 224 (Taiwan).

<sup>241</sup> *Id.* at art. 225 (Taiwan).

<sup>242</sup> *Id.* at art. 226 (Taiwan).

<sup>243</sup> *Id.* at art. 332 (Taiwan).

<sup>244</sup> *Id.* at art. 334 (Taiwan).

<sup>245</sup> *Id.* at art. 348 (Taiwan).

who is under the age of fourteen shall be sentenced to imprisonment for not less than six months but not more than five years. A person who has sexual intercourse with a male or female who is over the age of fourteen but under the age of sixteen shall be sentenced to imprisonment for not more than seven years. A person who commits an obscene act against a male or female who is over the age of fourteen years but under the age of sixteen shall be sentenced to imprisonment for not more than three years. An attempt to commit an offense specified in paragraphs 1 and 3 is punishable."<sup>246</sup>

- Article 20, Paragraph 1: "Should the offender fall into one of the following categories, and it is considered to be necessary after examination, the competent authority of the municipality or county (city) should order the offender to receive physical and psychological treatment or counselling education:
  - "The offender has completed an imprisonment term or rehabilitative disposition. If the offender is sentenced to community service, the implementation starts from when the community service punishment is pronounced.
  - "The offender is on parole.
  - "There is a postponement in the implementation of the sentence.
  - "There is an exemption from the penalty.
  - "The offender has been pardoned.
  - "A Court or military court has suspended compulsory treatment pursuant to Article 22-1 Paragraph 3."<sup>247</sup>
- Article 22-1, Paragraph 3: "During the period of the implementation of the compulsory treatment order specified in the preceding two Paragraphs, appraisal and evaluation regarding the necessity to stop the treatment shall be performed at least once a year until the danger of recidivism has been remarkably reduced. After the offender has been identified and it has been assessed that there is no necessity to continue the compulsory treatment, the offender, the prosecutor of the district prosecutor office, the prosecutor of the military prosecutor office, or the competent authority of the municipality or county (city) shall file a petition to the court or military court for an order to stop the compulsory treatment."<sup>248</sup>
- This entire section does not apply to offenders under the age of 18.<sup>249</sup>

**Data Stored in Registry:** Offenders in Taiwan who are convicted of crimes requiring them to register "should regularly report to the police bureau and register information such as identity, enrolment, employment, driver's licence, and details of movements."<sup>250</sup>

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<sup>246</sup> *Id.* at art. 227.

<sup>247</sup> S.A.C.P. Act, art. 20.

<sup>248</sup> *Id.* at art. 22.

<sup>249</sup> *Id.* at art. 23.

<sup>250</sup> *Id.*

**Registrant Requirements:**

- Offenders will be “regularly or irregularly” visited by the policy bureau.
- Notification of movement should be given within seven days.<sup>251</sup>

**Duration of Registration:**

- Violations of Article 221, Article 222, Article 224, Paragraph 1, Article 225, Paragraph 1, Article 226, Article 332, Paragraph 2, Subparagraph 2, Article 334, Subparagraph 2, and Article 348, Paragraph 1, Subparagraph 1 require a seven-year registration period.
- Violations of Article 224, Article 225, Paragraph 2, Article 228, or recidivist of Article 227 require a five-year registration period.<sup>252</sup>

**Access to Registry:** Unknown.

**Notice of Travel:** Unknown.

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<sup>251</sup> *Id.*

<sup>252</sup> *Id.*

## 4.3. Europe and Eurasia

### 4.3.1. Cyprus

**Applicable Laws:** Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography. This legislation created the “Registry of Persons Convicted for Sexual Offenses Against Children,” for recording the personal information of persons convicted of sexual offenses against child victims.<sup>253</sup> It provides the legal framework for the creation and administration of the registry, and it details sexual offenses against minors that subject offenders to registration and the notification and surveillance sanctions associated with registration in the registry. No regulations or other administrative rules governing the administration of the registry were located in public sources.

**Offenses Requiring Registration:** Law 91(I)/2014 lists the offenses that require the registration of convicted offenders.<sup>254</sup> The following offenses are designated:

- Offenses involving the sexual abuse of a child;<sup>255</sup>
- Offenses involving the sexual exploitation of children;<sup>256</sup>
- Offenses involving child pornography;<sup>257</sup>
- Offenses involving the solicitation of children for sexual purposes;<sup>258</sup>
- Offenses involving the advertising opportunities to commit the above-mentioned offenses and child sex tourism;<sup>259</sup>
- Incitement, abetting or attempting to commit the offenses detailed in Law 91(I)/2014;<sup>260</sup>
- Sexual offenses against minors detailed in Part IV of the Penal Code;<sup>261</sup>

<sup>253</sup> Ο περί της Πρόληψης και της Καταπολέμησης της Σεξουαλικής Κακοποίησης, της Σεξουαλικής Εκμετάλλευσης Παιδιών και της Παιδικής Πορνογραφίας Νόμος του 2014 (Cyprus) [Law on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography of 2014], Law 91(I)/2014 (Official Gazette [E.E.] No. 4451, July 4, 2014), §22 (Cyprus), [http://www.cylaw.org/nomoi/arith/2014\\_1\\_091.pdf](http://www.cylaw.org/nomoi/arith/2014_1_091.pdf); [http://www.olc.gov.cy/olc/olc.nsf/DFE2EDDF95824331C225860D002DAF93/\\$file/The%20Prevention%20and%20Combating%20of%20Sexual%20Abuse%20and%20Sexual%20Exploitation%20of%20Children%20and%20Child%20Pornography%20Law,%202014.pdf](http://www.olc.gov.cy/olc/olc.nsf/DFE2EDDF95824331C225860D002DAF93/$file/The%20Prevention%20and%20Combating%20of%20Sexual%20Abuse%20and%20Sexual%20Exploitation%20of%20Children%20and%20Child%20Pornography%20Law,%202014.pdf). (Office of the Law Commissioner unofficial English translation).

<sup>254</sup> *Id.* § 22(1) (Cyprus).

<sup>255</sup> Law 91(I)/2014, § 6(1)-(7) (Cyprus).

<sup>256</sup> *Id.* § 7(1)-(8) (Cyprus).

<sup>257</sup> *Id.* § 8(1)-(6) (Cyprus).

<sup>258</sup> *Id.* § 9(1), (2) (Cyprus).

<sup>259</sup> *Id.* § 10(1), (2) (Cyprus).

<sup>260</sup> *Id.* § 15(1), (2) (Cyprus).

<sup>261</sup> Ο περί Ποινικού Κώδικα Νόμος [Law on the Penal Code] (ΚΕΦ.154), as amended, consolidated text (Cyprus), [http://www.cylaw.org/nomoi/enop/non-ind/0\\_154/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html).

- Certain offenses involving children detailed in the (now repealed) Combating Trafficking and Exploitation of Human Beings and the Protection of Victims Laws of 2007 and 2012;<sup>262</sup>
- Certain offenses detailed in the (now repealed) Combating Trafficking of Human Beings and Sexual Exploitation of Minors Law of 2000;<sup>263</sup>
- Offenses provided by the Convention on Cybercrime (Ratification) Law.<sup>264</sup>

Significantly, the law also requires persons “for whom a notice of their conviction abroad for such offenses [as described above] has been received in accordance with the Framework-Decision 2009/315/JHA or any international convention signed by the Republic” to be registered in the registry.<sup>265</sup>

**Data Stored in Registry:** Law 91(I)/2014 requires the following data to be entered into the registry:

- Date of birth; in the case of a legal person, the date of its registration in the Register of Companies;
- Identity card number; in the case of a legal person, its registration number in the Register of Companies;
- Name and any aliases;
- Home address; in the case of a legal person, the address of its registered office on the date of its inclusion in the Record,
- Addresses of places where the offender resides or frequently stays or works or carries out operations;
- If the offender has a passport or passports, the following details for each passport that the offender holds:
  - Issuing authority;
  - Passport number;
  - Issue and expiry dates;
  - Name and date of birth of the person for whom the passport was issued.

<sup>262</sup> Οι περί της Καταπολέμησης της Εμπορίας και της Εκμετάλλευσης Προσώπων και της Προστασίας των Θυμάτων Νόμων του 2007 και 2012 (Cyprus) [Combating Trafficking and Exploitation of Human Beings and the Protection of Victims Laws of 2007 and 2012] (Laws 87(I)/2007 and 13(I)/2012, E.E. No. 4133 of July 7, 2007, and No. 4321 of Mar. 9, 2012, (Cyprus), respectively), repealed by Law 91(I)/2014 (Cyprus),, unconsolidated texts available at [http://www.cylaw.org/nomoi/arith/2007\\_1\\_087.pdf](http://www.cylaw.org/nomoi/arith/2007_1_087.pdf) and [http://www.cylaw.org/nomoi/arith/2012\\_1\\_013.pdf](http://www.cylaw.org/nomoi/arith/2012_1_013.pdf), respectively.

<sup>263</sup> Ο περί Καταπολέμησης της Εμπορίας Προσώπων και περί Σεξουαλικής Εκμετάλλευσης Ανηλίκων Νόμος του 2000 (Cyprus) [Combating Trafficking of Human Beings and Sexual Exploitation of Minors Law of 2000], Law 3(I)/2000 (E.E. No. 3382 of Jan. 21, 2000), repealed by Law 87(I)/2007 (Cyprus), [http://www.cylaw.org/nomoi/arith/2012\\_1\\_013.pdf](http://www.cylaw.org/nomoi/arith/2012_1_013.pdf).

<sup>264</sup> Ο περί της Σύμβασης κατά του Εγκλήματος μέσω του Διαδικτύου (Κυρωτικός) Νόμος του 2004 (Cyprus) [Convention on Cybercrime (Ratification) Law of 2004], Law 22(III)/2004 (E.E. No. 3850 of Apr. 30, 2004) (ratifying the Council of Europe Convention on Cybercrime, E.T.S. No. 185, Nov. 23, 2001), as amended, [http://www.cylaw.org/nomoi/arith/2004\\_3\\_022.pdf](http://www.cylaw.org/nomoi/arith/2004_3_022.pdf).

<sup>265</sup> Law 91(I)/2014, § 22(1) (Cyprus).

- Three photographs (front and profile);
- The offender's height;
- The offender's fingerprints;
- Data on the offender's DNA profile;
- Offenses for which the offender was sentenced, offenses for which there was direct admission of guilt and his or her usual course of action.<sup>266</sup>

**Registrant Requirements:** Law 91(I)/2014 imposes obligations on registered sex offenders to notify the police of certain life changes to keep the registry up to date. Failure to notify is punished by criminal fines or imprisonment. More specifically:

- A registered sex offender is subject to the notification obligation with regard to all of the data that are listed above, and the offender must communicate any changes in the data to the police at least three days before the change;<sup>267</sup>
- In the case of an address change, the notification must be made at least 15 days prior to the change;<sup>268</sup>
- Even in the absence of change, the offender is required to resubmit all the information above at least once per year;<sup>269</sup>
- A registered offender's failure to comply with any of the notification obligations is punishable by imprisonment not exceeding three years and a fine not exceeding €170,000 (about \$197,000).<sup>270</sup>

**Duration of Registration:** The minimum duration of the sex offender's notification obligation depends on the severity of the sentence that is imposed by the criminal court for the original sex offense.<sup>271</sup> More specifically:

- For sex offenders who are sentenced to life imprisonment or imprisonment for more than 30 months, the notification obligation is indefinite;
- For sex offenders who are sentenced to between six and 30 months, the notification obligation is 10 years starting from the date of conviction;
- For sex offenders sentenced to imprisonment not exceeding six months, the notification obligation is 7 years.<sup>272</sup>
- An end-of-term review of the notification obligation is conducted by a court.<sup>273</sup> Cyprus's attorney general is involved in the review procedure, and the court may

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<sup>266</sup> *Id.* § 22(2) (Cyprus).

<sup>267</sup> *Id.* § 22(3) (Cyprus).

<sup>268</sup> *Id.*

<sup>269</sup> *Id.* § 22(4) (Cyprus).

<sup>270</sup> *Id.* § 22(5) (Cyprus).

<sup>271</sup> *Id.* § 23 (Cyprus).

<sup>272</sup> *Id.* § 23(1) (Cyprus).

<sup>273</sup> *Id.* § 26 (Cyprus).

decide to continue the obligation for an additional period not exceeding 15 years.<sup>274</sup>

- For sex offenders who were sentenced to an indefinite notification obligation, the court will conduct a periodic review every 15 years.<sup>275</sup>
- The court will take into account factors that include, but are not limited to, the severity of the original offense, the time passed since the original offense, the age of the offender on the date of the offense, the age difference between the offender and the victim, and any evidence that the offender is not a danger to the population.<sup>276</sup>
- The court must also consider the views of the Surveillance Authority.<sup>277</sup>
- The duration of the obligation is halved for offenders who were minors on the date of the offense.<sup>278</sup> Time spent in detention or imprisonment is not counted in calculating the duration.<sup>279</sup>
- No information was located indicating that the information about offenders in the registry must be removed after a certain period.
- Law 91(I)/2014 provides an exception to the ordinary rules governing the expungement of criminal records for sex offenses against minors enumerated in the Law; accordingly, criminal records for certain offenses covered by Law 91(I)/2014 are not deleted under the ordinary rehabilitation rules.<sup>280</sup>
  - Additionally, Law 91(I)/2014 explicitly provides that sex offenders who were convicted under sections 6 to 10 and 15 of the law will not have these offenses stricken from their regular criminal records as ordinarily provided by the Rehabilitation of Sentenced Persons Law.<sup>281</sup>

**Access to Registry:** The registry is administered by the police, and it is not accessible by members of the public.<sup>282</sup>

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<sup>274</sup> *Id.*

<sup>275</sup> *Id.* § 25 (Cyprus).

<sup>276</sup> *Id.* § 26(4) (Cyprus).

<sup>277</sup> Ministry Just. & Pub. Order (Cyprus).

<sup>278</sup> *Id.* § 23(2) (Cyprus).

<sup>279</sup> *Id.* § 23(3) (Cyprus).

<sup>280</sup> *Id.* § 14(4) (Cyprus).

<sup>281</sup> Οι περί Αποκατάστασης Καταδικασθέντων Νόμοι του 1981 μέχρι 2004 [Rehabilitation of Sentenced Persons Laws of 1981 through 2004], Law 70/1981 (E.E. No. 1739, Dec. 18, 1981) as amended by Laws 134/1988 and Law 228(I)/2004, unconsolidated texts available at [http://www.cylaw.org/nomoi/arith/1981\\_1\\_070.pdf](http://www.cylaw.org/nomoi/arith/1981_1_070.pdf), [http://www.cylaw.org/nomoi/arith/1988\\_1\\_134.pdf](http://www.cylaw.org/nomoi/arith/1988_1_134.pdf), and [http://www.cylaw.org/nomoi/arith/2004\\_1\\_228.pdf](http://www.cylaw.org/nomoi/arith/2004_1_228.pdf).

<sup>282</sup> Law 91(I)/2014, § 22(1) (Cyprus).

- Employers hiring for jobs involving “frequent contact with children”<sup>283</sup> must request a certificate from prospective employees that shows they are not in the registry;<sup>284</sup>
- Employers who do not comply with the requirement are subject to criminal sanctions, including a fine or imprisonment.<sup>285</sup>
- Sex offenders who are sentenced to between six and 30 months, the notification obligation is 10 years starting from the date of conviction;
- For sex offenders sentenced to imprisonment not exceeding six months, the notification obligation is seven years.<sup>286</sup>

**Notice of Travel:** No information was located indicating that offenders who are included in the registry must provide notice of international travel. However, Law 91(I)/2014 also directs the government to transmit the information included in the registry to the authorities of other EU member states in accordance with the procedures provided in EU Council Framework Decision 2009/315/JHA.<sup>287</sup>

**Additional Notes:** Law 91(I)/2014 creates a system for post-conviction monitoring of sex offenders,<sup>288</sup> and establishes the Surveillance Authority for Persons Convicted of Sexual Offenses Against Minors, which administers preventative programs and puts in place intervention measures to prevent recidivism by convicted offenders.<sup>289</sup> Convicted offenders are placed under the surveillance of the authority by a court decision on a referral by the attorney general.<sup>290</sup> The court, when rendering its decision, must take into account factors such as the likelihood of recidivism, the severity of the original offense, the age of the offender, and the views of the authority.<sup>291</sup>

A bill was introduced to the Cypriot House of Representatives in 2020 to amend Law 91(I)/2014 that would strengthen the powers of the Surveillance Authority for Convicted Sex Offenders

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<sup>283</sup> Law 91(I)/2014, §22(6) (Cyprus).

<sup>284</sup> *Id.* § 22(6) (Cyprus).

<sup>285</sup> *Id.* § 22(7) (Cyprus).

<sup>286</sup> *Id.* § 23(1) (Cypus).

<sup>287</sup> Council Framework Decision 2009/315/JHA. Recital 12 of the Framework Decision (Cyprus) states “The mechanism established by this Framework Decision aims at inter alia ensuring that a person convicted of a sexual offence against children should no longer, where the criminal record of that person in the convicting Member State contains such conviction and, if imposed and entered in the criminal record, a disqualification arising from it, be able to conceal this conviction or disqualification with a view to performing professional activity related to supervision of children in another Member State.”

<sup>288</sup> *Id.* §§ 47-53 (Cyprus).

<sup>289</sup> *Id.* §§ 47-51 (Cyprus). The Authority is established by Decision of the Council of Ministers dated Sept. 30, 2014. See *Surveillance Authority for Convicted Sex Offenders Against Minors*, Ministry Just. & Pub. Order (Dec. 1, 2020), <http://www.mjpo.gov.cy/mjpo/mjpo.nsf/All/4700A8B8507D236EC225863100355CDD?OpenDocument>.

<sup>290</sup> Law 91(I)/2014, § 53 (Cyprus).

<sup>291</sup> *Id.* § 53(3) (Cyprus).

Against Minors and expand the control measures that could be imposed on convicted sex offenders.<sup>292</sup> As of this writing, the bill has not become law.

A court reportedly ordered that a sex offender who received a presidential pardon be included in the registry.<sup>293</sup> The news report states that a separate court order is required for a convicted sex offender to be registered. Law 91(I)/2014 does not include detailed rules about the procedure for the initial registration of a convicted sex offender. Nevertheless, the text of the law does not suggest that a court or any other authority has discretion over the initial registration of a sex offender convicted of offenses designated by the law; the registration appears to be obligatory. This is notwithstanding the court's discretion over the continuation or termination of the notification obligation at the review stage, as explained in Section VI above. No additional legislation or guidelines detailing the procedure for initial registration were located.

### 4.3.2. France

**Applicable Laws:** The following articles in the French Code de procédure pénale [Criminal Procedure Code] concern offenses that require enrollment in the Sex Offender Registry, obligations for registered offenders, and data storage and access:

- Art. 706-47 (provides a comprehensive list of offenses requiring enrollment in registry);<sup>294</sup>
- Art. 706-53-1 to 706-53-12 (provide laws regarding obligations for registered offenders);<sup>295</sup>
- Art. R53-8-1 to R53-8-39 (provide laws regarding data storage and access).<sup>296</sup>

**Offenses Requiring Registration:** The following offenses require enrollment in the registry:

- Rape;
- Sexual assault;
- Sexual assault of a minor;
- Human trafficking of a minor;
- Pimping of a minor;
- Prostitution of a minor;

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<sup>292</sup> See Ministry Just. & Pub. Order; Elias Hazou, *Call for Greater Powers for Panel Monitoring Sex Offenders*, Cyprus Mail (Apr. 30, 2018), <https://cyprus-mail.com/2018/04/30/call-for-greater-powers-for-panel-monitoring-sex-offenders/>; Evie Andreou, *Tighter Controls on Sex Offenders in the Works, Nicolaou Says*, Cyprus Mail (Jan. 18, 2019), <https://cyprus-mail.com/2019/01/18/tighter-controls-on-sex-offenders-in-the-works-nicolaou-says/>.

<sup>293</sup> *Pardoned Sex Offender Ordered to Go on the List*, KNews (Oct. 11, 2018), <https://knews.kathimerini.com.cy/en/news/pardoned-sex-offender-order-to-go-on-the-list>.

<sup>294</sup> Code de procédure pénale [Criminal Procedure Code] art. 706–47 (France), accessed March 30, 2021, <https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006138130/>.

<sup>295</sup> *Id.* at art. 706-53-1–706-53-12 (France).

<sup>296</sup> *Id.* at art. R53-8-1–R53-8-39 (France).

- Corruption of a minor (including through the internet);
- Sexual offer to a minor under the age of 15 by electronic means of communication;
- Recording, acquiring, possessing, or offering pornographic images or representations of a minor;
- Usual or paid consultation of a site broadcasting pornographic images or representations of a minor;
- Manufacture, transport, distribution, or sale of violent or pornographic messages likely to be seen or perceived by a minor;
- Incitement of a minor to undergo or commit genital mutilation;
- Violence which results in dismemberment or permanent infirmity on a minor under 15 years of age;
- Torture or barbarism;
- Murder or murder of a minor (including a repeat offense).<sup>297</sup>

Note: Sexual exposure (exhibitionism) and sexual harassment do not result in enrollment in the registry.

**Data Stored in Registry:**

- Identity, including first and last names, sex, date of birth, place of birth, nationality, family relationships, and successive address;
- Context and date for enrollment in the registry, including nature of the offense, court name and place, and sentence;
- Other pertinent information, including date of proof of address and period in which registered individual must provide proof of address.<sup>298</sup>

**Duration of Registration:**

- 30 years for one crime or offense punished by 10 or more years in prison;
- 20 years in other cases.<sup>299</sup>
- Data will be removed from the registry in the event of:
  - Death;
  - Judicial decision, court decision, or acquittal;
  - End of judicial review or house arrest with electronic surveillance;
  - Public prosecutor orders data erasure.<sup>300</sup>

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<sup>297</sup> *Id.* at art. 706–47 (France).

<sup>298</sup> *Id.* at art. R53-8-7 (France).

<sup>299</sup> *Id.* at art. 706-53-4 (France). The enrollment period begins once the individual in question is notified of their mandatory enrollment in the registry. In cases where the individual is in prison, the enrollment period begins upon their release.

<sup>300</sup> *Id.* at arts. R53-8-35 and R53-8-36 (France).

**Access to Registry:** The following authorities have the right to access the Sex Offender Registry in France:

- Judicial authorities;
- Judicial police officers during the course of an investigation involving an offense that requires enrollment in the registry, or one involving a breach of the registry;
- Prefects<sup>301</sup> and other authorized officials;
- Authorized officers of prison courts for the purposes of monitoring registered individuals.<sup>302</sup>

Note: The current language of the article does not specify whether the French State grants access to other persons such as members of the general public.

**Notice of Travel:** Unknown.

**Additional Notes:** Registered individuals are required to report their home address, with proof of residence, within 15 days of notification of enrollment in the registry. They must report their home addresses annually. They must report change of home address within 15 days of moving.

If the registered individual lives abroad, then they must fulfill the above legal procedures through a French consulate or at the consular section of the nearest French embassy. "Failure to follow these procedures can lead to a maximum prison sentence of two years and a fine of €30,000." <sup>303</sup>

### 4.3.3. Germany

**Applicable Laws:** There is no federal or state law requiring certain offenses to be registered in a sex offender registry. The German states that have established central registries for sex offenders have published circulars instructing the subordinated agencies or authorities how to proceed shortly before and when a sex offender is released from prison. Not all states have made these circulars publicly available. As mentioned, this report will use KURS from the state of North Rhine-Westphalia as an example:

- Konzeption zum Umgang mit rückfallgefährdeten Sexualstraftätern in Nordrhein-Westfalen (KURS NRW).<sup>304</sup>

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<sup>301</sup> Prefects are civil servants who represent the prime minister by fulfilling a variety of government functions in local departments across France.

<sup>302</sup> *Id.* at art. 706-53-7 (France).

<sup>303</sup> *Id.* at art. 706-53-5 (France).

<sup>304</sup> KURS NRW.

The legal bases for data transmission to the police and between different police offices are the following:

- § 481, paragraph 1, sentence 2 of the Code of Criminal Procedure in conjunction with § 1, paragraph 1, sentences 1, 2, § 1, paragraph 2 of the Police Act of North Rhine-Westphalia (data transmission from the prosecutor's office to the police).<sup>305</sup>
- § 463a, paragraph 1 of the Code of Criminal Procedure; § 13, paragraph 2 (d) in conjunction with § 14, paragraph 1, sentence 1 of the Data Protection Act NRW (data transmission from the supervision of conduct services to the police).<sup>306</sup>
- § 27, paragraph 1 of the Police Act of North Rhine-Westphalia (data transmission between different police offices).<sup>307</sup>

**Offenses Requiring Registration:** Offenders that were sentenced for one of the following crimes and were put under supervision of conduct upon release from prison must be registered in KURS:

- Specified crimes against sexual self-determination;
- Sexually motivated homicide; or
- Committing one of the aforementioned crimes in a state of intoxication.<sup>308</sup>

**Registrant Requirements:** Registered individuals are not required to fulfill any additional legal procedures that are not already required under supervision of conduct. Section 68b of the German Criminal Code lists various restrictions or requirements that a court can impose on a person under supervision of conduct.

**Data Stored in Registry:**

- Court/sentencing decision;
- Statement of the penal institution regarding suspended sentences with probation, supervision of conduct, and granted privileges;
- Expert opinion on supervision of conduct;

<sup>305</sup> Polizeigesetz des Landes Nordrhein-Westfalen [Police Act of the State of North Rhine-Westphalia] [PolG NRW], July 25, 2003 (Germany), Gesetz- und Verordnungsblatt des Landes Nordrhein-Westfalen [Laws and Regulations of North Rhine-Westphalia] [GV NRW] 2003, at § 1, paragraph 1, sentences 1 and 2 and paragraph 2 (Germany) [https://recht.nrw.de/lmi/owa/br\\_bes\\_text?anw\\_nr=2&gld\\_nr=2&ugl\\_nr=205&bes\\_id=5173&menu=0&sg=0&aufgehoben=N&keyword=PolG%20NRW#NORM](https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&ugl_nr=205&bes_id=5173&menu=0&sg=0&aufgehoben=N&keyword=PolG%20NRW#NORM) and Strafprozeßordnung [Code of Criminal Procedure] [StPO], April 7, 1987, § 481, paragraph 1, sentence 2, <http://www.gesetze-im-internet.de/stpo/StPO.pdf>.

<sup>306</sup> Datenschutzgesetz Nordrhein-Westfalen [Data Protection Act of North Rhine-Westphalia] [DSG NRW], May 17, 2018, GV. NRW 2018, at § 13, paragraph 2 (d) and § 14, paragraph 1, sentence 1 (Germany), [https://recht.nrw.de/lmi/owa/br\\_bes\\_text?anw\\_nr=2&gld\\_nr=2&ugl\\_nr=20061&bes\\_id=38824&menu=0&sg=0&aufgehoben=N&keyword=DSG%20NRW#det0](https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=2&gld_nr=2&ugl_nr=20061&bes_id=38824&menu=0&sg=0&aufgehoben=N&keyword=DSG%20NRW#det0) and stop and StPO at paragraph 1.

<sup>307</sup> PolG NRW, § 27, paragraph 1 (Germany)

<sup>308</sup> Strafgesetzbuch [Criminal Code] [StGB], November 13, 1998 (Germany), Bundesgesetzblatt [Federal Law Gazette] [BGBl] I at 3322, as amended, § 68, para. 1, § 68f, para. 1, sentence 1, § 67b, para. 2, § 67c, § 67d, paras. 2-6; §§ 174-174c, §§ 176-180, § 182; §§ 211, 212; § 323a (Germany) <http://www.gesetze-im-internet.de/stgb/StGB.pdf> (original), [http://www.gesetze-im-internet.de/englisch\\_stgb/englisch\\_stgb.pdf](http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.pdf) (English translation, updated through June 19, 2019).

- Classification of the registrant in one of three risk categories;
- Residence;
- Additional data contained in police databases; and
- New information that might indicate a high-risk situation, for example from a new investigation.<sup>309</sup>

**Duration of Registration:** The registration ends when the supervision of conduct ends. Supervision of conduct lasts between two and five years.<sup>310</sup>

**Access to Registry:** The registry is not public. The local police department where the registrant resides may access the information.

**Notice of Travel:** Unknown. Notice of international travel could be imposed as a condition under supervision of conduct.

**Additional Notes:** The database aims to avoid recidivism of sexual offenders by better informing the local police of the district in which the sexual offender resides. Depending on the risk category that the registrant has been assigned, the police will use different measures that are authorized under general police law. These measures are coordinated with the supervision of conduct services. Such measures include, in particular, talking to the registrant and making him or her aware that the police are watching him or her (*Gefährderansprache*), checking whether he or she actually resides at the registered residence, and informing potentially endangered persons of past behavior.<sup>311</sup>

Although there is no national sex offender registry in Germany, some German states have established central registries for sex offenders under supervision of conduct with the respective State Bureau of Investigation (Landeskriminalamt). The aim of these registries is to reduce the risk of recidivism of sex offenders under supervision of conduct by standardizing, improving, and coordinating the existing cooperation arrangements and information exchanges between the penal system, forensic psychiatric services, probation services, supervision of conduct services, and the police.<sup>312</sup> The systems have various names, such as:

- Haft-Entlassenen-Auskunfts-Datei-Sexualstraftäter (HEADS), used in Bavaria, Brandenburg, Bremen, and Thuringia;

<sup>309</sup> KURS NRW, at 6, no. 5a)(2) (Germany).

<sup>310</sup> *Id.* at 7, no. 5a)(6) and StGB, § 68c, para. 1 (Germany).

<sup>311</sup> KURS NRW, at 8, no. 6b) (Germany).

<sup>312</sup> Konzeption zum Umgang mit rückfallgefährdeten Sexualstraftätern in Nordrhein-Westfalen [Concept for dealing with sex offenders at risk of relapse in North Rhine-Westphalia] [KURS NRW], at 2, no. 1, January 13, 2010, Ministerialblatt für das Land Nordrhein-Westfalen [MBl. NRW] 2010, at 602, as amended, [https://recht.nrw.de/lmi/owa/br\\_bes\\_text?anw\\_nr=1&gld\\_nr=2&ugl\\_nr=2056&bes\\_id=15244&val=15244&ver=7&sg=0&aufgehoben=N&menu=1](https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=1&gld_nr=2&ugl_nr=2056&bes_id=15244&val=15244&ver=7&sg=0&aufgehoben=N&menu=1).

- Konzeption zum Umgang mit rückfallgefährdeten Sexualstraftätern (KURS), used in North Rhine-Westphalia, Lower Saxony, and Baden-Wuerttemberg;
- Risikomanagement für besonders rückfallgefährdete Sexualstraftäter (RiMS), used in Saxony-Anhalt; and
- Kieler Sicherheitskonzept Sexualstraftäter (KSKS), used in Schleswig-Holstein; among others.

German states' sex offender registration systems are similarly set up. This report has used the KURS database in the state of North Rhine-Westphalia as an example.

#### 4.3.4. Gibraltar (British Overseas Territory)

**Applicable Law:** Crimes Act 2011, Part 13.<sup>313</sup>

**Offenses Requiring Registration:** In Gibraltar, The Crimes Act 2011 mandates that persons convicted of crimes, "found guilty of the [crime] by reason of mental disorder, found to be under a disability and to have done the act charged against him in respect of the [crime], cautioned in respect of the [crime]," or had been "released from imprisonment" for a crime the conviction for which occurred prior to the passage of the registration requirement, of crimes listed under its "Schedule 3" category must register. "An absolute discharge...does not count as a conviction.

Crimes listed under "Schedule 3" include:

- "Rape;
- "Intercourse with girl under 13;
- "Intercourse with girl under 16 if the offender was 20 or over;
- "Incest by a man" if the victim was under 18;
- "Buggery"<sup>314</sup> by a person 20 or over involving a victim under 18;
- "Indecency between men"<sup>315</sup> by an offender 20 or over and a victim under 18;
- "Indecent assault" if against victim under 18;
- "Indecent conduct towards young child;
- "Assault with intent to commit buggery" if against victim under 18;
- "Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16;"
- "Indecent photographs with children," if they show persons under 16 and if the offender was 18 or over, or was under 18 and sentenced to 12 months of imprisonment;

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<sup>313</sup> Crimes Act 2011, Act. No. 2011-23, Assent 8/15/11, Parts 12 and 13, last update: 15 Jul 2021, (Gibraltar), [https://www.gibraltarlaws.gov.gi/uploads/legislations/crimes/2011-23/2011-23\(09-02-21\).pdf](https://www.gibraltarlaws.gov.gi/uploads/legislations/crimes/2011-23/2011-23(09-02-21).pdf).

<sup>314</sup> See, *infra*, "Gibraltar – Additional Notes."

<sup>315</sup> *Id.*

- "Assault by penetration;
- "Sexual assault," if victim was under 18, or the offender was sentenced to imprisonment, detained in a hospital, or was ordered to do at least 120 hours of community service;
- "Causing a person to engage in sexual activity without consent;
- "Rape of a child under 13;
- "Assault of a child under 13 by penetration;
- "Causing or inciting a child under 13 to engage in sexual activity;"
- "Arranging or facilitating the commission of a child sex offense" when the offender was 18 or over, or if under 18, was sentenced to at least 12 months imprisonment;
- "Meeting a child following sexual grooming;
- "Sexual communication with a child;
- "Abuse of position of trust" where the offender was 20 or over, was sentenced to imprisonment, was detained in a hospital, or was ordered to perform at least 120 hours of community service;
- "Familial child sex offenses," where the offender was 18 or over, or under 18 and sentenced to at least 12 months of imprisonment;
- "Offenses against persons with a mental disorder impeding choice;
- "Inducements etc. to persons with a mental disorder;
- "Causing, encouraging, assisting or arranging child prostitution or pornography," where the offender was 18 or over, or under 18 and sentenced to at least 12 months of imprisonment;
- "Controlling a child prostitute or a child involved in pornography," where the offender was 18 or over, or under 18 and sentenced to at least 12 months of imprisonment;
- "Arranging or facilitating child prostitution or pornography," where the offender was 18 or over, or under 18 and sentenced to at least 12 months of imprisonment;
- "Pornographic performances involving children," where the offender was 18 or over, or under 18 and sentenced to at least 12 months of imprisonment;
- "Administering substance with intent;"
- "'Prohibited imports' in relation to indecent or obscene articles" if the offender is 18 or over and the imports included "indecent" photographs of persons under 16;
- "Sexual intercourse with patients".<sup>316</sup>

For the following offenses, the following conditions trigger a registration requirement: The offender is under 18, and the offender was sentenced to imprisonment for the offense for at least 12 months; or, the offender is over 18, and the victim is under 18; or, the offender is over 18, and the offender was sentenced to imprisonment, detained in a hospital, or ordered to perform at least 120 hours of community service.

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<sup>316</sup> *Id.* at, Part 13, Schedule 3, Subsection 4-5 (Gibraltar).

- "Trespass;
- "Genital exposure;
- "Voyeurism;
- "Intercourse with an animal;
- "Sexual penetration of a corpse."

**Data Stored in Registry:** Offenders who must register in Gibraltar must "notify to the police":

- "The...offender's date of birth;
- "His social insurance number;
- "His name...and, if he used one or more other names...each of those names;
- "His home address...;
- "The address of any other premises in Gibraltar" where offender regularly resides or stays;
- Passport information, if applicable, including:
  - Issuing authority;
  - Passport number;
  - Issue and expiration dates;
  - Name and date of birth listed.<sup>317</sup>

**Registrant Requirements:**

- In Gibraltar, offenders must report annually to the police. They also must notify police within three days of changes to any of the following:
  - Name;
  - Home address;
  - "Having resided or stayed, for a qualifying period, at any premises in Gibraltar the address of which has not been notified to the police...;"
  - Release from custody or detention in a hospital;
  - Losing or ceasing to have a passport;
  - Receiving a passport which has not been notified to the police.<sup>318</sup>

**Duration of Registration:** In Gibraltar, offenders' required duration of registration is dependent on the length of the sentence for the offense requiring registration as well as the nature of the confinement or supervision ordered by the court. The 2011 Crimes Act mandates sex offender registration terms as follows:

- Offenders sentenced to imprisonment for 30 months or more, and those admitted to a hospital subject to a restriction order: Indefinitely;
- Offenders sentenced to imprisonment for more than six months but less than 30 months: 10 years;

<sup>317</sup> *Id.* at Part 13, Section 310 (Gibraltar).

<sup>318</sup> *Id.* at Part 13, Section 308 and Section 310 (Gibraltar).

- Offenders sentenced to imprisonment for 6 months or less, and those admitted to a hospital without being subject to a restriction order: 7 years;
- Offenders who are cautioned: 2 years;
- Offenders sentenced to conditional discharge: The duration of the conditional discharge;
- Other offenders not included in the above categories: 5 years.<sup>319</sup>

**Access to Registry:** In Gibraltar, only Judicial and law enforcement authorities have access to the registry.

**Notice of Travel:** Yes. Registrants must notify the police of their planned departure prior to leaving Gibraltar, and they must also notify police upon their return. A notification must disclose:

- "The date on which the offender will leave Gibraltar;
- "The place (or, if there is more than one, the first place) to which he or she will travel and his or her point of arrival in that place;
- "Any other information prescribed by the regulations which the offender holds about his or her departure from or return to Gibraltar or his or her movements while outside Gibraltar."<sup>320</sup>

**Additional Notes:** As a British Overseas Territory, Gibraltar exercises considerable autonomy from Great Britain in matters of criminal law. Part 13 of the Crimes Act of 2011 establishes the provisions for local sex offender management and registration. Although the Crimes Act contains anachronistic language referencing "buggery" violations carried over from the (repealed) Criminal Offences Act of 1960, Gibraltar recognizes the legality of same-sex sexual activity (since 1993) and has equalized the age of consent at 16 years regardless of sexuality or gender identity.<sup>321</sup>

The Royal Gibraltar Police (RGP) are in charge of offender management in the territory. The Public Protection Unit, a dedicated offender risk management unit within the RGP, comprises a corps of police officers trained as dedicated risk managers. The Unit manages, gathers intelligence on, and assesses persons on the sex offender registry and monitors foreign sex offenders visiting Gibraltar.<sup>322</sup>

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<sup>319</sup> *Id.* at Part 13, Section 307 (Gibraltar).

<sup>320</sup> *Id.* at Part 13, Section 311 (Gibraltar).

<sup>321</sup> Brian Reyes, "Judge Rules: Age of Consent is 16 for All," *Gibraltar Chronicle*, April 19, 2011, [https://web.archive.org/web/20120327061200/http://www.chronicle.gi/headlines\\_details.php?id=21474](https://web.archive.org/web/20120327061200/http://www.chronicle.gi/headlines_details.php?id=21474).

<sup>322</sup> Terry Thomas and Daniel J. Marshall, *The Sex Offender Register: Politics, Policy and Public Opinion*, London: Routledge, 2021, 211.

### 4.3.5. Ireland

**Applicable Law:** Sex Offenders Act 2001.<sup>323</sup>

**Offenses Requiring Registration:** If a person is convicted of one of the following sexual offenses under the Act, a “Certificate of Conviction” is issued from the relevant court to the Ireland Sex Offender Management and Intelligence Unit (SOMIU), and the convicted sex offender is recorded on the Garda PULSE (Police Using Leading Systems Effectively) system.

- “Rape;
- “Sexual assault;
- “Aggravated sexual assault;
- “Incest by males;
- “Incest by females of or over 17 years of age;
- “Defilement of girl under 15 years of age;
- “Defilement of girl aged between 15 and 17 years of age;
- “Buggery with a person or with an animal;
- “An attempt to commit such buggery;
- “Gross indecency with males under 17 years of age;
- “Acts of gross indecency;”
- Sexual offenses against people who are mentally impaired;
- “Child trafficking and taking etc., child for sexual exploitation;
- “Allowing child to be used for child pornography;
- “Producing, distributing etc., child pornography;
- “Possession of child pornography;”
- Sexual offenses committed outside Ireland contrary to the Sexual Offences (Jurisdiction) Act, 1996;
- “An offense consisting of attempting to commit any offense referred to [above]...;
- “An offense consisting of aiding, abetting, counselling, procuring, or inciting” any offense referred to above;
- “An offense consisting of conspiracy to commit an offense referred to [above].”<sup>324</sup>
- “In the cases of sexual assault and incest, the Sex Offenders Act 2001 does not apply if:
  - “The victim or other party to the offence was aged 17 years or more when the offence was committed, and

<sup>323</sup> Sex Offenders Act 2001 (Ireland), September 27, 2001, accessed February 25, 2021, <http://www.irishstatutebook.ie/eli/2001/act/18/enacted/en/html>. Citizens Information Board, “Monitoring Sex Offenders in Ireland,” February 11, 2019, [https://www.citizensinformation.ie/en/justice/law\\_enforcement/monitoring\\_sex\\_offenders\\_in\\_ireland.html](https://www.citizensinformation.ie/en/justice/law_enforcement/monitoring_sex_offenders_in_ireland.html).

<sup>324</sup> Sex Offenders Act 2001, Section 3, Schedule (Ireland).

- "The person convicted has not been sentenced to any punishment involving imprisonment or made subject to any measures involving deprivation of liberty.
- "The Act does not apply in cases of defilement of a child aged under 17 years if:
  - "The victim is aged between 15 and 17 years of age when the offence takes place, and
  - "The person guilty of the offence is less than 3 years older than the victim."<sup>325</sup>

**Data Stored in Registry:** In Ireland, "[c]onvicted sex offenders are issued a Certificate of Conviction by the court. The Gardaí and the governor of the facility where the sex offender will be detained will also get a copy of the certificate. The certificate states:

- "The offence convicted of;
- "The sentence received;
- "A statement that the sex offender is subject to reporting requirements.
- "Convicted sex offenders become subject to the reporting requirements of the Sex Offenders Act 2001 and must notify the Gardaí of:
  - "Their name and home address within 7 days of becoming subject to the requirements (this normally means within 7 days of being released from prison);
  - "Any change to their name or home address within 7 days of the change;
  - "Any plans to live somewhere else in Ireland or to leave Ireland for more than 7 days. If the offender plans to do this, they must provide the Gardaí with the address they will be staying at.
- "If someone is subject to sex offender notification requirements and is in prison for any offence, the prison must notify the Garda Commissioner at least 10 days before the prisoner is due to be released."<sup>326</sup>

### **Registrant Requirements:**

- In Ireland, a person subject to the requirements must notify the Garda Síochána within 7 days of changes to name, address, or travel for more than 7 days.
- This notification can be given the following ways:
  - "By attending in person at any Garda Síochána station which is a divisional or district headquarters and notifying orally a member of the Garda Síochána at the station of the matters concerned;
  - "By sending, by post, a written notification of the matters concerned to any Garda Síochána station which is such a headquarters;
  - "By such other means as may be prescribed."<sup>327</sup>

<sup>325</sup> Citizens Information Board, "Monitoring and Treatment of Sex Offenders in Ireland."

<sup>326</sup> Citizens Information Board, "Monitoring and Treatment of Sex Offenders in Ireland."

<sup>327</sup> Sex Offenders Act, 2001, Pt. 2 §10 cl. 2 and cl.10 (Ireland).

**Duration of Registration:** In Ireland, Offenders' required reporting period depends on the sentence they received:

- If sentenced to a period of imprisonment of more than 2 years: Indefinitely;
- If sentenced to a period of imprisonment of between 6 months and 2 years: 10 years;
- If the offender is 18 or over, and the offender was sentenced to a period of imprisonment for less than 6 months: 7 years;
- If the offender is under 18, and the offender was sentenced to a period of imprisonment for less than 6 months: 3.5 years;
- If the offender is 18 or over, and the offender's sentence was suspended, or if no prison sentence was imposed: 5 years;
- If the offender is under 18, and the offender's sentence was suspended, or if no prison sentence was imposed: 2.5 years.
- "If sex offenders are sentenced to a term of imprisonment and part of that term is suspended, they are considered to be sentenced to the part not suspended."<sup>328</sup>

**Access to Registry:** Access is restricted.

- "The details held by the Gardaí about people guilty of sex offences, who are subject to the requirements of the Sex Offenders Act 2001, are not subject to freedom of information legislation, and [the information is] not available to the public. Individuals cannot apply under the Freedom of Information Acts to find out about sex offenders living in [their] area."
- "Data protection rights only allow individuals to request information that is held about themselves. This includes information held by the Gardaí (with a number of exceptions). It is not possible to make a data protection request about another person."<sup>329</sup>

**Notice of Travel:** Yes. Offenders must report information concerning travel when leaving Ireland. Specifically:

- "If a person, who is subject to the requirements of this Part, intends to leave the State for a continuous period of 7 days or more, he or she shall notify the Garda Síochána of that intention and, if known, the address of the place outside the State he or she intends to reside or stay at. If a person who is subject to the requirements of this Part is outside the State for a continuous period of 7 days or more and did not intend, on leaving the State, to be outside the State for such a continuous period, the person shall, subject to subsection (5), notify the Garda Síochána, before the expiry of a further period of 7 days, reckoned from the 7th day that he or she is so outside the State, of that fact and the address of the place at which he or she is residing or staying outside the State."<sup>330</sup>

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<sup>328</sup> Citizens Information Board, "Monitoring and Treatment of Sex Offenders in Ireland."

<sup>329</sup> *Id.*

<sup>330</sup> Sex Offenders Act, 2001, Pt. 2 §10 cl. 3 (Ireland).

- “The Gardaí have a system of receiving information from and giving information to police forces through Interpol. There is worldwide acceptance that police forces have a duty of care to all citizens to share information on sex offenders where there is a real danger to vulnerable people if they are exposed to these people.”<sup>331</sup>

**Additional Notes:** Under the Act, people convicted of certain sexual offenses must provide certain information to the Gardaí [national police] including details of where they will be living when they are released from prison. While the term *Sex Offenders Register* is commonly used in Ireland, the term is not included in any section of the Sex Offenders Act 2001.

“A Certificate of Conviction states that the convicted person is subject to the requirements of the Sex Offenders Act 2001. The [Garda SOMIU] also receive[s] a copy of the *Sex Offenders Notification Form* from the Garda station where the sex offender lives. This form has the sex offender’s address and other details that they are required to provide to the Gardaí under the Act. This means that the details of everyone subject to the requirements of the Sex Offenders Act 2001 are held centrally by the SOMIU and these documents are commonly known as the Sex Offenders Register.”<sup>332</sup>

SOMIU maintains a record of everyone in the Ireland who has been convicted of certain sexual offenses and has obligations under the Sex Offenders Act 2001. A Garda Inspector in each division is nominated to manage the risk of sex offenders in their community, ensure sex offenders comply with the Act, and report information to SOMIU.”<sup>333</sup>

#### 4.3.6. Malta

##### **Applicable Laws:**

- Protection of Minors (Registration) Act, 2012.<sup>334</sup>
- Criminal Code, Chapter 9, 1854.<sup>335</sup>
- Medical and Kindred Professions Ordinance, 1901.<sup>336</sup>

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<sup>331</sup> Citizens Information Board, “Monitoring Sex Offenders in Ireland.”

<sup>332</sup> Citizens Information Board, “Monitoring Sex Offenders in Ireland.”

<sup>333</sup> Citizens Information Board, “Monitoring Sex Offenders in Ireland,” February 11, 2019, [https://www.citizensinformation.ie/en/justice/law\\_enforcement/monitoring\\_sex\\_offenders\\_in\\_ireland.html](https://www.citizensinformation.ie/en/justice/law_enforcement/monitoring_sex_offenders_in_ireland.html).

<sup>334</sup> Protection of Minors (Registration) Act, Legizlazzjoni [Legislation] Malta, 2012, Chapter 518, <https://legislation.mt/eli/cap/518/eng/pdf>.

<sup>335</sup> Criminal Code, Legizlazzjoni Malta, 1854, Chapter 9, <https://legislation.mt/eli/cap/9/eng/pdf>.

<sup>336</sup> Medical and Kindred Professions Ordinance, Legizlazzjoni [Legislation] Malta, 1901, Chapter 31, <https://legislation.mt/eli/cap/31/eng/pdf>.

- White Slave Traffic (Suppression) Ordinance, 1930.<sup>337</sup>
- Dangerous Drugs Ordinance, 1939.<sup>338</sup>

**Offenses Requiring Registration:** In Malta, the Protection of Minors (Registration) Act, 2012 created the Malta Register, and mandates that “[a] person shall be subject to the notification requirements under this Act...if that person is convicted, or if the person was found not guilty by reason of insanity” of a “scheduled offence” [“an offence listed in Schedule 1].

Furthermore, the Act stipulates that, in the case of a person who “is convicted of an offence not listed in Schedule I, but the Court is of the opinion that the person convicted constitutes a threat or a danger to the education, care, custody, welfare, or upbringing of minors...,” that court may “...order[] [the] registration of that person in the Register.”

Schedule 1 of the Protection of Minors (Registration) Act, 2012 does not directly list offenses; instead, it refers to offenses listed under stipulated sections within the Malta Criminal Code, the Medical and Kindred Professions Ordinance, the White Slave Traffic Ordinance, and the Dangerous Drugs Ordinance.

- Stipulated crimes include:
  - “Any ascendant by consanguinity or affinity who, by the use of violence or by threats, compels, or, by deceit, induces any descendant under age to prostitution...;”
  - “...[A]nyone of the spouses or tutors who, by the use of violence or by threats, compels or, by deceit, induces to prostitution his or her spouse under age or the minor under his or her tutorship;”<sup>339</sup>
  - “Whosoever shall engage in non-consensual carnal connection, that is to say, vaginal or anal penetration of a sexual nature with any bodily part, and, or any object, or oral penetration with any sexual organ of the body of another person...;”<sup>340</sup>
  - “Whoever...abduct[s] any [minor] with the intent to harm such person...;”<sup>341</sup>
  - “Whosoever, by lewd acts, defiles a person...” under 16 years of age;<sup>342</sup>
  - “Whosoever...instigates, encourages, or facilitates the defilement of a minor...;”<sup>343</sup>

<sup>337</sup> White Slave Traffic (Suppression) Ordinance, Legizlazzjoni [Legislation] Malta, 1939, Chapter 63, <https://legislation.mt/eli/cap/63/eng/pdf>.

<sup>338</sup> Dangerous Drug Ordinance, Legizlazzjoni [Legislation] Malta, 1939, Chapter 101, <https://legislation.mt/eli/cap/101/eng/pdf>.

<sup>339</sup> Criminal Code (1854) Chap. 9, §197 cl. 1-2 (Malta).

<sup>340</sup> *Id.* at §198 (Malta).

<sup>341</sup> *Id.* at §199 (Malta).

<sup>342</sup> *Id.* at §203 (Malta).

<sup>343</sup> *Id.* at §203A (Malta).

- “Whosoever, in order to gratify the lust of any other person, induces a person under age to practice prostitution, or instigates the defilement of such person, or encourages or facilitates the prostitution or defilement of such person...;”<sup>344</sup>
- “Whosoever with violence, threats, coercion, or force, compels a person under age into prostitution or into participating in a pornographic performance, or knowingly makes any gain or derives any benefit from the conduct...;”<sup>345</sup>
- “Whosoever takes part in sexual activities with a person...” under 16;<sup>346</sup>
- “Whosoever compels, coerces, forces, or threatens a person under to perform sexual activities with another person;
- “Whosoever knowingly causes, for sexual purposes, a person under age to witness sexual abuse or sexual activities...;
- “Whosoever knowing causes, for sexual purposes, a person under age to participate in real or simulated sexually explicit conduct or exhibition of sexual organs...;
- “Whosoever participates in sexual activities with a person under age, where recourse is made to child prostitution;
- “Whosoever knowingly attends a pornographic performance involving the participation of a person underage;<sup>347</sup>
- Anyone “who makes, produces, permits to be made..., distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or another, or shows...any indecent material involving or showing persons under age;”<sup>348</sup>
- “Whosoever, having the responsibility of any child under sixteen years of age, by means of persistent acts of commission or omission, ill-treats the child, or causes, or allows, the ill-treatment by similar means of the child...;”<sup>349</sup>
- “Whosoever trafficks a minor...;”<sup>350</sup>
- “Harassment” of a minor;
- “Subject[ing] [a minor] to an act of physical intimacy;
- “Request[ing] sexual favours from [a minor];
- “Subject[ing] [a minor] to any act and, or conduct with sexual connotations, including spoken words, gestures and, or the production, display or circulation of any written words, pictures, and, or any other material, where such act, words, and,

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<sup>344</sup> *Id.* at §204 (Malta).

<sup>345</sup> *Id.* at §204A (Malta).

<sup>346</sup> *Id.* at §203C (Malta).

<sup>347</sup> *Id.* at §204D (Malta).

<sup>348</sup> *Id.* at §208A (Malta).

<sup>349</sup> *Id.* at §247A (Malta).

<sup>350</sup> *Id.* at §248D (Malta).

or conduct is unwelcome to the victim, and could be reasonably regarded as offensive, humiliating, degrading and, or intimidating towards that person;”<sup>351</sup>

**Data Stored in Registry:** In Malta, offenders subject to comply with registration requirements must give the Registrar the following information:

- “The...offender’s date of birth;
- “His legally valid identification document or passport number;
- “His name on the relevant date and, where he used one or more other names on that date, each of those names;
- “His home address on the relevant date;
- “His name on the date on which notification is given and, where he used one or more other names on that date, each of those names;
- “His home address on [the date on which notification is given];
- “The address of any other premises in Malta at which, at the time notification is given, he regularly resides or stays.”<sup>352</sup>

**Registrant Requirements:**

- The offender must notify the police within 3 days if he changes his name or home address, if he stays for an accumulative 7 days in a different address, or if he is “release[d] from custody pursuant to an order of a court or from imprisonment or detention in a hospital.”<sup>353</sup>
- The offender must notify the police every year about all information stored in the registry.<sup>354</sup>

**Duration of Registration:** In Malta, offenders’ required reporting period depends on the following conditions, in respect to the offense or finding:

- if sentenced to imprisonment for life, or a term of 30 months or more: Indefinite;
- If admitted to a hospital: Indefinite;
- If sentenced to imprisonment for more than 6 months, but less than 30 months: 15 years;
- If sentenced to imprisonment for a term of 6 months or less: 10 years;
- If an order for conditional discharge or a probation order is made: 10 years;
- A person of any other description: 5 years.<sup>355</sup>

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<sup>351</sup> *Id.* at §251A (Malta).

<sup>352</sup> *Id.* at §8 (Malta).

<sup>353</sup> *Id.* at §9 (Malta).

<sup>354</sup> *Id.* at §10 (Malta).

<sup>355</sup> Protection of Minors (Registration) Act (2012) Ch. 518, Schedule 1, Article 2, Ch. 101 (Malta).

**Access to Registry:** Access is restricted.

- “[A]ny relevant entity shall...request the...[court] for information...in the Register, in respect of any person who is employed or holds any position with the same institution, establishment, or organization, whether such employment or position is against payment or otherwise;
- “Any relevant entity which, against payment or otherwise, intends to employ any person or to entrust any person with a position within the entity shall, before so employing or entrusting such person, request the competent court for information which may be registered in the Register in respect of that person;
- “The relevant entity referred to in sub-articles (1) and (2) shall be bound by the provisions of the Data Protection Act;
- “Any such request shall be by application which shall be served on the Attorney General who shall be allowed a period of seven working days for a reply;
- “The competent court may appoint a date for the hearing of the application in order to determine whether the application should be allowed and the date of the hearing shall be served on the Attorney General who may take part in the hearing;
- “If the competent court allows the application, it shall identify the information which may be disclosed and shall order that such information be communicated in writing to the applicant;
- “The registrar of the Court shall keep a separate record of all applications filed under this article.”<sup>356</sup>

**Notice of Travel:** Yes. Offenders must disclose information if they leave Malta as well as when they return. More specifically:

- “The Minister may, by regulations, make provisions requiring relevant offenders who leave Malta, or any description of such offenders –
  - “To give in accordance with the regulations, before they leave, a notification...;
  - “If [the offenders] subsequently return to Malta, to give in accordance with the regulations a notification....
- “A notification under this sub-article must disclose:
  - “The date on which the offender will leave Malta;
  - “The country or, if there is more than one country, the first country to which he will travel and his point of arrival, determined in accordance with the regulations, in that country;
  - “Any other information, prescribed by the regulations, which the offender holds about his departure from or return to Malta or his movements while outside Malta.

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<sup>356</sup> *Id.* at Ch. 518 §4 (Malta).

- "A notification under this sub-article must disclose any information prescribed by the regulations about the offender's return to Malta."<sup>357</sup>

### 4.3.7. North Macedonia

#### Applicable Laws:

- Law on the Special Registry of Persons Convicted for Criminal Offenses of Child Sexual Abuse and Pedophilia.<sup>358</sup>
- Criminal Code, chapter XIX, articles 186-194; chapter XXXIV, article 418-d; chapter V, article 65-a.<sup>359</sup>

**Offenses Requiring Registration:** The following criminal offenses require registration in the registry if the offenders perpetrated them against children under 14 years of age:

- Rape,<sup>360</sup>
- Abuse of a disabled person,<sup>361</sup>
- Sexual assault on a child under the age of 14,<sup>362</sup>
- Abuse of position,<sup>363</sup>
- Satisfaction of sexual desires in front of others,<sup>364</sup>
- Showing child pornography;<sup>365</sup>
- Production and distribution of child pornography,<sup>366</sup>
- Fraud for abuse or other sexual act against a child under the age of 14;<sup>367</sup>

<sup>357</sup> *Id.* at §11 (Malta).

<sup>358</sup> On January 23, 2012, the Parliament of the Republic of North Macedonia adopted the Law on the Special Registry of Persons Convicted for Criminal Offenses of Child Sexual Abuse and Pedophilia. Zakon Za Poseben Registar za litsa osudeni za krivichni dela za seksualna zloupotreba na maloletni litsa i pedofilia (North Macedonia) [Law on the Special Registry of Persons Convicted for Criminal Offenses of Child Sexual Abuse and Pedophilia (Law on the Special Registry)], Sluzhben Vesnik [Official Gazette], 2012, No. 11 (Jan. 24, 2012), art. 308, (North Macedonia) with the latest amendments, Sluzhben Vesnik, 2014, No. 112 (July 25, 2014), art. 3362, <https://www.slvesnik.com.mk/Issues/96f62313d34144fab8f6ffa13f5b660c.pdf> (in Macedonian).

<sup>359</sup> Krivichen Zakonik [Criminal Code], Sluzhben Vesnik, 1996, No. 37 (July 29, 1996), arts. 186-194, 418-d, 65-a, (North Macedonia) with the latest amendments, Sluzhben Vesnik, 2018, No. 248 (Dec. 31, 2018), art. 4645, (North Macedonia) <https://pretsedatel.mk/wp-content/uploads/2020/03/Krivicen-zakonik.pdf> (consolidated text, official publication, in Macedonian). Based on this law, an online registry was created. It includes personal data of individuals convicted of sex crimes against children under the age of 14. Criminal Code, art. 790.

<sup>360</sup> *Id.* art. 186.2 (North Macedonia).

<sup>361</sup> *Id.* art. 187.2 (North Macedonia).

<sup>362</sup> *Id.* art. 188 (North Macedonia).

<sup>363</sup> *Id.* art. 189.2 (North Macedonia).

<sup>364</sup> *Id.* art. 190.2-.3 (North Macedonia).

<sup>365</sup> *Id.* art. 193 (North Macedonia).

<sup>366</sup> *Id.* art. 193-a (North Macedonia).

<sup>367</sup> *Id.* art. 193-b (North Macedonia).

- Incest;<sup>368</sup>
- Trafficking in children.<sup>369</sup>

**Data Stored in Registry:** The registry contains the following information about perpetrators of sexual crimes against minors:

- First and last name;
- Date of birth;
- Address of residence or stay;
- Type of criminal offense committed;
- Punishment;
- Date of commencement and termination of the sentence;
- Changes during the serving of a sentence;
- Date of release from serving a prison sentence;
- Date of deletion from the registry;
- Photo;
- Notes.<sup>370</sup>

Information entered in the registry is based on a conviction by court decision. The administration of the correctional institution is required to provide the PI Social Work Institute with a copy of the court verdict and other information required for inclusion in the registry. This information must be submitted within 15 working days from the day the court decision enters into force.<sup>371</sup>

The Ministry of Internal Affairs provides a photo of a convicted person from the date of commencement of serving the sentence and from the date of release from prison to the PI Social Work Institute. The photo must be by 3.5 x 4.5 cm (1.4 x 1.7 inches) in color. The Law on the Special Registry of Persons Convicted for Criminal Offenses of Child Sexual Abuse and Pedophilia also requires changing the photo of a convicted person every 10 years.<sup>372</sup>

**Registrant Requirements:** After the expiration of convicted offenders' sentences, the offenders are obligated to report for the rest of their lives to the competent judicial authority at their place of residence at least once a year, five days before their birthday.<sup>373</sup> The Ministry of Justice, through the Administration for Execution of Sanctions, must inform a convicted person about this duty.<sup>374</sup> Any changes in personal data and place of residence should be reported to the competent judicial

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<sup>368</sup> *Id.* art. 194.2 (North Macedonia).

<sup>369</sup> *Id.* art. 418-d (North Macedonia).

<sup>370</sup> Law on the Special Registry art. 4 (North Macedonia).

<sup>371</sup> *Id.* art. 6-a (North Macedonia).

<sup>372</sup> *Id.* art. 6-b (North Macedonia).

<sup>373</sup> *Id.* art. 7 (North Macedonia).

<sup>374</sup> *Id.*

authority by the convicted person and entered into the registry by the PI Social Work Institute within five working days.<sup>375</sup>

Persons convicted of crimes related to sexual abuse, pedophilia, and trafficking in minors face a fine or imprisonment for up to one year in the following cases:

- If after the expiration of the prison sentence they do not report to the competent judicial authority within 5 working days;
- If they do not regularly report to the competent judicial authority;
- If they are found on two or more occasions in places where minors congregate (e.g., kindergartens, schools, parks, playgrounds); or
- If they do not report a change of personal data or place of residence to the competent judicial authority.<sup>376</sup>

**Duration of Registration:** Persons convicted of sexual crimes against children may request the removal of their data from the registry after 10 years following their release from prison if, during that time, they did not repeat the criminal offense for which they were convicted or commit another sexual offense against minors.<sup>377</sup>

Data can be removed from the registry by a court decision.<sup>378</sup> The court may consider the opinion of social services at the place of the former convict's residence when deciding on the removal of his or her data from the registry.<sup>379</sup> This procedure applies to the exemption of the personal data from the registry only. Persons convicted of sexual crimes against children are obligated to report annually to the competent judicial authority for life regardless of whether or not they are removed from the registry.<sup>380</sup>

**Access to Registry:** The registry is a public database that contains information on the perpetrators of sexual crimes against minors. Access is online and free of charge.

**Notice of Travel:** No information was located indicating that offenders who are included in the registry must provide notice of international travel.

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<sup>375</sup> *Id.*

<sup>376</sup> *Id.* art. 9 (North Macedonia).

<sup>377</sup> *Id.* art. 10 (North Macedonia).

<sup>378</sup> *Id.* art. 11 (North Macedonia).

<sup>379</sup> *Id.*

<sup>380</sup> *Id.*

**Additional Notes:** The Ministry of Labor and Social Policy coordinates the registry through the Public Institution (PI) Social Work Institute (JY Zavod za socijalni dejnosti).<sup>381</sup> By 2018 (the latest data available), information on 236 persons was entered into the registry.<sup>382</sup>

The Criminal Code of the Republic of North Macedonia states that perpetrators of sexual assault against minors, when there is a risk of further commitment of such offenses, may be subject to a measure of medical-pharmacological treatment, i.e., chemical castration.<sup>383</sup> This measure is conducted in specialized medical institutions after serving the sentence of imprisonment. Supervision for the implementation of the treatment is performed by the Administration for Execution of Sanctions, which is obligated to inform the court regarding the execution of this measure and the need for the consultation or discontinuation of the treatment at least once every six months.<sup>384</sup>

The application of medical-pharmacological treatment occurs on a voluntary basis with the consent of the perpetrator. However, the application may become mandatory for repeat offenders. In this case, the court will determine the duration of this measure. It may order the treatment to continue for the duration of a male perpetrator's life or for the period the court finds necessary for the treatment.<sup>385</sup>

#### 4.3.8. Poland

##### **Applicable Laws:**

- Law on Counteracting the Threat of Sexual Crime.<sup>386</sup>
- Penal Code, chapter XXV, articles 197–205.<sup>387</sup>

**Offenses Requiring Registration:** In Poland, the following offenses require registration:

- Sexual assault;
- Sexual assault of a dependent or a minor under the age of 15;

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<sup>381</sup> *Id.*

<sup>382</sup> Ministry of Foreign Affairs, Report of the Republic of North Macedonia Under the UN Convention on the Rights of the Child and Its Two Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography (Mar. 2019), [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MKD/CRC\\_C\\_MKD\\_3-6\\_6738\\_E.docx](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MKD/CRC_C_MKD_3-6_6738_E.docx).

<sup>383</sup> Criminal Code art. 65-a (North Macedonia).

<sup>384</sup> *Id.* art. 65-a.5 (North Macedonia).

<sup>385</sup> *Id.* art. 65-a.7 (North Macedonia).

<sup>386</sup> O przeciwdziałaniu zagrożeniom przestępczością na tle seksualnym, Ustawa z dnia 13 maja 2016 r. (Poland) [On Counteracting the Threat of Sexual Crime, Law of May 13, 2016], *Dziennik Ustaw Rzeczypospolitej Polskiej (Dz. U.) [Journal of Laws of the Polish Republic]*, June 16, 2016, Item 862, <https://rps.ms.gov.pl/en-US/Public#/law> (in Polish).

<sup>387</sup> Kodeks Karny, Ustawa z dnia 6 czerwca 1997 (Poland) [Penal Code, Law of June 6, 1997], *Dz. U.*, 1997, No. 88, Item 553, <http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970880553/U/D19970553Lj.pdf> (in Polish).

- Rape, including rape with particular cruelty;
- Sexual assault against people with mental disabilities and disorders;
- Presenting pornographic images to a minor under the age of 15;
- Manufacture, distribution of pornographic images to a minor under the age of 15 by electronic means of communication;
- Sexual offer to a minor under the age of 15 by electronic means of communication;
- Public promotion or endorsement of pedophiles;
- Incest committed on a minor under the age of 15;
- Recording of pornographic content involving minors;
- Forced prostitution.<sup>388</sup>

**Data Stored in Registry:** The Sex Offenders Register can be found on the official website of the Ministry of Justice of Poland.<sup>389</sup> The Minister of Justice serves as the administrator of personal data collected in the Register.<sup>390</sup>

The Register contains two separate databases: the Restricted Access Register and the Public Register. Both of them are free of charge and available in the Polish and English languages.

The Restricted Access Register contains information on the perpetrators of sexual crimes that are mentioned in the Law on Counteracting the Threat of Sexual Crime<sup>391</sup> and the Penal Code.<sup>392</sup> It is derived from data from the National Criminal Register,<sup>393</sup> and contains the following information:

- Identity:
  - First and last names, including fictitious names;
  - Family last name;
  - Gender;
  - Date and place of birth;
  - Country of birth; parents' names;
  - Citizenship;
  - Mother's maiden name;
  - Place of residence;<sup>394</sup>
  - Identification number from the universal electronic system for registration of the population (pesel, powszechny elektroniczny system ewidencji ludności);<sup>395</sup>

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<sup>388</sup> Penal Code arts. 197.1, 197.2, 197.3, 197.4, 198, 199, 200.1, 200.3, 200.a.1., 200.a.2., 200.b., 201., 202.4., 203. *Id.* at art. 203 (Poland).

<sup>389</sup> Sex Offenders Register, Ministry of Justice, (Poland) <https://rps.ms.gov.pl/en-US/Public#/>.

<sup>390</sup> Law on Counteracting the Threat of Sexual Crime, art. 5.2 (Poland).

<sup>391</sup> *Id.* at art. 2 (Poland).

<sup>392</sup> Penal Code, arts. 197–205 (Poland).

<sup>393</sup> Law on Counteracting the Threat of Sexual Crime, art. 7.1 (Poland).

<sup>394</sup> *Id.* at 7.1.1 (Poland).

<sup>395</sup> *Id.* at 7.3.1 (Poland).

- An image of the perpetrator's face obtained from the register of personal identity cards.<sup>396</sup>
- Context and date for enrollment in the registry:
  - The sentencing court, case number, date of issuance and date the decision became final;<sup>397</sup>
  - Date and place of a commission of a prohibited act;<sup>398</sup>
  - Legal qualification of a prohibited act;<sup>399</sup>
  - Information about the age of a minor victim at the time of the act;<sup>400</sup>
  - Information on penalties; conditional discontinuation of the proceedings; penal, protective, correctional, educational and therapeutic measures; trial period; probation officer supervision; compensation measures; forfeiture and imposed obligations; and the legal basis for their ruling;<sup>401</sup>
  - Information on the commencement, end and place of pre-trial detention, and on penalties (such as deprivation of liberty, 25 years imprisonment, or life imprisonment), arrest, military detention, or stay in a psychiatric institution;<sup>402</sup>
  - Information on the postponement and interruption of the execution of the deprivation of liberty;<sup>403</sup>
  - Information on conditional release and revocation of such release;<sup>404</sup>
  - Information on the order to execute the conditionally suspended placement in a correctional facility, conditional release, or cancellation of such release;<sup>405</sup>
  - Information on the conditional waiver of the execution of the decision to place a juvenile in a correctional facility, and on an order to place a minor in a correctional facility;<sup>406</sup>
  - Information on a juvenile being called up for essential military service or substitute service;<sup>407</sup>
  - Information on a change or revocation of an educational and therapeutic measure.<sup>408</sup>
- Other pertinent information including:

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<sup>396</sup> *Id.* at art. 7.3.2 (Poland).

<sup>397</sup> *Id.* at arts. 7.1.2, 7.1.3 (Poland).

<sup>398</sup> *Id.* at art. 7.1.4 (Poland).

<sup>399</sup> *Id.* at art. 7.1.5 (Poland).

<sup>400</sup> *Id.* at art. 7.1.6 (Poland).

<sup>401</sup> *Id.* at art. 7.1.7 (Poland).

<sup>402</sup> *Id.* at art. 7.1.8 (Poland).

<sup>403</sup> *Id.* at art. 7.1.9 (Poland).

<sup>404</sup> *Id.* at art. 7.1.10 (Poland).

<sup>405</sup> *Id.* at arts. 7.1.11, 7.1.12 (Poland).

<sup>406</sup> *Id.* at art. 7.1.13 (Poland).

<sup>407</sup> *Id.* at art. 7.1.14 (Poland).

<sup>408</sup> *Id.* at art. 7.1.15 (Poland).

- Current addresses of permanent or temporary residence obtained from the PESEL register;<sup>409</sup>
- The actual address of residence obtained from the designated police department.<sup>410</sup>

The Public Register is a public database that contains information about the most dangerous perpetrators of sexual crimes, including data of people who have committed rapes on children and rapes with extraordinary cruelty. The Public Register comprises similar information as the Restricted Access Register, except it does not include the names of the parents, the mother's maiden name, information about the age of the minor victim at the time of the prohibited act, the PESEL identification number, or the place of residence. The Register has only the name of the city where the person resides.<sup>411</sup>

**Registrant Requirements:** The person whose data was entered in the Register must receive a notification from the Information Office (Biuro informacyjne) within 7 days.<sup>412</sup>

A registered individual who is not incarcerated is obligated to report to the designated police department:

- The actual address of residence within 3 days from the date of the notification;
- Each change of the actual address of residence no later than on the third day of such change.<sup>413</sup>

Any registered individual who is staying in a detention center, prison, psychiatric institution, youth educational center, or correctional facility is obligated, before being released, to notify the manager of the unit where he/she is staying of the address where he/she will stay after leaving the unit. This information must be immediately provided to the designated police department.<sup>414</sup>

**Duration of Registration:** Data on the person collected in the Register may not be removed unless the law provides otherwise.<sup>415</sup>

Data will be removed from the Register in the event of the following:

- Death.<sup>416</sup>
- Judicial decision or acquittal.<sup>417</sup>

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<sup>409</sup> *Id.* at art. 7.3.3 (Poland).

<sup>410</sup> *Id.* at arts. 7.3.4, 7.4 (Poland).

<sup>411</sup> *Id.* at art. 7.4 (Poland).

<sup>412</sup> *Id.* at art.10 (Poland).

<sup>413</sup> *Id.* at art. 11.1.1 (Poland).

<sup>414</sup> *Id.* at art. 11.1.2 (Poland).

<sup>415</sup> *Id.* at art. 8 (Poland).

<sup>416</sup> *Id.* at art. 18.5 (Poland).

<sup>417</sup> *Id.* at arts. 18.1, 18.6 (Poland).

Juvenile offenders who were required to undergo educational, correctional, or therapeutic measures<sup>418</sup> are removed from the Register upon a court decision, or automatically after 10 years from the date the minor reached the age of 18, assuming the offender carried out the measures established by the court.<sup>419</sup>

**Access to Registry:**

- **Restricted Access Register:** The right to obtain information about a person included in this Register is restricted to the following:
  - Government authorities when they are conducting proceedings or their statutory task so requires: courts, public prosecutors, the police, the Internal Security Agency, the Military Counterintelligence Service, the Military Intelligence Service, the National Revenue Administration, the Central Anticorruption Bureau, the Internal Supervision Bureau, authorities executing judgments in criminal proceedings, government administration bodies, and local government bodies.<sup>420</sup>
  - Employers and organizers of events in the field of upbringing, education, recreation, leisure, treatment or childcare.<sup>421</sup> This group is obliged to check whether data pertaining to a future employee or person admitted to an activity is included in the Register.<sup>422</sup> Failure to comply with this obligation is punishable by arrest, restriction of liberty or a fine of no less than PLN 1,000 (approximately \$258).<sup>423</sup>
  - Individuals have the right to know if data about them is included in the Register.<sup>424</sup>
  - To use the Restricted Access Register, creation of a log-in account is required. A visitor to the database must use a qualified electronic signature or a signature confirmed by an ePUAP Trusted Profile (Profil Zaufany), the government's electronic platform for authenticating identities.<sup>425</sup>
- **Public Register:** This Register is open for public and available to everyone on the Internet. Creating an account and signing in are not required.<sup>426</sup>

**Notice of Travel:** Yes. In a case when the change of the actual address of residence includes a stay outside the territory of the Republic of Poland, the registered person is obliged to report such change of address to the designated police department before his/her departure. This person is

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<sup>418</sup> *Id.* at art. 6.4 (Poland).

<sup>419</sup> *Id.* at art. 18.4.1 (Poland).

<sup>420</sup> *Id.* at arts. 12.1-12.5 (Poland).

<sup>421</sup> *Id.* at arts. 12.6, 12.7 (Poland).

<sup>422</sup> *Id.* at art. 21 (Poland).

<sup>423</sup> *Id.* at art. 23 (Poland).

<sup>424</sup> *Id.* at art. 12.8 (Poland).

<sup>425</sup> Sex Offenders Register (Poland).

<sup>426</sup> Law on Counteracting the Threat of Sexual Crime, art. 16 (Poland).

also obliged to report the actual address of his/her stay no later than the third day after his/her return.<sup>427</sup>

**Registry Available at:** <https://rps.ms.gov.pl/en-US/Public#/>

### 4.3.9. Portugal

**Applicable Laws:** Law No. 103 of August 24, 2015.<sup>428</sup>

**Offenses Requiring Registration:** The system of criminal identification registration applies to national and non-national citizens, residing in Portugal, who have a criminal record involving the crimes provided for in Article 1 of the Annex to Law No. 103.<sup>429</sup> According to Article 2(2), the following decisions are part of the criminal identification registration system for those convicted of crimes against sexual self-determination and the sexual freedom of minors:

- Decisions that apply penalties and security measures, those that determine their re-examination, replacement, suspension, extension of the suspension, revocation and those that declare their extinction;
- Judgments of review and confirmation of foreign convictions;
- Decisions to disqualify the exercise of parental responsibilities, and guardianship (*tutela ou curatela*);
- Decisions prohibiting the exercise of a profession, function or activity that imply having minors under their responsibility, education, treatment or supervision.<sup>430</sup>

Crimes against sexual self-determinations and the corresponding punishments are listed on articles 171 to 176-B of the Penal Code and include:

- Child sexual abuse,<sup>431</sup>

<sup>427</sup> *Id.* at art. 11.2 (Poland).

<sup>428</sup> According to the Opinion for the Proposal of Law No. 305/XII/4, which was signed into Law No. 103 of August 24, 2015 (Portugal), the purpose of the legislation is to transpose to the internal legal order Directive 2011/93/EU of the European Parliament and of the Council of December 13, 2011, concerning the fight against sexual abuse and sexual exploitation of children and child pornography and the fulfillment of the obligations arising from the ratification of the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, signed in Lanzarote on October 25, 2007. Parecer da Proposta de Lei No. 305/XII/4 [Opinion of The Proposal for Law No. 305/XII/4], <https://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063484d364c793968636d356c6443397a6158526c6379395953556c4d5a5763765130394e4c7a464451554e45544563765247396a6457316c626e527663306c7561574e7059585270646d46446232317063334e686279396c4f44566c4d6a417a597930354f54686a4c545135596a6b74596d4a6d5a5330344d446b355a47597a4d3259334f5451756347526d&fich=e85e203c-998c-49b9-bbfe-8099df33f794.pdf&Inline=true>.

<sup>429</sup> Lei No. 103/2015 [Law No. 103/2015], de 2 de Agosto [of August 2], annex, art. 2(1) (Portugal).

<sup>430</sup> *Id.* art. 2(2) (Portugal).

<sup>431</sup> Código Penal [Penal Code] (Portugal), Decreto-Lei No. 48/95 [Decree-Law No. 48/95], de 15 de Março [of March 15], as amended by Lei No. 57/2021 [Law No. 57/2021], de 16 de Agosto [of August 16], art. 171, (Portugal) [https://www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?nid=109&tabela=leis&ficha=1&pagina=1](https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=109&tabela=leis&ficha=1&pagina=1).

- Sexual abuse of dependent minors or in a particularly vulnerable situation;<sup>432</sup>
- Sexual acts with teenagers;<sup>433</sup>
- Making use of prostitutes who are minors;<sup>434</sup>
- Pimping of minors;<sup>435</sup>
- Child pornography;<sup>436</sup>
- Recruitment of minors for sexual purposes;<sup>437</sup>
- Travel arrangements for sex tourism with minors.<sup>438</sup>

**Data Stored in Registry:** The Portuguese criminal identification registration system is made up of identification elements of the convicted, an extract from the court decision at the origin of the convicted person's entry in the register, and other subsequent court decisions covered by article 2(2) (discussed above in Section II), for the crimes charged and legal provisions applied.<sup>439</sup>

The following identification elements of the convicted are entered in the criminal identification register, when they exist and appear in the criminal record:

- Full name;
- Residence and professional domicile;
- Date of birth;
- Place of birth;
- Nationality;
- Civil identification number;
- Passport number and reference to the respective entity and issuing country;
- Tax identification number;
- Social security number;
- Criminal record number.<sup>440</sup>

Convicted persons are personally notified of their entry in the criminal identification register, and they are informed of their rights and duties as well as the consequences of noncompliance with these duties.<sup>441</sup>

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<sup>432</sup> *Id.* art. 172 (Portugal).

<sup>433</sup> *Id.* art. 173 (Portugal).

<sup>434</sup> *Id.* art. 174 (Portugal).

<sup>435</sup> *Id.* art. 175 (Portugal).

<sup>436</sup> *Id.* art. 176 (Portugal).

<sup>437</sup> *Id.* art. 176-A (Portugal).

<sup>438</sup> *Id.* art. 176-B (Portugal).

<sup>439</sup> *Id.* art. 5 (Portugal).

<sup>440</sup> *Id.* art. 9 (Portugal).

<sup>441</sup> *Id.* art. 12 (Portugal).

**Registrant Requirements:** According to article 13(1), a person registered in the Portugal criminal identification register of those convicted of crimes against sexual self-determination and the sexual freedom of minors, after serving a sentence or security measure, or being placed on parole, has the duty to:

- Communicate their place of residence and professional domicile, within 15 days from the date of serving the sentence or security measure, or release, and confirming these data on an annual basis;
- Declare any change of residence, within 15 days;
- Communicate, in advance, absence from home for more than five days and his whereabouts.<sup>442</sup>

The communications mentioned above are made before the judicial authority or criminal police body.<sup>443</sup> Failure to comply with the communication duties referred to article 13(1) is punishable by a prison sentence of up to one year or a fine.<sup>444</sup> A convicted person's failure to comply with the communication duties is relayed to the Public Prosecutor's Office or to a criminal police body, within eight days from the due date of the communication.<sup>445</sup>

**Duration of Registration:** Article 13(3) states that the communication duties referred to in article 13(1) must have the following duration, from the date mentioned in article 13(1)(a) (discussed above):

- Five years, when a fine or imprisonment for up to 1 year has been applied to the agent [convicted person], even if replaced by another penalty or security measure;
- 10 years, when the offender has been sentenced to a prison sentence of more than 1 year and not more than 5 years, even if replaced by another sentence;
- 15 years, when a prison sentence of more than 5 years and not more than 10 years has been applied to the agent;
- 20 years, when a prison sentence of more than 10 years has been applied to the agent.<sup>446</sup>

The registration in the criminal identification register is canceled after the deadlines referred to in article 13(3), provided that, in the meantime, there has been no new conviction for a crime against the sexual self-determination and the sexual freedom of a minor, or when the agent's death is verified.<sup>447</sup>

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<sup>442</sup> *Id.* art. 13(1) (Portugal).

<sup>443</sup> *Id.* art. 13(2) (Portugal).

<sup>444</sup> *Id.* art. 14(1) (Portugal).

<sup>445</sup> *Id.* art. 14(2) (Portugal).

<sup>446</sup> *Id.* art. 13(3) (Portugal).

<sup>447</sup> *Id.* art. 11 (Portugal).

**Access to Registry:** According to article 16(1), the following persons, entities, and bodies can access information from the Portugal criminal identification record of those convicted of crimes against sexual self-determination and the sexual freedom of minors:

- Judicial magistrates and the Public Prosecutor's Office, for the purposes of criminal investigation, criminal proceedings [*instrução de processos criminais*], execution of sentences and decisions on adoption, guardianship [*tutela e curatela*], foster care, civil sponsorship, custody of minors [*entrega, guarda ou confiança de menores*] or regulation of the exercise of parental responsibilities;
- Entities which, under the terms of the procedural law, are delegated to carry out criminal inquiries [*atos de inquérito on instrução*], or who are responsible for cooperating internationally in the prevention and repression of criminality and within the scope of these powers;
- The Directorate-General for Reinsertion and Prison Services, within the scope of the pursuit of its purposes;
- The Committees for the Protection of Children and Youth, within the scope of the pursuit of their purposes.<sup>448</sup>

Article 16(2) states that citizens who exercise parental responsibilities for minors up to 16 years of age, alleging a concrete situation that justifies a well-founded fear that in the area of residence or in the area where the minor attends school activities or in the vicinity of the educational establishment attended by the minor, a person on the register resides, works or normally moves around, may request the police authority of the area of their residence to confirm and investigate the facts that substantiate this well-founded fear without being given, under any circumstances, access to the identity and address of person(s) registered in the register.<sup>449</sup> The applicant must prove, before the police authority, his or her residence, attendance at school by the minor, the exercise of parental responsibilities over the minor, and the minor's age.<sup>450</sup>

The provisions of article 16(2) apply, with the necessary adaptations, to citizens who exercise parental responsibilities over minors up to 16 years of age who are temporarily displaced from their area of residence, for reasons of vacation or otherwise, and the application must be submitted to the police authority of the place where they are located.<sup>451</sup> In this case, the applicant must prove, before the police authority, that the minor is temporarily in that place, that he or she exercises parental responsibilities over the minor, and the minor's age.<sup>452</sup> In the cases referred to

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<sup>448</sup> *Id.* art. 16(1) (Portugal).

<sup>449</sup> *Id.* art. 16(2) (Portugal).

<sup>450</sup> *Id.* art. 16(3) (Portugal).

<sup>451</sup> *Id.* art. 16(4) (Portugal).

<sup>452</sup> *Id.* art. 16(5) (Portugal).

above, the competent police authorities must carry out adequate surveillance actions to ensure the safety of minors.<sup>453</sup>

Public entities referred to in article 16(1) to which information has been provided must ensure its secrecy, except insofar as it is essential for the development of the aforementioned measures.<sup>454</sup> Similarly, citizens to whom the facts referred to in article 16(2) are confirmed are obliged to keep them secret, and cannot make them public.<sup>455</sup>

**Notice of Travel:** Law No. 13 is silent about notice of international travel by offenders registered in the criminal identification registration system who have been convicted of crimes against sexual self-determination and the sexual freedom of minors.

**Additional Notes:** The criminal identification record of those convicted of crimes against sexual self-determination and the sexual freedom of minors must be carried out in strict compliance with the principle of legality, as well as the principles of authenticity, veracity, unambiguity, and security of identifying elements.<sup>456</sup> The criminal identification record is organized in a computerized central file, functioning as an electronic criminal information platform.<sup>457</sup> The director general of the administration of justice is responsible for the database of the criminal identification records.<sup>458</sup> The director general must ensure the functioning, security, and accessibility of the criminal information platform by electronic means,<sup>459</sup> and the accuracy of the data.<sup>460</sup>

Registration in the criminal identification register of those convicted of crimes against sexual self-determination and the sexual freedom of minors is promoted by the criminal identification services of the Directorate-General for the Administration of Justice, after the registration of the criminal record bulletins.<sup>461</sup> It is incumbent upon the Directorate-General to register decisions prior to the creation of this register.<sup>462</sup>

The person who is the subject of the information has the right to take cognizance of the data, contained in the criminal identification record of those convicted of crimes against sexual self-determination and the sexual freedom of minors, which concern him or her, and the person may

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<sup>453</sup> *Id.* art. 16(6) (Portugal).

<sup>454</sup> *Id.* art. 16(7) (Portugal).

<sup>455</sup> *Id.* art. 16(8) (Portugal).

<sup>456</sup> Lei No. 103/2015, de 2 de Agosto, annex, art. 4 [Law No. 103/2015, of August 2, annex, art. 4] (Portugal).

<sup>457</sup> *Id.* art. 6 (Portugal).

<sup>458</sup> *Id.* art. 7(1) (Portugal).

<sup>459</sup> *Id.* art. 7(2) (Portugal).

<sup>460</sup> *Id.* art. 7(3) (Portugal).

<sup>461</sup> *Id.* art. 8(1) (Portugal).

<sup>462</sup> *Id.* art. 8(2) (Portugal).

request the entity responsible for the database for its rectification, updating, or deletion when data is improperly registered.<sup>463</sup>

#### 4.3.10. Romania

**Applicable Laws:** Law No. 118 on the National Automated Register of Persons Who Have Committed Sexual Offenses, Have Exploited Persons or Have Committed Offenses Involving Children and Amending Law No. 76/2008 on the Organization and Functioning of the National System of Genetic Forensic Data.<sup>464</sup>

Government Order (GO) No. 206/2020 on Extending the Deadline Set by Article 22(1) of Law No. 118/2019 and Establishing Measures Relating to the Application of this Law.<sup>465</sup>

Government Regulation No. 127/2020 Setting the Model Forms To Be Used in Activities Involving the National Automated Register of Persons Who Have Committed Sexual Offenses, Have Exploited Persons or Have Committed Offenses Involving Children.<sup>466</sup>

**Offenses Requiring Registration:** In Romania, Law No. 118/2019 requires the registration of persons who are convicted, are under investigation, or have been indicted<sup>467</sup> for the following offenses in violation of articles of the Penal Code:

- Trafficking in persons;
- Trafficking in children;
- Pimping;

<sup>463</sup> *Id.* art. 15 (Portugal).

<sup>464</sup> Legea Nr. 118/2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare (Romania) [Law No. 118/2019 on the Automated National Register on Persons Who Have Committed Sexual Offences, exploitation of persons or on minors, as well as for the completion of Law no. ANRE President's Order no. 76/2008 on the organization and functioning of the National System of Forensic Genetic Data] (Legea Nr. 118/2019 (Romania) [Law No. 118/2019]), M. Of. pt. I no. 522 of June 26, 2019 (Romania), <http://legislatie.just.ro/Public/DetaliiDocumentAfis/215496>. Law No. 118/2019 provides the legal framework for the creation and administration of NAR and details the offenses that are subject to registration, as well as the notification and surveillance sanctions associated with registration in the registry.

<sup>465</sup> GO Nr. 206/2020 (Romania). This Government Order stipulates that the date when the NAR becomes operational is June 30, 2021, and it requires that data concerning offenders convicted before the adoption of the law be recorded in the registry within a year from that date.

<sup>466</sup> HG Nr. 127/2020 pentru stabilirea modelelor formularelor-tip folosite în activitatea privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor (Romania) [GD No. 127/2020 for establishing the models of the standard forms used in the automated national register regarding persons who have committed sexual crimes, exploitation of persons or of minors], M. Of. pt. I, no. 125 of Feb. 18, 2020 (Romania), <http://legislatie.just.ro/Public/DetaliiDocument/223128>. This regulation contains annexes detailing model forms for requesting a certificate of behavioral integrity and model forms authorities will use to request and communicate information from the registry.

<sup>467</sup> *Id.* art. 2(1)(a) (Romania).

- Exploiting a person for begging;
- Using a child for begging;
- Using the services of an exploited person;
- Using the services of a child prostitute;
- Rape;
- Sexual assault;
- Sexual intercourse with a minor;
- Indecent liberties with a minor;
- Recruiting a minor for sexual purposes;
- Sexual harassment;
- Abuse of official position for sexual purposes;
- Child pornography;
- Lewd behavior that offends public morality;
- Incest;<sup>468</sup>
- Offenses mentioned above, as they were stipulated by Law No. 15/1968 on the Romanian Penal Code,<sup>469</sup> or special laws, with the same elements.<sup>470</sup>

The law also requires Romanian citizens or foreign nationals for whom a notice of their conviction abroad for such offenses has been received to be listed in the registry.<sup>471</sup> Offenders who were minors at the time of the offense will not be registered, except when a court has decided otherwise.<sup>472</sup>

**Data Stored in Registry:** Data stored in Romania's registry for physical persons includes the following:

- Personal numeric code, name and family name, parent's given names, previous names, date and place of birth, domicile, official ID number, sex, and citizenship;<sup>473</sup>
- Data concerning the offense, prosecution and indictment, sentence applied and how it was executed, and whether the offender was pardoned or rehabilitated.<sup>474</sup>

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<sup>468</sup> Legea Nr. 118/2019, art. 1(2)(a-q) (Romania).

<sup>469</sup> Legea Nr. 15/1968 privind adoptarea Codului Penal al României (Romania) [Law No. 15/1968 on the adoption of the Criminal Code of Romania], B. Of. no. 79-79 bis of June 21, 1968, <http://legislatie.just.ro/Public/DetaliuDocumentAfis/144628>. The law was in force until 2010, when the new Penal Code was adopted.

<sup>470</sup> *Id.* art. 1(2)(r) (Romania).

<sup>471</sup> *Id.* art. 2(b), (c) (Romania).

<sup>472</sup> *Id.* art. 2(2) (Romania).

<sup>473</sup> Legea Nr. 290/2004 [Law No. 290/2004] privind cazierul judiciar [on the criminal record], republicata [republished], M. Of. pt. I, Nr. 777 of Nov. 13, 2009, art. 8(1<sup>^</sup>1) (Romania), <http://legislatie.just.ro/Public/DetaliuDocument/230128>.

<sup>474</sup> *Id.* art. 8(1<sup>^</sup>3) (Romania).

The person registered in NAR must be photographed, fingerprinted, and DNA-sampled. These data will be stored in the databases of the Romanian Police.<sup>475</sup>

In the case of legal persons, data stored in the registry will concern the identification code, name, tax identification code, Registry of Commerce number, headquarters address, and the personal data of the legal representative.<sup>476</sup>

**Registrant Requirements:** A registered offender in Romania must come regularly, but no less than once every three months, to the local police station and report his or her sources of income, employment, current address, any children, any elderly or vulnerable persons they live with or have contact with on a regular basis, and any institution frequented by children to which the offender has access.<sup>477</sup> They must notify the local police station of any change of address within three days of changing residency.<sup>478</sup> Failure to comply with these obligations is a criminal offense punishable by imprisonment from two months to two years or a fine.<sup>479</sup>

**Duration of Registration:** An offender will be removed from NAR in one of the following situations:

- The act is no longer considered an offense;<sup>480</sup>
- The investigation was closed, charges were dropped, the defendant was acquitted or the criminal action was dismissed;<sup>481</sup>
- 10 years have elapsed from a definitive decision not to apply a sentence or to postpone sentencing in the case, which decision has not been revoked;<sup>482</sup>
- 20 years have elapsed since registration, if the sentence was less than five years;<sup>483</sup>
- The offender has turned 85 years old, if the sentence was more than five years;<sup>484</sup>
- The offender is deceased.<sup>485</sup>

The law explicitly provides that offenders are not removed from the registry if they have been pardoned, rehabilitated, or given amnesty.<sup>486</sup>

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<sup>475</sup> Legea Nr. 118/2019 [Law No. 118/2019], art. 11 (Romania).

<sup>476</sup> Legea Nr. 290/2004 [Law No. 290/2004], art. 8(1<sup>^</sup>2) (Romania).

<sup>477</sup> Legea Nr. 118/2019 [Law No. 118/2019], art. 12(1) (Romania).

<sup>478</sup> *Id.* art. 12(2)(b) (Romania).

<sup>479</sup> *Id.* art. 21 (Romania).

<sup>480</sup> *Id.* art. 10(2)(a) (Romania).

<sup>481</sup> *Id.* art. 10(2)(b) (Romania).

<sup>482</sup> *Id.* art. 10(2)(c) (Romania).

<sup>483</sup> *Id.* art. 10(2)(d) (Romania).

<sup>484</sup> *Id.* art. 10(2)(e) (Romania).

<sup>485</sup> *Id.* art. 10(2)(f) (Romania).

<sup>486</sup> *Id.* art. 10(5) (Romania).

**Access to Registry:** Restricted. The registry is not open to public access. Courts, prosecutor's offices, police, and any institution within the defense, public order, national security or justice system as well as any public institution may request and obtain information about the persons in the registry.<sup>487</sup> Any public or private entity whose activity involves working with children, elderly, disabled or vulnerable persons must request employees or volunteers to submit a "certificate of behavioral integrity" (*certificat de integritate comportamentala*),<sup>488</sup> which will contain all the data in the registry, if such is the case, or a confirmation that the person is not registered in NAR.

**Notice of Travel:** Yes. Registered offenders in Romania must notify the local police about any travel longer than 15 days, including the destination, purpose of travel, duration of travel and means of transport to destination.<sup>489</sup>

**Additional Notes:** Police may perform regular checks at the domicile of the registered offender to obtain information about his or her behavior and sources of income.<sup>490</sup> Such checks are supposed to be performed in such a manner as to preserve confidentiality.<sup>491</sup>

Law No. 118/2019 was adopted and entered into force on June 29, 2019, but the date when the National Automated Registry (NAR) would become operational was postponed to June 30, 2021.<sup>492</sup> The Registry is managed by the Ministry of Internal Affairs through the local police units,<sup>493</sup> and it is connected to other databases managed by the Romanian Police.<sup>494</sup>

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<sup>487</sup> *Id.* art. 17(1), (2) (Romania).

<sup>488</sup> *Id.* art. 18(1) (Romania).

<sup>489</sup> *Id.* art. 12(2)(a) (Romania).

<sup>490</sup> *Id.* art. 12(3) (Romania).

<sup>491</sup> *Id.* art. 12(4) (Romania).

<sup>492</sup> GO Nr. 206/2020 pentru prorogarea termenului prevazut la art. 22 alin. (1) din Legea nr. 118/2019 privind Registrul național automatizat cu privire la persoanele care au comis infracțiuni sexuale, de exploatare a unor persoane sau asupra minorilor, precum și pentru completarea Legii nr. 76/2008 privind organizarea și funcționarea Sistemului Național de Date Genetice Judiciare și pentru stabilirea unor măsuri organizatorice de punere în aplicare a prevederilor acesteia [GO No. 206/2020 for the extension of the term stipulated in art. 22 para. (1) of Law no. 118/2019 on the Automated National Register on persons who have committed sexual offences, exploitation of persons or on minors, as well as for the completion of Law no. ANRE President's Order no. 76/2008 on the organization and functioning of the National System of Judicial Genetic Data and for the establishment of organizational measures for the implementation of its provisions] (GO Nr. 206/2020), M. Of. pt. I no. 1169 of Dec. 3, 2020, art. I, <https://legislatie.just.ro/Public/DetailiiDocumentAfis/230326>.

<sup>493</sup> Legea Nr. 118/2019, art. 5(1) (Romania).

<sup>494</sup> *Id.* art. 5(3) (Romania).

### 4.3.11. Spain

**Applicable Law:** Law 26/2015, of 28 July 2015; Royal Decree 1110/2015 of 11 December 2015.<sup>495</sup>

**Offenses Requiring Registration:** In Spain, a conviction of the following crimes require registration:

- Rape;
- Sexual assault;
- Trafficking in persons;
- Sexual harassment;
- Sexual abuse of a minor or disabled person, specifically:
  - To cause, for sexual purposes, a minor who has not reached the age of sexual consent to witness sexual acts, even if he or she does not participate in them;
  - Causing, for sexual purposes, a minor under the age of sexual consent to witness, but not participate in, sexual abuse;
  - Engaging in acts of a sexual nature with a minor under the age of sexual consent;
  - Engaging in acts of a sexual nature with a minor by abusing a recognized position of trust, authority, or influence over the minor;
  - Performing acts of a sexual nature with a minor by abusing a particularly vulnerable situation of the minor, in particular due to a physical or mental disability or a situation of dependency;
  - Engaging in acts of a sexual nature with a minor by using coercion, force or threats.
  - Using coercion, force or threats with a minor to engage in sexual acts with a third party;
  - Causing a minor to participate in pornographic performances, enticing a minor to do so, profiting from such performances, or otherwise exploiting a minor for such purposes;
  - Using coercion, force, or threats to a minor to engage in pornographic performances.
  - Knowingly attending pornographic performances in which minors participate;
  - Causing a minor to engage in prostitution, enticing a minor to engage in prostitution, profiting therefrom, or otherwise exploiting a minor;
  - Using coercion, force or threats against a minor to engage in prostitution;
  - Engaging in acts of a sexual nature with a minor, resorting to child prostitution;

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<sup>495</sup> Spain, "Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia [Law 26/2015, of July 28, amending the system of protection for children and adolescents]." *Boletín Oficial del Estado* [Official State Bulletin], No. 180, Sec 1, Page 64544, 8470, <https://www.boe.es/boe/dias/2015/07/29/pdfs/BOE-A-2015-8470.pdf>; Real Decreto 1110/2015, de 11 de diciembre [Royal Decree 1110/2015, of December 11], Por el que se regula el Registro Central de Delinquentes Sexuales [Regulating the Central Registry of Sex Offenders], <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-14264-consolidado.pdf>.

- Acquisition or possession of child pornography;
- Knowingly accessing child pornography by means of information and communication technologies;
- The distribution, dissemination or transmission of child pornography;
- Offering, supplying or making available child pornography;
- The production of child pornography;
- Grooming.<sup>496</sup>

**Data Stored in Registry:** In Spain, the following data is stored in the registry:

- Registrant’s DNA matching information;
- Sentencing information for all prior convictions;
- Identity information.

**Registrant Requirements:** Registrants must provide a DNA sample along with current identity and residence information.<sup>497</sup>

**Duration of Registration:** In Spain, the duration of registrant’s registration obligations varies according to the age of the victim and severity of the offense. Maximum registration duration is 30 years for sex offenses committed by an adult against a minor.<sup>498</sup>

**Access to Registry:** Access is restricted to judicial and law enforcement authorities.<sup>499</sup>

**Notice of Travel:** Yes.

**Additional Notes:** Law 26/2015, of 28 July 2015, “Modifying the System of Protection for Children and Adolescents,” establishes Spain’s national sex offender registry, known officially as the Central Registry of Sex Offenders (Registro Central de Delincuentes Sexuales).<sup>500</sup> The general purpose of the registry is to serve as a repository for the names and identifying information of persons convicted of crimes against sexual freedom and indemnity, trafficking in human beings, or exploitation of minors, including information about their genetic DNA profile. The Attorney

<sup>496</sup> Spain, Ley Orgánica 10/1995, Libro II, Título VIII, Capítulos 1–5 [Organic Law 10/1995, Book II, Title VIII, Chapters 1–5], <https://www.boe.es/eli/es/lo/1995/11/23/10>; Fiscalía del Estado [State Prosecutor’s Office], Consejo Fiscal [Fiscal Council], Informe del Consejo Fiscal al Proyecto de Real Decreto por el que se Regula el Registro Central de Delincuentes Sexuales [Report of the Fiscal Council to the Draft Royal Decree Regulating the Central Registry of Sex Offenders], October 21, 2015, p. 5–6, <https://www.fiscal.es/documents/20142/102607/Informe+del+Consejo+Fiscal+al+Proyecto+de+Real+Decreto+por+el+que+se+regula+el+Registro+Central+de+Delincuentes+Sexuales.pdf/229eedb9-0fc9-f5e9-2ce2-05ba354143cd?version=1.1&t=1531294560682>.

<sup>497</sup> Real Decreto [Royal Decree] 1110/2015, art 5 (Spain).

<sup>498</sup> *Id.* at art 10; Real Decreto [Royal Decree] 95/2009 art 5 (Spain).

<sup>499</sup> Real Decreto [Royal Decree] 1110/2015, art. 8 (Spain).

<sup>500</sup> Spain, “Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia” (Spain) [“Law 26/2015, of 28 July, amending the system of protection for children and adolescents”].

General's Office uses the registry to monitor and restrict the activities of sex offenders convicted both in Spain, as well as those convicted in other countries who reside in Spain. The Spanish government is required to collaborate with the competent authorities of the Member States of the European Union to facilitate the exchange of information in this area. One of the purposes of the registry is to prevent sex offenders from obtaining employment in fields involving contact with minors and the disabled. To this end, job applicants in Spain for positions involving minors and the disabled must provide a certificate of non-registration prior to employment.<sup>501</sup>

Royal Decree 1110/2015 of 11 December 2015 regulates the organization and content of the Central Registry of Sex Offenders, as well as the registration procedures, access, cancellation, rectification and certification of the information contained therein.<sup>502</sup> The Ministry of Justice further regulates the registry and provides detailed guidance on its application.<sup>503</sup>

#### 4.3.12. Ukraine

##### **Applicable Laws:**

- Law on Amendments to Certain Legislative Acts of Ukraine Concerning the Introduction of the Unified Registry of Persons Convicted of Crimes Against Sexual Freedom and Sexual Inviolability of a Minor and Strengthening Responsibility for Crimes Committed Against Sexual Freedom and Sexual Inviolability of a Minor;<sup>504</sup>
- Criminal Code of Ukraine, chapter IV, articles 152-156;
- Correctional Code of Ukraine, chapter 1, article 6;
- Criminal Procedure Code of Ukraine, chapter 29, article 374.4.2.
- Law on Administrative Supervision of Persons Released from Places of Imprisonment, articles 3-6, 9;<sup>505</sup>
- Law About the Notary;<sup>506</sup>

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<sup>501</sup> *Id.*

<sup>502</sup> Spain, "Real Decreto [Royal Decree] 1110/2015, de 11 de diciembre [of December 11th], por el que se regula el Registro Central de Delincuentes Sexuales [regulating the Central Registry of Sex Offenders]," *Boletín Oficial del Estado* [Official State Bulletin], No. 312, Sec 1, page 123182, <https://www.boe.es/boe/dias/2015/12/30/pdfs/BOE-A-2015-14264.pdf>.

<sup>503</sup> Spain, Fiscalía General del Estado [Attorney General's Office of the State], Consejo Fiscal [Fiscal Counsel], Informe del Consejo Fiscal al Proyecto de Real Decreto por el que se Regula el Registro Central de Delincuentes Sexuales [Report of the Fiscal Council to the Draft Royal Decree Regulating the Central Registry of Sex Offenders], October 21, 2015, <https://www.fiscal.es/documents/20142/102607/Informe+del+Consejo+Fiscal+al+Proyecto+de+Real+Decreto+por+el+que+se+regula+el+Registro+Central+de+Delincuentes+Sexuales.pdf/229eedb9-0fc9-f5e9-2ce2-05ba354143cd?version=1.1&t=1531294560682>.

<sup>504</sup> Law No. 409-IX of Dec. 19, 2019 (Ukraine).

<sup>505</sup> Law No. 264/94-VR of Dec. 1, 1994 (Ukraine).

<sup>506</sup> Law No. 3425-XII of Sept. 2, 1993 (Ukraine).

- Order of the Ministry of the Internal Affairs on Approval of the Procedure for Formation and Maintenance of the Unified Registry of Convicts and Detained Persons.<sup>507</sup>

**Offenses Requiring Registration:** In Ukraine, a conviction and sentencing for the following offenses require registration in the Unified Registry of Persons Convicted of Crimes Against Sexual Freedom and Sexual Inviolability of a Minor:

- Rape of a minor under the age of 14, including rape with particular cruelty;<sup>508</sup>
- Sexual assault of a minor under the age of 14;<sup>509</sup>
- Sexual acts with a minor under the age of 14;<sup>510</sup>
- Sexual acts with a dependent under the age of 14;<sup>511</sup>
- Lewd actions to a minor under the age of 14;<sup>512</sup>
- Lewd actions to a dependent under the age of 14;<sup>513</sup>
- Sexual offer to a minor under the age of 14 by electronic means of communication;<sup>514</sup>
- Manufacture of pornographic images of a minor under the age of 14 by electronic means of communication.<sup>515</sup>

**Data Stored in Registry:** The Ukraine registry is a database that contains information on persons convicted of sexual crimes specified by the Criminal Code of Ukraine, if these crimes were committed against children under 14 years of age (see Section III of this report).<sup>516</sup> This database is compiled using the data received from the Unified Registry of Convicts and Detained Persons in Ukraine.<sup>517</sup> It contains the following information:

- Identity:
  - First name, paternal name, and last name;
  - Date of birth;
  - Place of residence or stay.<sup>518</sup>
- Context and date for enrollment in the registry:
  - Legal qualification of a prohibited act;
  - Type of criminal punishment applied;

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<sup>507</sup> Order of the Ministry of Justice of Ukraine No. 2023/5 of June 26, 2018, on Approval of the Procedure for Formation and Maintenance of the Unified Registry of Convicts and Detained Persons, with the latest amendments as of Sept. 6, 2021, <https://zakon.rada.gov.ua/laws/show/z0762-18#Text> (in Ukrainian).

<sup>508</sup> Criminal Code art. 152 (Ukraine).

<sup>509</sup> *Id.* art. 153 (Ukraine).

<sup>510</sup> *Id.* art. 155.1 (Ukraine).

<sup>511</sup> *Id.* art. 155.2 (Ukraine).

<sup>512</sup> *Id.* art. 156.1 (Ukraine).

<sup>513</sup> *Id.* art. 156.2 (Ukraine).

<sup>514</sup> *Id.* art. 156.1 (Ukraine).

<sup>515</sup> *Id.* art. 156.2 (Ukraine).

<sup>516</sup> Criminal Code arts. 152-156 (Ukraine)

<sup>517</sup> Order of the Ministry of Justice, ch. I, art. 4 (Ukraine).

<sup>518</sup> Correctional Code of Ukraine.

- Information on the actual punishment served;
- Information on violation of rules of administrative supervision.<sup>519</sup>

Information entered in the registry is based on a sentence issued by a court.<sup>520</sup> If a person was convicted of a criminal offense against the sexual freedom and sexual integrity of a minor before the registry was established in 2020, information about the convicted person will be entered into the registry based on a court decision at the place of residence of that person or at the request of the prosecutor.<sup>521</sup>

**Registrant Requirements:** In Ukraine, the Law on Administrative Supervision of Persons Released from Places of Imprisonment established that individuals sentenced to imprisonment for a crime against the sexual freedom and sexual integrity of a minor will remain under police control at the place of their residence after their release from imprisonment for an indefinite period.<sup>522</sup>

Administrative supervision is established by a ruling of a judge of a first instance (original jurisdiction) local court having jurisdiction over the penitentiary institution. The ruling is made at the request of the head of the penitentiary institution.<sup>523</sup> The decision of the judge should be sent to the head of the department of the National Police of Ukraine at the place of residence of the person under administrative supervision after this person's release from the penitentiary institution. In cases when a person is still in a jail, the decision is sent to the head of the penitentiary institution where a convicted person is scheduled to serve the term of imprisonment.<sup>524</sup>

The person who is under administrative supervision is obligated to report to the police department the following:

- The actual address of residence;<sup>525</sup>
- Each change of the actual address of residence or stay;<sup>526</sup>
- Place of employment and any change;<sup>527</sup>
- Temporary departure from the place of residence if it is required for business purposes.<sup>528</sup>

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<sup>519</sup> *Id.*

<sup>520</sup> *Id.*

<sup>521</sup> *Id.*

<sup>522</sup> Law No. 264/94-VR art. 3.e (Ukraine).

<sup>523</sup> *Id.* art. 5.

<sup>524</sup> *Id.*

<sup>525</sup> *Id.* art. 9.a (Ukraine).

<sup>526</sup> *Id.* art. 9.c (Ukraine).

<sup>527</sup> *Id.* (Ukraine).

<sup>528</sup> *Id.* (Ukraine).

A person under supervision is required to appear at the police department for periodic check-ins at specified times. If there are any issues related to administrative supervision, oral or written explanations need to be provided by the supervisee to the police.<sup>529</sup>

Any moves from the designated area of residence for a period of more than one day need to be approved by the supervising police department, and a registration with the local police office at the place of temporary stay is required.<sup>530</sup>

Administrative supervision of sex offenders ends upon their death.<sup>531</sup> Additionally, a court can issue a decision terminating the supervision.<sup>532</sup> Persons who are under administrative supervision may request removal of it in case of expiration or expungement of their criminal records.<sup>533</sup> The decision to terminate the administrative supervision is taken by an order of a judge on the proposal of the head of the local police department.<sup>534</sup>

**Duration of Registration:** In Ukraine, information can be removed from the registry by a court order.<sup>535</sup> No information was located indicating that the information about sex offenders in the registry must be removed after a certain period of time or can be requested to be removed from the registry by a person in case of expiration or expungement of the person's criminal record.

**Access to Registry:** The following entities and individuals have access to information included in the registry in Ukraine:

- Government authorities, including: authorized officials of the Ministry of Justice, the Department for Execution of Criminal Sanctions, officials at penitentiary institutions, detention centers, public prosecutor's offices, pretrial investigation bodies, investigators for the National Police and State Bureau of Investigation,<sup>536</sup> government administration bodies, and local government bodies;<sup>537</sup>
- Employers and organizers of events relating to the upbringing, education, recreation, leisure, and treatment of children or childcare;<sup>538</sup>
- Individuals if they want to know whether data about them is included in the registry or if they want to find information about another person and have permission from that person certified by a notary.<sup>539</sup>

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<sup>529</sup> *Id.* art. 9.b (Ukraine).

<sup>530</sup> *Id.* art. 9.d (Ukraine).

<sup>531</sup> *Id.* art. 8 (Ukraine).

<sup>532</sup> *Id.* art. 6 (Ukraine).

<sup>533</sup> *Id.* art. 8 (Ukraine).

<sup>534</sup> *Id.*

<sup>535</sup> Correctional Code art. 6.6 (Ukraine).

<sup>536</sup> Order of the Ministry of Justice, ch. I, art. 6 (Ukraine).

<sup>537</sup> Correctional Code art. 6.8 (Ukraine).

<sup>538</sup> *Id.*

<sup>539</sup> *Id.*

The registry is free of charge and is available in Ukrainian. Information is provided by the Ministry of Justice only upon a written request, within seven working days from submission.<sup>540</sup>

**Notice of Travel:** No information was located indicating that offenders who are included in the registry must provide notice of international travel.

**Additional Notes:** On July 11, 2019, the Verkhovna Rada of Ukraine adopted Law No 2757–VIII on Amendments to Some Ukrainian Legislative Acts on the Enhancing of Responsibility for Crimes Committed Against a Minor [or] Person Who Has Not Reached Sexual Maturity. This law enhanced punishment for rape and abuse of minors and introduced coercive chemical castration through forced injection of anti-androgen drugs consisting of chemicals that reduce libido and sexual activity as a supplemental form of punishment. It was not intended to apply to persons who have committed crimes while under the age of 18 or to persons over the age of 65. The text of Law No 2757–VIII was not officially published. A version of this law signed by Speaker of the Verkhovna Rada Andriy Parubiy can be found among other Verkhovna Rada documents at <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=61790&pf35401=497046> (in Ukrainian).

The law was not signed by Ukrainian President Volodymyr Zelensky, who returned it to the Verkhovna Rada with suggested amendments. The text of the president’s amendments has not been made public. Later, this law was removed from the legislative agenda and formally rejected by the speaker of the Verkhovna Rada.<sup>541</sup>

### 4.3.13. *United Kingdom*

- The United Kingdom consists of Great Britain (England, Scotland, and Wales) and Northern Ireland.
- Three island territories, self-governing possessions of the British monarchy, are known as Crown Dependencies:
  - Bailiwick of Guernsey,
  - Bailiwick of Jersey, and
  - Isle of Man.<sup>542</sup>
- Information concerning SORs in Crown Dependencies are presented in subsections following that of the United Kingdom, which is immediately below.

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<sup>540</sup> Order of the Ministry of Justice, ch. I, art. 8; ch. V, arts. 5, 6 (Ukraine).

<sup>541</sup> Law No. 169-IX of Oct. 3, 2019, on the Resolution of the Verkhovna Rada on the Rejection of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine to Strengthen Liability for Crimes Committed Against a Minor [or] Person Who Has Not Reached Sexual Maturity” of July 11, 2019, No. 2757-VIII (Ukraine), <https://zakon.rada.gov.ua/laws/show/169-IX#Text> (in Ukrainian).

<sup>542</sup> United Kingdom, Royal Household, “Crown Dependencies,” accessed August 31, 2021, <https://www.royal.uk/crown-dependencies>.

- British Overseas Territories with SOR-related information are presented in sections associated with their geographic locations and are not located under the section for the United Kingdom.

**Applicable Laws:** The Sexual Offences Act 2003.<sup>543</sup>

**Offenses Requiring Registration:** In the United Kingdom, a person is subject to the notification requirements under the Act if that person is convicted of an offense in Schedule 3 of the Act, is found not guilty of a listed offense by reason of insanity, "is found to be under a disability and to have done the act charged...", and, in England, Wales, or Northern Ireland is "cautioned in respect of a [listed] offense."<sup>544</sup>

- Schedule 3 offenses, applicable offenses in England and Wales include:
  - "Rape;
  - "Intercourse with girl under 13;
  - "Intercourse with girl under 16), if the offender was 20 or over;
  - "Incest by a man;
  - "Buggery;
  - "Indecency between men," "if the offender was 20 or over, and the victim or...other party was under 18;"
  - "Indecent assault on a woman," "if the victim or...other party was under 18;"
  - "Indecent assault on a man," "if the victim or...other party was under 18;"
  - "Assault with intent to commit buggery;
  - "Causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16;
  - "Indecent conduct towards young child;
  - "Inciting girl under 16 to have incestuous sexual intercourse;
  - "Possession of indecent photograph of a child, if the indecent photographs or pseudo-photographs showed persons under 16;
  - "Abuse of position of trust, if the offender was 20 or over;
  - "Rape, assault by penetration;
  - "Sexual assault;
  - "Causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration;
  - "Sexual assault of a child under 13;
  - "Causing or inciting a child under 13 to engage in sexual activity, child sex offences committed by adults;

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<sup>543</sup> Sexual Offences Act 2003, (United Kingdom), November 20, 2003, accessed January 6, 2020, <https://www.legislation.gov.uk/ukpga/2003/42/contents>.

<sup>544</sup> Sexual Offences Act 2003, c. 42, §80.

- "Child sex offenses committed by children or young persons," if the sentencing term is at least 12 months of imprisonment;
- "Arranging or facilitating the commission of a child sex offense;
- "Meeting a child following sexual grooming etc.;
- "Sexual communication with a child;
- "Abuse of a position of trust;
- "Familial child sex offenses;
- "Offenses against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder;
- "Care workers for persons with mental disorder;
- "Paying for sexual services of a child;
- "Causing or inciting child prostitution or pornography;
- Sexual activity with a child;
- "Controlling a child prostitute or a child involved in pornography;
- "Arranging or facilitating child prostitution or pornography;
- "Administering a substance with intent;
- "Committing an offense or trespassing, with intent to commit a sexual offense;
- "Sex with an adult relative;
- "Exposure;
- "Voyeurism;
- "Intercourse with an animal, sexual penetration of a corpse;
- "Possession of extreme pornographic images;
- "Possession of prohibited images of children;
- "Possession of paedophile material."<sup>545</sup>
- Schedule 3 offenses, applicable offenses in Scotland include:
  - "Rape;
  - "Clandestine injury to women;
  - "Abduction of woman or girl with intent to rape;
  - "Abduction with intent to commit rape under section 1 (rape) of the Sexual Offences (Scotland) Act 2009;
  - "Abduction with intent to commit rape under section 18 (rape of a young child) of the Sexual Offences (Scotland) Act 2009;
  - "Assault with intent to rape or ravish;
  - "Indecent assault;
  - "Lewd, indecent or libidinous behavior or practices;

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<sup>545</sup> *Id.* at §1-35, sch. 3.

- "Public indecency," if "a person (other than the offender) involved in the offense was under 18, and the court determines that there was a significant sexual aspect to the offender's behavior in committing the offense;"
- "Sodomy, unless every person involved in the offense was 16 or over and was a willing participant;
- "Penalty for fraudulent evasion of duty etc., in relation to..."indecent or obscene articles"...if they include indecent photographs or pseudo-photographs of persons under 16...";
- "Possession of extreme pornography;
- "Taking and distribution of indecent images of children;
- "Possession of indecent images of children;
- "Incest;
- "Intercourse with a stepchild;
- "Unlawful intercourse with girl under 16;
- "Indecent behavior towards girl between 12 and 16;
- "Abduction of girl under 18 for purposes of unlawful intercourse;
- "Person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16;
- "Homosexual offenses," "unless every person involved (whether in the offense or in the homosexual act) was 16 or over and was a willing participant";
- "Abuse of position of trust," where the offender was 20 or over;
- Sexual offenses or Non-consensual sexual acts in section 311(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- "Paying for sexual services of a child;
- "Sexual assault by penetration;
- "Sexual assault;
- "Sexual coercion;
- "Coercing a person into being present during a sexual activity;
- "Coercing a person into looking at a sexual image;
- "Communicating indecently;
- "Causing a person to see or hear an indecent communication;
- "Sexual exposure;
- "Voyeurism;
- "Administering a substance for sexual purposes;
- "Rape of a young child;
- "Sexual assault on a young child by penetration;
- "Sexual assault on a young child;
- "Causing a young child to participate in a sexual activity;

- "Causing a young child to be present during a sexual activity;
- "Causing a young child to look at a sexual image;
- "Communicating indecently with a young child;
- "Causing a young child to see or hear an indecent communication;
- "Sexual exposure to a young child;
- "Voyeurism towards a young child;
- "Having intercourse with an older child;
- "Engaging in penetrative sexual activity with or towards an older child;
- "Causing an older child to participate in a sexual activity;
- "Causing an older child to be present during a sexual activity;
- "Causing an older child to look at a sexual image;
- "Communicating indecently with an older child;
- "Causing an older child to see or hear an indecent communication;
- "Sexual exposure to an older child;
- "Voyeurism towards an older child;
- "Engaging while an older child in sexual conduct with or towards another older child;
- "Engaging while an older child in consensual sexual conduct with another older child;
- "Sexual abuse of trust of a mentally disordered person.<sup>546</sup>
- Schedule 3, applicable offenses in Northern Ireland include:
  - "Rape;
  - "Indecent assault upon a female;
  - "Abduction of woman by force for unlawful sexual intercourse;
  - "Buggery;
  - "Indecent assault upon a male person;
  - "Procuration;
  - "Indecent assault upon a male person;
  - "Procuring defilement of woman by threats or fraud, etc.;
  - "Unlawful carnal knowledge of a girl under 14," if the offender was 18 or over;
  - "Unlawful carnal knowledge of a girl under 17," if the offender was 20 or over;
  - "Abduction of girl under 18;
  - "Homosexual offenses," "if the offender was 20 or over, and the victim ...other party was under 18";
  - "Incest by males;
  - "Incest by females;
  - "Causing or encouraging seduction or prostitution of a girl under 17;
  - "Indecent conduct towards a child;

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<sup>546</sup> *Id.* at §36-60, Sch. 3.

- "Indecent photographs of children;
- "Inciting girl under 16 to have incestuous sexual intercourse," if the offender was 18 or over;
- "Offenses against women suffering from severe mental handicap;
- "Offenses against patients;
- "Possession of indecent photographs of children;
- "Abuse of position of trust;
- "Buggery;
- "Assault with intent to commit buggery;
- "Indecent assault upon a male;
- "Meeting a child following sexual grooming etc.;
- "Abuse of trust;
- "Paying for sexual services of a child;
- "Causing or inciting child prostitution or pornography;
- "Controlling a child prostitute or a child involved in pornography," if the offender was 18 or over;
- "Arranging or facilitating child prostitution or pornography;
- "Exposure;
- "Voyeurism;
- "Intercourse with an animal, sexual penetration of a corpse;
- "Possession of extreme pornographic images;
- "Rape, assault by penetration;
- "Sexual assault;
- "Causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration;
- "Sexual assault of a child under 13," if the offender was 18 or over;
- "Causing or inciting a child under 13 to engage in sexual activity, sexual offenses against children committed by adults;
- "Sexual offenses against children committed by children or young persons;
- "Arranging or facilitating the commission of a sexual offense against a child;
- "Meeting a child following sexual grooming etc.;
- "Abuse of trust;
- "Sexual communication with a child;
- "Familial sexual offenses against children;
- "Paying for sexual services of a child;
- "Controlling a child prostitute or a child involved in pornography;
- "Arranging or facilitating child prostitution or pornography;

- "Offenses against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder;
- "Administering a substance with intent;
- "Committing an offense or trespassing, with intent to commit a sexual offense;
- "Sex with an adult relative;
- "Exposure;
- "Possession of paedophile material."<sup>547</sup>

**Data Stored in Registry:** In the United Kingdom, registrants must give the following information to the police:

- Date of birth;
- National insurance number;
- Name and any aliases or other names used, and dates of name use;
- Home address and the date;
- "The address of any other premises in the United Kingdom at which, at the time the notification is given, [the registrant] regularly resides or stays;"
- Whether the registrant has a passport; if he or she has a passport, details of the passport including the issuing authority, the number, the dates of issue and expiration, the name and date of birth on the passport, and other "prescribed information" by the Secretary of state;
- "Such other information, about him or his personal affairs, as the Scottish Ministers may prescribe in regulations."<sup>548</sup>

**Registrant Requirements:** When changes occur to offenders' information such as name, home address, temporary address, release from custody pursuant to an order of a court or from imprisonment, or service detention in a hospital, the offender must notify the police of those changes within three days of the changes.<sup>549</sup>

- Relevant offenders must annually update the police on all their information stored in the registry.<sup>550</sup>
- Notification [of informational changes] can be given by attending a local police station, or by giving an oral notification to a police officer or any authorized person at the station.<sup>551</sup>
- Relevant offenders in Scotland must additionally notify the police within three days of changes to passport information.<sup>552</sup>

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<sup>547</sup> *Id.* at §61-92, Sch. 3.

<sup>548</sup> *Id.* at §83.

<sup>549</sup> *Id.* at §84.

<sup>550</sup> Sexual Offences Act 2003, c. 42, §85.

<sup>551</sup> *Id.* at §87.

<sup>552</sup> *Id.*

**Duration of Registration:** The “notification period” of offenders in the United Kingdom depends on a variety of stipulated circumstances. Specifically:

- “A person who, in respect of the offense, is or has been sentenced to imprisonment for life, to imprisonment for public protection under section 225 of the Criminal Justice Act 2003, to an indeterminate custodial sentence under Article 13(4)(a) of the Criminal Justice (Northern Ireland) Order 2008 or to imprisonment for a term of 30 months or more,” is subject to “an indefinite [notification] period;”
- “A person who, in respect of the offense, has been made the subject of an order under section 210F(1) of the Criminal Procedure (Scotland) Act 1995 (order for lifelong restriction),” is subject to “an indefinite [notification] period;”
- “A person who, in respect of the offense or finding, is or has been admitted to a hospital subject to a restriction order,” is subject to “an indefinite [notification] period;”
- “A person who, in respect of the offense, is or has been sentenced to imprisonment for a term of more than 6 months but less than 30 months,” is subject to a 10-year notification period;
- A person who, in respect of the offense, is or has been sentenced to imprisonment for a term of 6 months or less, is subject to a 7-year notification period;
- “A person who, in respect of the offense or finding, is or has been admitted to a hospital without being subject to a restriction order,” is subject to a 7-year notification period;
- “A person within section 80(1)(d) (in England and Wales or Northern Ireland, he is cautioned in respect of such an offense),” is subject to a 2-year notification period;
- An offender required to register, “of any other description,” is subject to a 5-year notification period.<sup>553</sup>

**Access to Registry:** Child sex offender disclosure schemes allow parents, carers, and guardians to check if someone has a record for child sexual offenses.

**Notice of Travel:** Yes. Offenders must report information concerning travel outside the United Kingdom before they leave. They must also give “a notification” when they return to the United Kingdom. More specifically, the statute stipulates that “[t]he Secretary of State may, by regulations, make provision requiring relevant offenders who leave the United Kingdom, or any description of such offenders, to give in accordance with the regulations, before they leave, a notification under subsection (2), [and] “if they subsequently return to the United Kingdom, to give in accordance with the regulations a notification under subsection (3).”

- “A notification...must disclose:
  - “The date on which the offender will leave the United Kingdom;”

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<sup>553</sup> *Id.* at §82.

- “The country (or, if there is more than one, the first country) to which he will travel and his point of arrival (determined in accordance with the regulations) in that country;”
- “Any other information prescribed by the regulations which the offender holds about his departure from or return to the United Kingdom or his movements while outside the United Kingdom.”
- “A notification under this subsection must disclose any information prescribed by the regulations about the offender’s return to the United Kingdom.”<sup>554</sup>

**Registry Available at:**

- U.K.: <https://www.gov.uk/guidance/find-out-if-a-person-has-a-record-for-child-sexual-offences#overview>.
- Scotland: <https://www.scotland.police.uk/advice-and-information/child-abuse/the-sex-of-fender-community-disclosure/>.
- Northern Ireland: [https://www.psni.police.uk/advice\\_information/child-protection/child-protection-disclosure-arrangements/](https://www.psni.police.uk/advice_information/child-protection/child-protection-disclosure-arrangements/).

#### 4.3.13.1. Bailiwick of Guernsey

**Applicable Law:** Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013.<sup>555</sup>

**Offenses Requiring Registration:** The Criminal Justice (Sex Offenders and Miscellaneous Provisions) Law, 2013 of the Bailiwick of Guernsey mandates that “a person who is convicted of a relevant offence before a court becomes subject to the notification requirements of this Law upon conviction.”

Additionally, in a sentencing “or otherwise dealing with a person in respect of an offence,” if a court “certifies that the offence was sexually aggravated,” that person also becomes subject to the notification requirements....”

A Guernsey court may additionally make a “sexual offences prevention order..., a foreign travel order..., and a risk of harm order” for a person, which would make the person subject to notification requirements.

- “Relevant offences” include:
  - “[R]ape, indecent assault, and indecent exposure;

<sup>554</sup> *Id.* at §86.

<sup>555</sup> Criminal Justice (S) (Bailiwick of Guernsey) Law, 2013.

- "Incest committed by a man, an attempt to commit incest, or incest committed by a woman;
- "Being involved in the corruption of a girl or woman;
- "Menacing or intimidating a girl or woman to have unlawful sexual intercourse;
- "Using false pretenses or false representations to cause a girl or woman to have unlawful sexual intercourse;
- "Applying, administering, or making a girl or woman take drugs for the purpose of having unlawful sexual intercourse;
- "Having or attempting to have sexual intercourse with a girl aged under 13 years;
- "Having or attempting to have sexual intercourse with a girl aged over 13 years but under 16 years;
- "Having or attempting to have sexual intercourse with a girl or woman of unsound mind;
- "Permitting girls aged under 16 years to frequent premises for the purpose of unlawful sexual intercourse;
- "Abducting a girl aged under 18 years for an immoral purpose;
- "Detaining a girl or woman against her wishes;
- "Living on the earnings of prostitution;
- "Persistently soliciting or importuning in a public place for an immoral purpose;
- "Controlling, etc. the movements of a prostitute;
- "Kidnapping by impersonating the husband of a married woman;
- "Sodomy;
- "Assault with intent to commit sodomy or indecent assault on a male;
- "Gross indecency with a male;
- "Procuring a man to commit buggery;
- "Living on the earnings of male prostitution;
- "Permitting the" use of premises for lewd homosexual practices;
- "Gross indecency with a child;
- "Taking, distributing, or possessing etc., indecent photographs of children;
- "Importing indecent photographs of persons who are or appear to be aged under 16 years;
- "Burglary with intent to rape a woman;
- "Aggravated burglary where the burglary is with intent to rape a woman;
- "Breach of risk of sexual harm order, interim risk of sexual harm order or prescribed order;

- “Conviction in the Bailiwick for an act committed outside the Bailiwick by a person ordinarily residing in the Bailiwick.”<sup>556</sup>
- “A person who is cautioned for a relevant offence becomes subject to the notification requirements of this Law upon receipt of that caution.”<sup>557</sup>

**Data Stored in Registry:** The Guernsey act mandates that offenders must “notify an authorized officer of the following information at the time of notification”:

- “Every name the notifier uses;
- “The notifier’s home address;
- “Any other address in the Bailiwick –
  - “If the notifier intends to remain in the Bailiwick for less than 7 days, at which the notifier intends to reside or stay.
  - “In any other case, at which the notifier regularly stayed for a qualifying period.
- “Any other address in the Bailiwick at which the notifier has resided or stayed for a qualifying period.
- “The notifier’s date of birth.
- “The notifier’s social insurance number and, where the notifier does not reside in the Bailiwick, all other equivalent identification numbers relating to the notifier issued by a jurisdiction in the British Islands, and
- “Any other prescribed information.”<sup>558</sup>

**Registrant Requirements:**

- In Guernsey, “[t]he notifier must give an annual report to an authorised officer about all information stored in the database,”<sup>559</sup>
- “The notifier must notify an authorised officer within 24 hours if he/she changes his name or address.”<sup>560</sup>

**Duration of Registration:** In Guernsey, the court decides on the registration period and must take into account “the likelihood of the person re-offending” and “the seriousness of any offence likely to be committed by the person.”<sup>561</sup> The minimum duration is 5 years, unless the court has a reason to give a shorter sentence.

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<sup>556</sup> *Id.* at Part 1, Section 1.

<sup>557</sup> *Id.* at Part 2, Section 2, Subsection 5.

<sup>558</sup> *Id.* at Section 4, Subsection 1.

<sup>559</sup> *Id.* at Subsection 2.

<sup>560</sup> *Id.*

<sup>561</sup> Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, Part 2, Section 3, Subsection 3.

**Access to Registry:** No public access. The Chief Officer of Police and the responsible authority will make decisions on a case-by-case basis about what information to share with what members of the public about offenders.<sup>562</sup>

**Notice of Travel:** Yes. Offenders must report information concerning when they leave Guernsey and when they return. More specifically, offenders must disclose, when leaving:

- The date on which the offender is leaving;
- The place to which the offender is travelling, “the notifier’s point of arrival (determined in accordance with the regulations) in the country or territory where the place is located;
- Other information required, including the “the notifier’s departure..., movements while outside the Bailiwick, any place to which the notifier intends to travel while outside the Bailiwick, and the notifier’s intended return to the Bailiwick;
- Upon return, the notifier must give notification, including:
  - “any information regarding any place to which the notifier travelled while outside the Bailiwick, and
  - “any other information prescribed by the regulations, including but not limited to information in relation to –
    - “the notifier’s movements while outside the Bailiwick, and
    - “the notifier’s return to the Bailiwick.”<sup>563</sup>

**Additional Notes:** The Bailiwick of Guernsey is part of the Channel Islands and is a British Crown Dependency.<sup>564</sup>

#### 4.3.13.2. Bailiwick of Jersey

**Applicable Law:** Sex Offenders (Jersey) Law, 2010.

**Offenses Requiring Registration:**

- “Non-consensual offenses;
- “Offenses by adults against children aged 12 or younger;
- “Offenses by adults against children aged 15 or younger, other than unlawful sexual acts between children;
- “Abuse of trust by a sexual act against a person aged 16 or 17;
- “Carrying out female genital mutilation;
- “Exposure;
- “Voyeurism;

<sup>562</sup> *Id.* at Part 7, Sections 33 and 37, Subsection 2.

<sup>563</sup> *Id.* at Part 2, Section 6, Subsection 1–3.

<sup>564</sup> United Kingdom, Royal Household, “Crown Dependencies.”

- "Administering a substance with intent to commit a sexual offense;
- "Customary law offenses of indecent assault and indecent exposure;
- "Having or procuring unlawful sexual intercourse with a mental patient;
- "Sexual offenses: prohibited acts, relationship of care, coercion;
- "Taking, possessing, or distributing indecent photographs, etc. of children;
- "Import of indecent photographs of persons who are or appear to be aged under 16 years;
- "Breach of child protection order, interim child protection order, or prescribed order;<sup>565</sup>

**Data Stored in Registry:** In Jersey, a person "subject to...notification requirements..." must notify an authorized officer" of all names used by the offender and home address.<sup>566</sup> Additionally, "[i]f requested to do so by an authorized officer, [a person giving notification must] allow the officer to take the fingerprints and a photograph of the person and a non-intimate sample."<sup>567</sup> Similarly, "[i]f requested to do so by an authorized officer, [a person giving notification must] provide documentary evidence of the person's identity."<sup>568</sup>

**Registrant Requirements:** Offenders must give a notification to police within 24 hours of changes to his/her name or address.<sup>569</sup>

**Duration of Registration:**

- In Jersey, unless there is a significant reason that the court believes there should be a shorter registration period, statutes stipulate that the registration period must be at least 5 years. The court will consider "the risk of sexual harm to the public, or to any particular person or person..." and the likelihood of the offender reoffending.<sup>570</sup>
- After the registration duration sentence is complete, the offender or the attorney general can apply to the court end the mandatory registration.<sup>571</sup>

**Access to Registry:** In Jersey, access to information on offenders is restricted, and is at the discretion of the Chief Police Officer to supply. The disclosure is to be made "to prevent, detect, investigate, or prosecute an offense."<sup>572</sup>

<sup>565</sup> Sex Offenders (Jersey) Law, 2010, Part 1, Section 2, accessed August 30, 2021, [https://www.jerseylaw.je/laws/revised/Pages/23.815.aspx#\\_Toc447122](https://www.jerseylaw.je/laws/revised/Pages/23.815.aspx#_Toc447122).

<sup>566</sup> *Id.* at Part 2, Section 6, Subsection 2.

<sup>567</sup> *Id.* at Section 7, Subsection 1–3.

<sup>568</sup> *Id.* at Subsection 4–5.

<sup>569</sup> Sex Offenders (Jersey) Law, 2010, Part 2, Section 6, Subsection 5–7.

<sup>570</sup> *Id.* at Section 5, Subsection 1–4.

<sup>571</sup> *Id.* at Subsection 5–7.

<sup>572</sup> Sex Offenders (Jersey) Law, 2010, Part 6, Section 27.

**Notice of Travel:** Yes. Offenders must report information when they leave Jersey, and when they return to Jersey. More specifically, offender must report the following changes to their information

- The date of departure;
- “The place (or, if there is more than one, the first place) to which the person will travel and the person’s point of arrival (determined in accordance with the Order) in the country where the place is situated;
- “Any other information prescribed by the Order that the person holds about the person’s departure from Jersey or the person’s movements while outside Jersey;
- Upon returning, the place, or places, to which the person travelled while outside Jersey;
- “Any other information prescribed by the Order that the person holds about the person’s movements while outside Jersey or about the person’s return to Jersey.”<sup>573</sup>

**Additional Notes:** The Bailiwick of Jersey is part of the Channel Islands and is a British Crown Dependency.<sup>574</sup>

#### 4.3.13.3. Isle of Man

**Applicable Law:**

- Criminal Justice Act 2001.<sup>575</sup>
- Sexual Offences Act 1992.<sup>576</sup>

**Offenses Requiring Registration:** In Isle of Man, the Criminal Justice Act 2001 mandates that offenders convicted of specified crimes and directed by an order of the convicting court must register. Additionally, individuals “found not guilty of a scheduled offence by reason of insanity, or to be under a disability and to have done the act charged against him in respect of such an offense,” and directed by an order of the convicting court, must also register.

Individuals may also be “subject to the notification requirements” if the individual is “cautioned by a constable” regarding a scheduled offense and notice requirements have been met.

- “Rape;
- “Procurement by threats or lies;
- “Administering drugs to obtain or facilitate sexual act;
- “Intercourse with young people;

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<sup>573</sup> *Id.* at Part 2, Section 8, Subsection 1–3.

<sup>574</sup> United Kingdom, Royal Household, “Crown Dependencies.”

<sup>575</sup> Criminal Justice Act 2001, Isle of Man, [https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0004/CriminalJusticeAct2001.pdf?zoom\\_highlight=sexual+offences#search=%22sexual%20offences%22](https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0004/CriminalJusticeAct2001.pdf?zoom_highlight=sexual+offences#search=%22sexual%20offences%22).

<sup>576</sup> Sexual Offences Act 1992, Isle of Man, [https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1992/1992-0006/SexualOffencesAct1992.pdf?zoom\\_highlight=sexual+offences#search=%22sexual%20offences%22](https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1992/1992-0006/SexualOffencesAct1992.pdf?zoom_highlight=sexual+offences#search=%22sexual%20offences%22).

- "Sexual act with subnormal person;
- "Sexual act with a mental patient;
- "Incest;
- "Incitement to commit incest;
- "Unnatural offenses;
- "Assault with intent to commit buggery;
- "Bestiality;
- "Indecent assault;
- "Indecent conduct towards young people;
- "Procurement of a young person;
- "Procurement of subnormal person;
- "Causing or encouraging prostitution of intercourse with, or indecent assault on, young people;
- "Causing or encouraging prostitution of subnormal person;
- "Living on or controlling prostitution;
- "Keeping a brothel;
- "Indecent photographs of children;
- "Penalty for fraudulent evasion of duty;
- "Printing, selling, etc. indecent or obscene publications;
- "Burglary with intent to commit rape;
- "An offense to commit any of those offenses;
- "An offense of attempting to commit any of those offenses;
- "Abuse of position of trust;
- "Meeting a person under 16 following sexual grooming;
- "An offense of inciting another to commit any of those offenses."<sup>577</sup>

**Data Stored in Registry:** Isle of Man requires that offenders disclose the following information to police:

- All names used by the offender;
- The offender's home address;
- "The nature and place of [the offender's] employment;
- "The name and business address of [the offender's] employer."<sup>578</sup>

**Registrant Requirements:**

- The offender must notify the police within two days of changes to his home address, "using a name which has not been notified to the police under this paragraph, ...having resided

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<sup>577</sup> Criminal Justice Act 2001, Isle of Man, Schedule 1, Section 2, Subsection 1.

<sup>578</sup> *Id.* at Schedule 1, Section 3, Subsection 1.

or stayed, for a qualifying period, at any premises in the island, the address of which has not been notified to the police under this paragraph, or [a]ny change of the nature and place of his employment.”<sup>579</sup>

- “Where a person is convicted of an offence (not being an offence for which the sentence is fixed by law), the court by or before which he is convicted may make a curfew order, that is to say, an order requiring him to remain, for periods specified in the order, at a place so specified.”<sup>580</sup>

**Duration of Registration:** The “notification period” of offenders in the Isle of Man depends on a variety of stipulated circumstances. Specifically:

- “A person who, in respect of the offense, is or has been sentenced to custody for life or for a term of 30 months or more,” is subject to an indefinite notification period.
- “A person who, in respect of the offense or finding, is or has been admitted to a hospital subject to a restriction order,” is subject to an indefinite notification period.
- “A person who, in respect of the offense, is or has been sentenced to custody for a term of more than 6 months but less than 30 months,” is subject to a 10-year notification period.
- “A person who, in respect of the offense, is or has been sentenced to custody for a term of 6 months or less,” is subject to a 7-year notification period.
- “A person who, in respect of the offense or finding, is or has been admitted to a hospital without being subject of a restriction order,” is subject to a 7-year notification period.
- An offender required to register, “of any other description,” is subject to a 5-year notification period.<sup>581</sup>

**Access to Registry:** Not specified.

**Notice of Travel:** Yes.

- “The Department may by regulations make provision requiring relevant offenders who leave the Island, or any description of such offenders –
  - “To give in accordance with the regulations, before they leave, a notification under subparagraph (2);
  - “If they subsequently return to the Island, to give in accordance with the regulations a notification under sub-paragraph (3).
- “A notification under this sub-paragraph must disclose –
  - “The date on which the offender will leave the Island;

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<sup>579</sup> *Id.* at Schedule 1, Section 3, Subsection 2.

<sup>580</sup> *Id.* at Schedule 5, Section 1, Subsection 1.

<sup>581</sup> *Id.* at Schedule 5, Section 1, Subsection 3.

- “The country (or, if there is more than one, all the countries) to which the offender will travel and the offender’s point of arrival (determined in accordance with the regulations) in each country;
- “Any other information prescribed by the regulations which the offender holds about the offender’s departure from or return to the Island and the offender’s movements and place or places of accommodation while outside the Island.
- “A notification under this sub-paragraph must disclose any information prescribed by the regulations about the offender’s return to the island.
- “Regulations under sub-paragraph (1) may make different provision for different categories of person.
- “Regulations under sub-paragraph (1) shall be laid before Tynwald.”<sup>582</sup>

**Additional Notes:**

- “The Department of Home Affairs may by order provide that this Schedule shall apply, with such modifications as may be specified in the order, to any offences so specified which –
  - “Are offences under the law of-
  - “Any of the Channel Islands;
  - “Any part of the United Kingdom; or
  - “Any other country or territory specified in the order; and
  - “Correspond to any scheduled offence.
- “An order under sub-paragraph (1) may make such consequential, incidental, supplementary and transitional provision as the Department considers appropriate.
- “An order under this paragraph shall not come into operation unless it is approved by Tynwald.”<sup>583</sup>

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<sup>582</sup> *Id.* at Schedule 1, Section 3A, Subsection 1-5.

<sup>583</sup> *Id.* at Schedule 1, Section 7, Subsection 1-3.

#### **4.4. Near East (North Africa and Middle East)**

[Researchers determined that no countries within this region had laws pertaining to SORs.]

## 4.5. South and Central Asia

### 4.5.1. India

**Applicable Laws:** In India, there does not appear to be a legislative basis for the establishment of the database. The National Database on Sexual Offenders (NDSO) is a central database of sexual offenders, maintained by the National Crime Records Bureau “for regular monitoring and tracking by the State Police.”<sup>584</sup> It was launched on September 20, 2018, by the Ministry of Home Affairs.<sup>585</sup> It includes “profiles of first-time and repeat offenders, based on details compiled from prisons across the country.”<sup>586</sup>

**Offenses Requiring Registration:** The offenses that require registration are detailed in the Indian Penal Code, 1860 (IPC),<sup>587</sup> and the Protection of Children from Sexual Offences Act (POCSO), 2012.<sup>588</sup> The database includes offenders convicted under charges of:

- Rape,<sup>589</sup>
- Gang rape;<sup>590</sup>
- POCSO offenses;<sup>591</sup> and
- “Eve teasing” (sexual harassment in public places).<sup>592</sup>

<sup>584</sup> Press Release, Ministry of Home Affairs, Union Home Minister Launches Two Portals to Strengthen Women Safety Cyber Crime Prevention Against Women and Children (CCPWC) Portal to Check Objectionable Online Content; National Database on Sexual Offenders (NDSO) to Aid in Monitoring & Investigation of Sexual Crimes (Sept. 20, 2018), <https://pib.gov.in/PressReleasePage.aspx?PRID=1546835>.

<sup>585</sup> Government of India, Ministry of Home Affairs, Rajya Sabha Unstarred Question No. 343 (Feb. 9, 2019), <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2019-pdfs/rs-06022019/RS343.pdf>.

<sup>586</sup> Rahul Tripathi, *Names, Photos, ID: First Registry of Sex Offenders Out Today*, Indian Express (Sept. 20, 2018), <https://indianexpress.com/article/india/names-photos-id-first-registry-of-sex-offenders-out-today/>.

<sup>587</sup> Indian Penal Code, 1860 (IPC), <https://www.indiacode.nic.in/bitstream/123456789/2263/1/A186045.pdf>.

<sup>588</sup> The Protection of Children from Sexual Offences Act, 2012, [https://www.indiacode.nic.in/bitstream/123456789/2079/1/AAA2012\\_\\_32.pdf](https://www.indiacode.nic.in/bitstream/123456789/2079/1/AAA2012__32.pdf).

<sup>589</sup> IPC, § 375 (Rape), § 376 (Punishment for rape), § 376A (Punishment for causing death or resulting in persistent vegetative state of victim), § 376AB (Punishment for rape of woman under 12 years of age).

<sup>590</sup> *Id.* at § 376D (Gang rape), § 376DA (Punishment for gang rape of woman under 16 years of age), § 376DB (Punishment for gang rape of woman under 12 years of age).

<sup>591</sup> The Protection of Children from Sexual Offences Act, 2012, chapter II deals with sexual offenses against children; chapter III deals with offenses related to child pornography; and chapter IV deals with abetments and attempts to commit an offense.

<sup>592</sup> The expression “eve teasing” is not mentioned or defined in the IPC. However, certain offenses such as sections 292, 294 (Obscene acts and songs), 354 (Assault of criminal force to woman with intent to outrage her modesty), 354A (Sexual harassment and punishment for sexual harassment), 354B (Assault or use of criminal force to woman with intent to disrobe), 354C (Voyeurism), 354D (Stalking), 509 (Word, gesture or act intended to insult the modesty of a woman), of the IPC are considered related to “eve teasing.”

The registry will also store information on arrested and “charge-sheeted offenders” but with a “clause that limits access to officers with the requisite clearance.”<sup>593</sup> According to an *Indian Express* report, “[j]uvenile offenders are likely to be included in the database at a later stage.”<sup>594</sup>

**Data Stored in Registry:** The database includes:

- Names;
- Addresses;
- Photographs;
- Fingerprints;<sup>595</sup>
- DNA samples;<sup>596</sup> and
- Permanent Account Numbers known as PANS (10-character alphanumeric identifiers issued by India’s Income Tax Department) and Aadhaar numbers (12-digit unique identification numbers issued to Indian citizens by the central government).<sup>597</sup>

**Registrant Requirements:** We were unable to find any information regarding registrant requirements.

**Duration of Registration:** India’s registry stores data for a duration based on a person’s criminal history:

- 15 years, for those classified as posing a “low danger;”
- 25 years, for those presenting a “moderate danger;” and
- Through their lifetime for “habitual offenders,” violent criminals, and those convicted of gang rape or custodial rape.<sup>598</sup>

**Access to Registry:** The database is accessible only to law enforcement agencies “for investigation and monitoring purpose[s].”<sup>599</sup> It is not available to the public.<sup>600</sup> It uses “data maintained by the States and Union Territories on ‘ePrisons’ (the National Prisons Information Portal). ‘ePrisons’ maintains data on crime and criminal record of prisoners.”<sup>601</sup>

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<sup>593</sup> Rahul Tripathi, *How Govt Plans to Run Registry of Sex Offenders*, *Indian Express* (Oct. 1, 2018), <https://indianexpress.com/article/explained/how-govt-plans-to-run-registry-of-sex-offenders-5380495/>.

<sup>594</sup> *Id.*

<sup>595</sup> Government of India, Ministry of Home Affairs, “Union Home Minister Launches Two Portals to Strengthen Women Safety Cyber Crime Prevention against Women and Children (CCPWC).”

<sup>596</sup> Tripathi, *Names, Photos, ID: First Registry of Sex Offenders Out Today*.

<sup>597</sup> *Id.*

<sup>598</sup> *Id.*

<sup>599</sup> Government of India, Ministry of Home Affairs, “Union Home Minister Launches Two Portals to Strengthen Women Safety Cyber Crime Prevention against Women and Children (CCPWC).”

<sup>600</sup> Annie Banerji, *India Launches First Sex-Offenders Register amid Wave of Assaults*, *Globe & Mail* (Sept. 21, 2018), <https://www.theglobeandmail.com/world/article-india-launches-first-sex-offenders-register-amid-wave-of-assaults/>.

<sup>601</sup> Government of India, Ministry of Home Affairs, “Union Home Minister Launches Two Portals to Strengthen Women Safety Cyber Crime Prevention against Women and Children (CCPWC).”

According to the Ministry of Home Affairs, “[o]n the request by an employer, NDSO can be used by the police for character and antecedent verification, especially in case of employment in vulnerable sectors like women’s hostels, taxis, buses, hotels, schools and colleges etc.”<sup>602</sup>

A 2018 Ministry of Home Affairs press release states “the database will not compromise any individual’s privacy,”<sup>603</sup> and that the State Police “have been requested to regularly update the database from 2005 onwards.”<sup>604</sup> According to an *Indian Express* report, “It will only have details of persons who are aged 18 or more. Whenever the details of a convict are entered into a prison database anywhere in the country, the name will be uploaded to the registry. Appeals against a conviction will have to be updated by state prisons; an accused can be tracked until an acquittal on appeal.”<sup>605</sup>

In news reports, anti-sexual violence campaigners and activists have “voiced concerns about its misuse, in particular the potential for government overreach.”<sup>606</sup>

#### **Notice of Travel:** No.

**Additional Notes:** According to news reports, the decision to establish the database was taken in April 2018 following a number of cases of sexual assault on minors, including the Kathua rape case, which involved “the rape and murder of an eight-year-old girl” in Jammu & Kashmir. At its launch, on September 2018, the database contained 4.4 lakh (about 515,000) entries.<sup>607</sup> The Ministry of Home Affairs states “[i]n investigation of rape cases, NDSO facilitates tracking of accused persons and ready availability of information on repeat and habitual sex offenders with the law enforcement agencies for quick and efficient investigation, and speedier delivery of justice.”

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<sup>602</sup> *Id.*

<sup>603</sup> Government of India, Ministry of Home Affairs, “Union Home Minister Launches Two Portals to Strengthen Women Safety Cyber Crime Prevention against Women and Children (CCPWC).”

<sup>604</sup> *Id.*

<sup>605</sup> Tripathi, *How Govt Plans to Run Registry of Sex Offenders.*

<sup>606</sup> In a CNN report, Enakshi Ganguly, co-founder of the HAQ Center for Child Rights, a Delhi-based NGO, stated that the database would not “be helpful for India” and “[e]verything that is an instrument of change can be used to target the same people and used for corruption. Can you imagine police having access to this level of information?” In the report, she “suggested that corrupt police could use the information to target individuals for crimes they may not have committed” and that “[t]he only saving grace is that it’s not going to be a public registry.” Another women’s rights activist, Kavita Krishnan, secretary of the All India Progressive Women’s Association, noted in a report that “[a] sex offenders register will not check sexual assaults in a country like India, where conviction rates of rapes are very low” and “[t]he idea of a register arises from a misplaced notion that rapists are usually strangers which is not true. Most sexual violence perpetrators are known to the victim, most often someone within the family.” She added in the report that “[i]t is a decision driven by moral panic and not a studied and researched response based on recommendations from women rights groups.” Suri, “India Launches First Sex Offenders Register amid Spate of Rapes.”

<sup>607</sup> *Id.*

In recent years, because of high-profile rapes and gang rape cases, various amendments have been made to the Indian Penal Code, the Indian Evidence Act, the Code of Criminal Procedure, and the Protection of Children from Sexual Offences Act, 2012. The Criminal Law (Amendment) Act, 2013,<sup>608</sup> was enacted in the “aftermath of the Nirbhaya case wherein a female student was gang-raped in December 2012.”<sup>609</sup>

The Criminal Law (Amendment) Act, 2018,<sup>610</sup> “was enacted” in the aftermath of the Kathua Rape case in Jammu & Kashmir region of India in 2018.”<sup>611</sup>

#### 4.5.2. Malaysia

**Applicable Laws:** Section 118 of the Child Act 2001 (Act 611), as amended in 2016, provides that a “Register of Children” must be maintained.<sup>612</sup>

**Offenses Requiring Registration:** The Child Act 2001 requires that the Register of Children include details of persons convicted of offenses against children. That act contains offenses “in relation to the health and welfare of children,” including ill-treatment, neglect, and abandonment, and leaving a child without reasonable supervision,<sup>613</sup> as well as offenses related to child prostitution,<sup>614</sup> and to child trafficking or abduction.<sup>615</sup>

In addition, in 2017, the Malaysian parliament enacted the Sexual Offences Against Children Act 2017 (Act 792) “in order to counter sexual offences not covered in the Child Act 2001.”<sup>616</sup> The

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<sup>608</sup> The Criminal Law (Amendment) Act 2013 (India), Legal Info. Inst., [https://www.law.cornell.edu/women-and-justice/re-source/the\\_criminal\\_law\\_\(amendment\)\\_act\\_2013](https://www.law.cornell.edu/women-and-justice/re-source/the_criminal_law_(amendment)_act_2013). Criminal Law (Amendment) Act, 2013, TheCriminalLaw030413.pdf (mha.gov.in).

<sup>609</sup> The Criminal Law (Amendment) Act 2013 (India). “

<sup>610</sup> The Criminal Law (Amendment) Act (India), No. 22 of 2018, 1644GI.p65 (mha.gov.in).

<sup>611</sup> The Criminal Law (Amendment) Act 2018 (India), Legal Info. Inst., [https://www.law.cornell.edu/women-and-justice/re-source/the\\_criminal\\_law\\_\(amendment\)\\_act\\_2018](https://www.law.cornell.edu/women-and-justice/re-source/the_criminal_law_(amendment)_act_2018). This act “increased the minimum punishment for rape from seven years to ten years of rigorous imprisonment which is extendable to life imprisonment. The penalty for rape of a girl under 16 years of age has also been increased to 20 years of imprisonment extendable to life, a significant increase from the original term of 10 years. Rape of a girl under 12 years of age has been made punishable with imprisonment of minimum 20 years extendable to life or with capital punishment. Lastly, the gang rape of a girl under 12 years of age has been made punishable with life imprisonment or capital punishment. The Act includes measures related to bail restrictions, speedy trial, and strengthening prosecution.”

<sup>612</sup> Child Act 2001 (Act 611) s 118, as amended, available from Lawnet.com.my (by subscription).

<sup>613</sup> Child Act 2001 ss 31–33.

<sup>614</sup> *Id.* s 43.

<sup>615</sup> *Id.* pt VIII.

<sup>616</sup> *Child Act 2001 Comprehensive in Protecting Children from Neglect and Abuse*, New Straits Times (Mar. 28, 2018), <https://www.nst.com.my/news/government-public-policy/2018/03/350370/child-act-2001-comprehensive-protecting-children>.

offenses in the act include, for example, those related to child pornography, grooming, and sexual assault.<sup>617</sup>

The KPWKM stated in 2017, following the passage of the amendments to the Child Act 2001, that the register had been “expanded to contain information on offenders for crimes including sexual offences, under any written laws where a child had been the victim.”<sup>618</sup> Therefore, other laws containing offenses that may involve child victims, such as the Penal Code (Act 574), may become relevant as the system develops.

A statement published by the deputy minister upon the launch of the review system explains that it “will not include juvenile criminal records (offenders under the age of 18), in accordance with international standards of juvenile protection as well as Section 91 (3) of the Child Act 2001.”<sup>619</sup>

**Data Stored in Registry:** Only information about persons convicted of offenses against children is included in the register. It appears that the Child Sex Offender Review System only relates to information about sexual offenses against children,<sup>620</sup> and it only includes convictions under the Sexual Offences Against Children Act 2017 recorded since that act came into effect on July 10, 2017.<sup>621</sup> As discussed below, searches of the register are conducted using a person’s identity card number.

Originally, the contents of the register were only specified in section 119 of the act as being “details of every case or suspected case of a child in need of protection,” as well as “such other matters in relation to such case or suspected case as the Director General may from time to time determine.” The 2016 amendments added a new subsection 119(aa), which provides that the register must also include “details of persons convicted of any offence in which a child is a victim.”<sup>622</sup>

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<sup>617</sup> Sexual Offences Against Children Act 2017 (Act 792), available from Lawnet.com.my (by subscription). Original bill available on the Parliament of Malaysia website, at <https://perma.cc/9HC6-JYFR>.

<sup>618</sup> *Ministry Welcome Call to Expedite Sex Offenders Registry*, Malay Mail (February 5, 2017), <https://www.malaymail.com/news/malaysia/2017/02/05/ministry-welcome-call-to-expedite-sex-offenders-registry/1308047>.

<sup>619</sup> Press Release, Hannah Yeoh.

<sup>620</sup> *Kanak-Kanak: Semakan E-DKK* [Children: E-DKK Review], JKM.

<sup>621</sup> Press Release, Hannah Yeoh.

<sup>622</sup> Child (Amendment) Act 2016 (Act A1511) (Malaysia) [P.U.(B) 525/2016], available from Lawnet.com.my (by subscription). The relevant bill is available on the CLJ Law website, at [https://www.cljlaw.com/files/bills/pdf/2015/MY\\_FS\\_BIL\\_2015\\_39.pdf](https://www.cljlaw.com/files/bills/pdf/2015/MY_FS_BIL_2015_39.pdf).

According to news reports regarding the launch of the system in 2019, at that time the register contained over 3,000 names of offenders convicted of sexual crimes against children under the Sexual Offences Against Children Act 2017, covering the period from 2017 to February 2019.<sup>623</sup>

The original press release from KPWKM refers to its collaboration with the Office of the Chief Justice and the Office of the Registrar General of the Federal Court, stating that it hopes this collaboration will continue to help improve the Register of Children.<sup>624</sup> In addition, it was reported that, in answering a question about the system in Parliament, the deputy minister for women, family and community development said the ministry had cooperated with the police in coming up with a list of offenders in the child registry.<sup>625</sup>

No further information regarding the particulars of the data stored in the registry was located.

**Registrant Requirements:** No information was located indicating that offenders who are registered in the Register of Children have any particular requirements placed upon them. It appears that the review system is solely for employment screening purposes.

The Sexual Offences Against Children Act 2017 contains provisions related to police supervision of offenders after the completion of their sentences,<sup>626</sup> but no connection is made between this and the register in the legislation. The Criminal Procedure Code (Act 593) also includes provisions on police supervision, including the obligations of persons subject to supervision in terms of notifying police of changes in residence.<sup>627</sup>

**Duration of Registration:** No information was located indicating that the information about offenders in the Register of Children must be removed after a certain period of time.

**Access to Registry:** Section 120 of the Child Act 2001 sets out to whom information from the Register of Children may be provided, including courts, police officers, and members of a child protection team,<sup>628</sup> as well as:

- Persons engaged in *bona fide* research whose access to the Register is authorized by the Director General for that purpose; or

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<sup>623</sup> Zanariah Abd Mutalib, *Semak Pesalah Seksual Kanak-Kanak Melalui eDKK* [Check Child Sexual Offenders Via eDKK], BH Online (March 26, 2019), <https://www.bharian.com.my/berita/nasional/2019/03/545636/semak-pesalah-seksual-kanak-kanak-melalui-edkk>.

<sup>624</sup> Press Release, KPWKM.

<sup>625</sup> *Child Act 2001 Comprehensive in Protecting Children from Neglect and Abuse*, New Straits Times.

<sup>626</sup> Sexual Offences Against Children Act 2017 s 27 (Malaysia).

<sup>627</sup> Criminal Procedure Code (Act 593) s 295 & 296 (Malaysia).

<sup>628</sup> Child Act 2001, as amended, s 120(1) (Malaysia).

- Persons or classes of persons authorized by the Director General to have access to the Register on the grounds that their access to the Register will promote the protection of a child or children.<sup>629</sup>

According to the Department of Social Welfare (Jabatan Kebajikan Masyarakat, JKM) website, applicants who are allowed to seek a review of the register are “parents/individuals/employers who employ employees/staff in the employment sector involving children.”<sup>630</sup> This includes those who employ babysitters; childcare workers in institutions, hostels, or daycare centers; staff in areas of education, such as kindergartens (i.e., preschools) and tuition centers (e.g., teachers, gardeners, canteen operators, security guards); staff in health clinics or hospitals; transportation staff, such as school bus drivers; and staff in the sports and recreation area. Reviews of the register can be sought for both existing and prospective employees “by submitting relevant supporting documents.”<sup>631</sup>

Applications to access the Child Sex Offender Review System must be made at either a District Social Welfare Office (Pejabat Kebajikan Masyarakat Daerah, PKMD) or a state office of the JKM with applicants needing to submit the identity card number of the individual concerned, as well as information about the employer or the registration information for the company or organization.<sup>632</sup>

According to news articles, the deputy minister of women, family and community development stated at the launch of the system that submitting an identity card number for review would be free of charge. Officers would check the number, with results indicating whether the individual concerned “has a record” or “no record.” Checking at a state JKM would return results immediately, while searches at a PKMD would take five working days.<sup>633</sup> If the review results show that there is a record for the identity card number, officers would need to check whether the offender’s case is being appealed in court.<sup>634</sup>

A spokeswoman for an opposition party in Malaysia stated in early 2020 that the child sex offender registry

is not easily accessible to the public. People using the system will have to go to Jabatan Kebajikan Masyarakat’s (JKM) state office (checks at the district office requires five days for the results to come back), and have to provide the IC [identity

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<sup>629</sup> *Id.* s 120(2).

<sup>630</sup> *Kanak-Kanak: Semakan E-DKK* [Children: E-DKK Review], JKM.

<sup>631</sup> *Id.*

<sup>632</sup> *Id.*

<sup>633</sup> Zanariah Abd Mutalib.

<sup>634</sup> *Malaysia Launches Child Sex Offenders Registry*, Asia Times (March 28, 2019), <https://asiatimes.com/2019/03/malaysia-launches-child-sex-offenders-registry/>.

card] of the person in question as well as give a valid reason why he or she is consulting the registry.<sup>635</sup>

**Notice of Travel:** No information was located indicating that offenders who are included in the Register of Children must provide notice of international travel.

**Additional Notes:** In March 2019, the Malaysian Ministry of Women, Family and Community Development (Kementerian Pembangunan Wanita, Keluarga dan Masyarakat, KPWKM) announced the launch of the "Child Sex Offender Review System" (*Sistem Semakan Pesalah Jenayah Seksual Terhadap Kanak-kanak*) in the Register of Children (*Daftar Kanak-Kanak*, DKK or e-DKK).<sup>636</sup> The system, which became available from April 1, 2019, enables parents, individuals, and organizations who hire individuals to work with children to review the register to ensure current and prospective employees do not have any record of sexual crimes against children.<sup>637</sup>

In September 2018, the deputy minister for women, family and community development reportedly explained that the review system is the first phase of the ministry's work towards developing a more comprehensive system. This might be a type of "working with children check" that puts the onus on applicants for relevant positions to show they have gone through a screening process with respect to their suitability for working with children.<sup>638</sup> Then, upon launching the system in March 2019, she stated:

[The check within the registry] is the first phase of the Ministry's efforts to make institutions and organisations safer for children. As a long term initiative, a comprehensive Working with Children Check (WCC) is being designed that will include other criminal records in its database, such as drug and violent offences. This proposed screening mechanism will place the onus on the individual seeking child-related work to apply for a WCC clearance before engaging in any child-related work. Moving forward, the Ministry will look into legislative amendments

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<sup>635</sup> Yiswaree Palansamy.

<sup>636</sup> Press Release, Kementerian Pembangunan Wanita [Wanita Development Ministry], Keluarga dan Masyarakat [Family and Community] (KPWKM), Pelancaran Sistem Semakan Pesalah Jenayah Seksual Terhadap Kanak-Kanak Dalam Daftar Kanak-Kanak (March 26, 2017), <https://www.kpwkm.gov.my/kpwkm/uploads/files/KenyataanMedia/2019/SIARAN%20MEDIA%20DAFTAR%20KANAK-KANAK.pdf>.

<sup>637</sup> *Kanak-Kanak: Semakan E-DKK* [Children: E-DKK Review], Jabatan Kebajikan Masyarakat (JKM) [Social Welfare Department], <https://www.jkm.gov.my/jkm/index.php?r=portal/content&id=QTRjNmRvTFYxcFc4Zi9WemNvMWp2dz09>.

<sup>638</sup> Reena Raj, *Hannah Yeoh: Child Registry to Protect Children, Not Help Jobseekers*, Malay Mail (September 25, 2018), <https://www.malaymail.com/news/malaysia/2018/09/25/hannah-yeoh-child-registry-to-protect-children-not-help-job-seekers/1676017>.

that will make it mandatory for any individual engaging in child-related work to obtain a WCC clearance, and non-compliance may constitute a federal offence.<sup>639</sup>

However, no further reports regarding such work were located.

A Sexual Offenders Registration Act reportedly was proposed previously by police in 2007 and was supported by the KPWKM. However, an opposition lawmaker criticized the government in 2015 for not taking up such legislation.<sup>640</sup> Subsequent news reports indicated that a broader national sexual offender registry under the Registration of Criminals and Undesirable Persons Act 1969 (Act 7), within the purview of the Ministry of Home Affairs, has been under consideration by the government since 2017, but has not yet been established.<sup>641</sup> It was also reported in 2016 that the Royal Malaysian Police headquarters (Bukit Aman) was pushing for new legislation to enable police to keep sexual offenders on such a registry under surveillance.<sup>642</sup>

A special court, the Sexual Offences Against Children Court (Mahkamah Jenayah Seksual Terhadap Kanak-Kanak), was established in June 2017 to expedite cases involving sexual crimes against children.<sup>643</sup> The court was reportedly set up under the Sexual Offences Against Children Act 2017.<sup>644</sup> The special court hears cases from Selangor, Kuala Lumpur, and Putrajaya, but the intention at the time of its establishment was to expand the court to all 13 states in the country.<sup>645</sup> According to news reports, a second court was set up in Sarawak in April 2018.<sup>646</sup>

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<sup>639</sup> Press Release, Hannah Yeoh, Launch of the Sexual Offenders Against Children Check (March 26, 2019) (accompanies a video published on Facebook), <https://fb.watch/8hGU385ebJ/>.

<sup>640</sup> See *Introduce Sexual Offenders Registration Act Now, Says DAP Lawmaker*, Edge Markets (December 30, 2015), <https://www.theedgemarkets.com/article/introduce-sexual-offenders-registration-act-now-says-dap-lawmaker>; Press Release, Steven Sim Chee Keong, Government's U-Turn on Sexual Offender's Registration Bill Is a Tragedy for Women and Girls in Malaysia (May 11, 2015), <https://dapmalaysia.org/Kenyataan-Akhbar/2015/05/11/20798/>; *Putrajaya's U-Turn on Proposed Sex Offender Registry 'A Tragedy', Says DAP*, Malaysian Insider (May 10, 2015), <https://sg.news.yahoo.com/putrajaya-u-turn-proposed-sex-032430997.html>.

<sup>641</sup> Yiswara Palansamy, *Amid Rise in Sexual Crimes Against Kids, MCA [Malaysian Chinese Association] Urges Update, Public Access to Offenders' Registry*, Malay Mail (January 8, 2020), <https://www.malaymail.com/news/malaysia/2020/01/08/amid-rise-in-sexual-crimes-against-kids-mca-urges-update-public-access-to-o/1825784>; Fairuz Mohd Shahar, *Create Sex Offenders Registry Now, Urges Women, Family, Community Ministry*, New Straits Times (February 7, 2017), available on the website of the Malaysian Bar, <https://www.malaysianbar.org.my/article/news/legal-and-general-news/legal-news/create-sex-offenders-registry-now-urges-women-family-community-ministry>.

<sup>642</sup> *Police Push for Sex Offender Registry*, Star (June 4, 2016), <https://www.thestar.com.my/news/nation/2016/06/04/police-pushing-for-sex-offender-registry/>.

<sup>643</sup> *Mahkamah Jenayah Seksual Terhadap Kanak-Kanak* [Court of Sexual Crimes Against Children, Pejabat Ketua Pendaftar [Office of Registrars], Mahkamah Persekutuan Malaysia [Federal Court of Malaysia], <https://www.kehakiman.gov.my/ms/mahkamah-jenayah-seksual-terhadap-kanak-kanak>; *Sexual Crimes Court Against Children*, Office of the Chief Registrar, Federal Court of Malaysia, <https://www.kehakiman.gov.my/en/sexual-crime-court-against-children>.

<sup>644</sup> Brenda Haas, *Malaysia's Special Court Tackles Sex Crimes Against Children*, DW (July 7, 2017), <https://www.dw.com/en/malaysias-special-court-tackles-sex-crimes-against-children/a-39519974>.

<sup>645</sup> *Id.*

<sup>646</sup> *Malaysia's Second Criminal Court on Sexual Crimes Against Children Set Up in Sarawak*, Dayak Daily (April 18, 2018), <https://dayakdaily.com/malaysias-second-criminal-court-on-sexual-crimes-against-children-set-up-in-sarawak/>.

### 4.5.3. Maldives

#### Applicable Laws:

- Chapter 4 of the Sexual Offences Act (No. 17/2014).<sup>647</sup>
- Special Provisions Act to Deal with Child Sex Abuse Offenders (No. 12/2009) (Child Sex Abuse Act)<sup>648</sup>
- The Regulation on the Special Measures for Perpetrators of Child Sex Abuse Offenders (Regulation No. 2011/R-48)<sup>649</sup>

Regulation No. 2011/R-48 regulates the child sex offender's database and was issued in 2011. After years of delay,<sup>650</sup> it was first published in 2015.<sup>651</sup>

On March 28, 2019, the Family Protection Agency (FPA) issued a regulation for the registry of sexual offenders.<sup>652</sup> It is unclear whether it has actually been established, and a report submitted by Maldives to the Committee on the Elimination of Discrimination Against Women (CEDAW) in 2019 states "[c]urrently, the FPA is establishing the sexual offender's registry. . . ."<sup>653</sup>

**Offenses Requiring Registration:** Section 47(a)(1)-(21) of the Maldives Sexual Offences Act stipulates that a person must be included in the registry of sex offenders if convicted of the following offenses:

- Offence of Rape stipulated in Section 14 of this Act;

<sup>647</sup> Sexual Offences Act (No. 17/2014), § 47(a). Section 47(a) (Maldives) of the act mandates the establishment of a registry of sex offenders: "[The] Family Protection Authority, under the guidance of the Minister shall keep and maintain a registry entitled "Registry of Sex Offenders" consisting of details of offenders who have been convicted of [certain stipulated offences under the Act – mentioned below]."

<sup>648</sup> Special Provisions Act to Deal with Child Sex Abuse Offenders, No. 12/2009 (Child Sex Abuse Act) (Maldives), <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/110297/137133/F1160011626/MDV110297.pdf>. Section 57 mandates the establishment of a registry by stipulating that the "State agency responsible for the protection of children shall publish and make available to the public information of offenders pursuant to this law."

<sup>649</sup> Regulation on the Special Measures for Perpetrators of Child Sex Abuse Offenders (Regulation No. 2011/R-48) (Maldives), <https://www.mvlaw.gov.mv/pdf/gavaid/AGO/R48-2011.pdf> (in Dhivehi).

<sup>650</sup> *Delays Slow Implementation of Public Sex Offenders Registry*, Minivan News (June 14, 2012), <https://minivannewsarchive.com/politics/one-in-seven-children-of-secondary-school-age-suffered-sexual-abuse-in-the-maldives-39063>.

<sup>651</sup> Ministry Gender & Fam., *Promotion and Protection of the Rights of Children, Women, Elderly and Persons with Disabilities 2013-2018* 35 (2018), <http://gender.gov.mv/wp-content/uploads/sites/2/2018/11/Report-on-the-Promotion-and-Protection-of-Children-Women-Elderly-and-Persons-with-Disabilities-2013-%E2%80%932018-FINAL-7.docx-1.pdf>.

<sup>652</sup> Shahudha Mohamed, *FPA Gazettes Regulations on Child Sex Offenders Registry*, Edition (March 29, 2019), <https://edition.mv/maldivesipu/9827>; Regulation No. 2019 R-1011, <http://www.fpa.gov.mv/uploads/publications/legislations/gazette-48-1031.pdf> (in Dhivehi).

<sup>653</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), *Sixth Periodic Report Submitted by Maldives Under Article 18 of the Convention*, (April 11, 2019), [https://digitallibrary.un.org/record/3838548/files/CEDAW\\_C\\_MDV\\_6-EN.pdf](https://digitallibrary.un.org/record/3838548/files/CEDAW_C_MDV_6-EN.pdf) (in Dhivehi).

- Offence of attempt to Rape stipulated Sexual Offences Act 27 in Section 15 of this Act;
- Offence of Sexual Injury stipulated in Section 16 of this Act;
- Offence of attempt to cause Sexual Injury stipulated in Section 17 of this Act;
- Offence of Sexual Assault stipulated in Section 18 of this Act;
- Offence of performing a Sexual Act with a Mahram [family member with whom marriage would be illegal] as stipulated in Section 21 of this Act;
- Offence of performing a Sexual Act with a person of the same gender as stipulated in Section 24 of this Act;
- Offence of performing a Sexual Act with an animal as stipulated in Section 25 of this Act;
- Offence of performing a Sexual Act with a cadaver as stipulated in Section 26 of this Act;
- Offence of performing a Sexual Act with a person with disability as stipulated in Section 28 of this Act;
- Offence of prostitution stipulated in Section 29 of this Act;
- Offence of maintaining a person for prostitution as stipulated in Section 30 of this Act;
- Offence of trafficking a person in and out of Maldives for prostitution as stipulated in Section 31 of this Act;
- Offence of using revenue generated from prostitution as stipulated in Section 32 of this Act;
- Offence of setting-up a brothel as stipulated in Section 33 of this Act;
- Offence of blackmail as stipulated in Section 35 of this Act;
- Offence of causing intoxication as stipulated in Section 37 of this Act;
- Offence of forcing on to a person as stipulated in Section 38 of this Act;
- Offence of abduction as stipulated in Section 39 of this Act;
- Offence of production of pornography as stipulated in Section 43 of this Act;
- Offence of forcing a person to produce pornography as stipulated in Section 45 of this Act.<sup>654</sup>

A news report states the registry includes individuals found guilty of "rape, prostitution, blackmail, homosexual relations, operating brothels and 21 other sexual offences. However, underage children charged with sexual offences will not be mentioned on the registry."<sup>655</sup>

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<sup>654</sup> Sexual Offences Act (No. 17/2014), § 47(a)(1)-(21) (Maldives).

<sup>655</sup> Shahudha Mohamed.

Offenders in the child sex offender registry are those who have been sentenced under the Child Sex Abuse Act. The offenses established in the act are:

- Engaging a child in a sexual act;
- Engaging in a sexual act in the presence of a child;
- Forcing a child to watch a sexual act;
- Sexual offences carried out by children;
- Aiding a child to commit a sexual act;
- Sexual act carried out by a person in a position of trust;
- Causing a child to engage in a sexual activity while in a position of trust;
- Engaging in a sexual activity in the presence of a child while in a position of trust;
- Causing a child to watch a sexual act while in a position of trust;
- For purposes of this law a person is deemed to be in a position of trust to a child, when the following relationships exist between the person and the child:
  - Child's mother or father;
  - A legal guardian of the child;
  - A person from the guardians of the child;
  - Persons with whom it is forbidden to establish marital relations in Islam;
  - A person who provides care or services to a child under law;
  - Person looking after detention centre where a child is kept for investigation or where a child is serving a sentence;
  - A person of the house, where a child is kept;
  - A person from a hospital, clinic, or a place providing childcare services;
  - A resident of the child's house;
  - A person from the facility where a child obtains education from;
  - A person from the child's work place of [sic] place where the child obtains work skills from;
  - Person in a position to advise and provide guidance to a child;
  - Person entrusted with care of a child;
- Acts that can be considered sex offences within this law shall not be deemed as an offence when carried out with a child with whom a person has entered into marital relations as per Islamic principles;
- Sexual act with a family member;
- Family member encouraging a child to engage in a sexual activity;
- Paying for sexual services of a child;
- Prostitution or pornography through children;
- Production of pornography and causing prostitution through force;
- Causing sexual acts by intoxicating;

- Entering into a house to carry out a sexual act;
- Display of sexual organs;
- Participation of more than one person in an offence.<sup>656</sup>

Please note that both subsidiary regulations may include provisions in this area but no English translation is available; they are only available in the Dhivehi language.

**Data Stored in Registry:** Section 47(d) of the Maldives Sexual Offences Act stipulates that the following information must be included in the sex offenders registry:

- Details of the convicted person (including the name, address and identity card number);
- Offence committed;
- Sentence passed on him;
- Judgement of the appellate court, where the sentence against him was appealed;
- Number of times he was convicted under this Act;
- Whether he is under detention or free.

A news report indicates that the person's picture, physical description, and "notable features and other basic information of the offender" are also included.<sup>657</sup>

The information required to be included in the child sex offender registry is listed in article 66 of Regulation R48/2011,<sup>658</sup> but an English translation of the regulation could not be acquired. The information on the registry website includes:

- Full name;
- National ID;
- Date of birth (DOB);
- Age;
- Address;
- Sex;
- Sentence period;
- Adjudication date;
- Adjudication enforcement begin;
- Adjudication enforcement end;
- Present location.<sup>659</sup>

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<sup>656</sup> Child Sex Abuse Act, pt. 2, §§ 3-23 (Maldives).

<sup>657</sup> Shahudha Mohamed.

<sup>658</sup> *About Us*.

<sup>659</sup> *Offenders*, Child Sex Offenders Registry, <http://www.offenders.mv/offenders/>.

Offenders can be searched by name and national identity card number. The information on the website is “obtained and verified from the relevant authorities” including the Maldives Police Service, Criminal Court, Maldives Correctional Service, magistrate courts, and Island Councils.<sup>660</sup>

**Registrant Requirements:** Section 50(a) of the Maldives Sexual Offences Act requires the registered person in the sex offender registry to notify the FPA of changes in information within a certain stipulated period:

- Within 14 days, if there is change to his name, address, or Maldivian national identity card number;
- Before travelling, if he is travelling abroad;
- Within 7 days from his return to Maldives;
- Within 7 days from the date of change of his address;
- Within 7 days from the date his parents or legal guardians change;
- Within 7 days if he is living in an address other than his registered address.<sup>661</sup>

Failure to notify as above is a criminal offense under the act and is “punishable with a fine not exceeding Maldivian Rufiyaa 5,000, and in multiples of the number of times the offence is repeated with Maldivian Rufiyaa 5,000 for each time the offence is repeated.”<sup>662</sup>

No information on notification requirements was found for registrants in the child sex offenders registry. Additional requirements might be found in subsidiary regulations for both acts, but we were unable to obtain English translations of them.

**Duration of Registration:** Section 48 of the Maldives Sexual Offences Act allows the removal of a person from the registry. A person who has “locus standi” may apply to a court to “remove a person’s name from the registry of sex offenders.”<sup>663</sup> The court can order removal “after having regard to the following:”<sup>664</sup>

- The offence being the first offence of the offender;
- The offence not being one of rape, or sexual injury or sexual assault, or a sexual act;
- The offender being a child;
- Punishment given for the offence was set at the minimum; or
- Conviction having been overturned on appeal.<sup>665</sup>

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<sup>660</sup> *About Us.*

<sup>661</sup> Sexual Offences Act (No. 17/2014), § 50(a)(1)-(6).

<sup>662</sup> *Id.* § 50(b)-(c).

<sup>663</sup> *Id.* § 48(a).

<sup>664</sup> *Id.* § 48(b).

<sup>665</sup> *Id.* § 48(b)(1)-(5).

One news report indicates that a deceased offender's name will also be removed from the registry.<sup>666</sup> Additional requirements might be found in the Regulation for the Registry of Sex Offenders.

The exact durational requirements for the child sex offenders registry appear to be found in the Regulation on the Special Measures for Perpetrators of Child Sex Abuse Offenders. The registry website states "[t]he information of an offender will remain in the database as it was mentioned in the regulation for another 10 years even though he or she has been [sic] recently completed his sentence."<sup>667</sup>

**Access to Registry:** The sex offender registry does not appear to be available to the public, and the "information would be released if requested for official use by the government."<sup>668</sup> Section 47(c) of the Sexual Offences Act stipulates that:

The Sex Offender's Registry shall not be published publicly. Notwithstanding the foregoing, this Section does not bar from having a policy to share information in the registry within the purview of subsection (b) of this Section, with a third party.<sup>669</sup>

Section 57 of the Child Sex Abuse Act stipulates that information from the child sex offender registry should be accessible to the public through an online website:

[F]or the safety and protection of other citizens from offenders, and to eliminate possibilities for repetition of such offences, complete information about the offenders should be published in an internet website providing easy access to the information, and a mechanism should be established to identify offenders by their national identification numbers via short message service (s.m.s).<sup>670</sup>

**Notice of Travel:** Yes. Section 50(a)(2) of the Maldives Sexual Offences Act requires a person listed in the sex offender registry to notify the FPA "before travelling, if he is travelling abroad."<sup>671</sup>

We were unable to locate information about travel notification requirements for the child sex offender registry.

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<sup>666</sup> Shahudha Mohamed.

<sup>667</sup> *About Us*.

<sup>668</sup> Shahudha Mohamed.

<sup>669</sup> Sexual Offences Act (No. 17/2014), art. 47(c); § 47(b) states "The principles to be followed when including the information required under subsection (d) of this Section in the Sex Offenders' Registry, and amending the information in the registry, shall be stated in a regulation to be made by the Minister pursuant to this Section."

<sup>670</sup> Child Sex Abuse Act, § 57.

<sup>671</sup> Sexual Offences Act (No. 17/2014), § 50(a)(2).

**Additional Notes:** One news report from 2020 indicates that the child sex offender registry is not updated regularly, and a report by Minister of Gender, Family, and Social Services Ibrahim Mohamed stated, “[T]he website was not updated due to lack of updates from relevant institutions.”<sup>672</sup>

**Registry Available at:** <http://www.offenders.mv/>

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<sup>672</sup> Mariyam Malsa, *Child Sex Offenders Registry Not Up to Date*, Edition (Jan. 19, 2020), <https://edition.mv/news/14523>.

## 4.6. Western Hemisphere

### 4.6.1. Argentina

**Applicable Law:** Law No. 26.879 of July 23, 2013.<sup>673</sup>

**Offenses Requiring Registration:** A conviction of crimes against sexual integrity provided for in Book Two, Title III, Chapter II of the Penal Code will require an offender to register; specifically:

- Anyone who sexually abuses a person under thirteen (13) years old or when there is violence, threat, coercive or intimidating abuse of a relationship of dependency, authority, or power, or taking advantage of the fact that the victim for whatever reason has not been able to freely consent to the action, shall be punished with seclusion or prison from six (6) months to four (4) years;<sup>674</sup>
- The penalty will be from four (4) to ten (10) years of seclusion or prison when the abuse, due to its duration or circumstances of its performance, is characterized by a seriously outrageous sexual submission on the part of the victim;<sup>675</sup>
- The penalty will be from six (6) to fifteen (15) years of seclusion or prison when, under the circumstances of the first paragraph, there is carnal access by the anal, vaginal or oral route or the imposition of other similar acts introducing objects or parts of the body by any of the first two ways;<sup>676</sup>
- Accessory to a crime against sexual integrity committed against dependent.<sup>677</sup>

**Data Stored in Registry:** Argentina requires the following information to be stored on sex offenders:

- Names and surnames as well as nicknames or pseudonyms;
- Updated photograph;
- Date and place of birth;
- Nationality;
- Number of identity document and issuing authority;
- Current address;
- Genetic data.<sup>678</sup>

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<sup>673</sup> Law No. 26.879, July 23, 2013, InfoLeg (Argentina), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/215000-219999/217689/norma.htm>.

<sup>674</sup> Cód Penal [Penal Code], Libro [Book] 2, Titulo [Title] III, Capitulo [Chapter] II, Artículo [Article] 119, InfoLeg (Argentina), <http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16546/texact.htm#17>.

<sup>675</sup> *Id.*

<sup>676</sup> Cód Penal [Penal Code], Libro [Book] 2, Titulo [Title] III, Capitulo [Chapter] II, Artículo [Article] 119 (Argentina).

<sup>677</sup> *Id.*

<sup>678</sup> Law No. 26.879 (Argentina).

**Registrant Requirements:**

- Upon conviction for a sex offense, offenders must provide a DNA sample for inclusion in the National Genetic Data Registry;<sup>679</sup>
- Incarcerated registrants must participate in the Federal Prison System's sex offender treatment program during their incarceration. It is unclear whether participation in sex offender treatment is required post-release or for registrants receiving probationary sentences, or whether such public treatment services are made available to offenders outside of the penitentiary system.<sup>680</sup>
- For a period of 10 years after their conviction and post-incarceration release (if applicable), registrants must notify police of any change of address.<sup>681</sup>

**Duration of Registration:** In Argentina, offenders are required to register for 100 years, unless otherwise determined by judicial order.<sup>682</sup>

**Access to Registry:** Restricted. Access is available to law enforcement and judicial authorities only.<sup>683</sup>

**Notice of Travel:** Requirements for notice to travel in Argentina do not appear to be referenced in the statute.

**Additional Notes:** Argentina passed its national sex offender registration law in 2013, however, the national government did not decree the implementing regulation until July 2017, when the registry entered into force.<sup>684</sup> Argentina's Congress passed the 2013 law (Law No. 26.879) in response to the high-profile murder of 16-year-old Angeles Rawson by a known sex offender.<sup>685</sup> The administration of President Mauricio Macri decreed the regulation implementing the national sex offender registry in July 2017, following another high-profile murder of a young woman, Micaela Garcia, by a paroled sex offender. The registry law and its implementing regulation creates the National Registry of Genetic Data (Registro Nacional de Datos Genéticos—RNDG). Access to the RNDG is restricted to judicial and law enforcement agencies. In addition to storing the standard identifying information on convicted sex offenders, the RNDG also stores the offenders'

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<sup>679</sup> *Id.*

<sup>680</sup> Argentina, Federal Penitentiary Service, "Programa de Tratamiento para Ofensores Sexuales" [Sex Offender Treatment Program], Boletín Público Normativo [Normative Public Bulletin] N° 576, undated, [https://www.argentina.gob.ar/sites/default/files/1\\_-\\_programa\\_de\\_tratamiento\\_para\\_ofensores\\_sexuales.pdf](https://www.argentina.gob.ar/sites/default/files/1_-_programa_de_tratamiento_para_ofensores_sexuales.pdf).

<sup>681</sup> Law No. 26.879 (Argentina).

<sup>682</sup> *Id.*

<sup>683</sup> *Id.*

<sup>684</sup> Mar Centenera, "Argentina pone a los violadores en una lista negra" [Argentina places rapists on blacklist] *El País* [Buenos Aires], April 27, 2017, [https://elpais.com/internacional/2017/04/25/argentina/1493145942\\_530423.html](https://elpais.com/internacional/2017/04/25/argentina/1493145942_530423.html).

<sup>685</sup> Francisco Peregil, "El asesinato de una adolescente resucita el debate de la inseguridad en Argentina" [The murder of an adolescent revives the debate over insecurity in Argentina], *El País* [Buenos Aires], June 13, 2013, [https://elpais.com/internacional/2013/06/12/actualidad/1371066892\\_000593.html](https://elpais.com/internacional/2013/06/12/actualidad/1371066892_000593.html).

genetic profiles using 20 genetic markers.<sup>686</sup> According to the Ministry of Justice, the Ministry of Science and Technology has certified six laboratories nationwide to process genetic samples for inclusion in the registry. Offenders' data remains on the registry for a default period of 100 years, or as determined by judicial order.<sup>687</sup>

#### 4.6.2. Bahamas

##### Applicable Laws:

- Sexual Offences (Amendment) Act No 7. of 2014, (Bahamas).<sup>688</sup>
- Trafficking in Persons (Prevention and Suppression) Act, 2008.<sup>689</sup>
- Registration of Sex Offenders Regulations, 2019.<sup>690</sup>

**Offenses Requiring Registration:** In the Bahamas, the Sexual Offences (Amendment) Act No. 7 of 2014 mandates that offenders convicted of "specified offence[s]" must be registered within the Sex Offender Registry, unless a court indicates that the person be "exempt from any or all of the registration and reporting requirements."

A convicted individual may be exempt from the Registry if:

- "The conviction of the offender being a first time conviction for a specified offence;
- "The offender being a child;
- "The sentence imposed for the offence being of minimal severity...;
- "The court being satisfied that the effect of the imposition of such requirements on the offender, including how his privacy or liberty, would be grossly disproportionate to the public interest to be achieved by registering the offender as a sex offender."

The Sexual Offences (Amendment) Act No. 7, "Schedule" includes the following offenses:

- "Rape;
- "Procuration;
- "Sexual intercourse with a person under fourteen years;

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<sup>686</sup> Argentina, Ministry of Justice, "Registro Nacional de Datos Genéticos Vinculados a Delitos contra la Integridad Sexual" [National Registry of Genetic Data Linked to Crimes Against Sexual Integrity], undated, <https://www.argentina.gob.ar/justicia/registro-nacional-datos-geneticos-delitos-contra-integridad-sexual>.

<sup>687</sup> Argentina, Ministry of Justice, "Registro Nacional de Datos Genéticos Vinculados a Delitos contra la Integridad Sexual" [National Registry of Genetic Data Linked to Crimes Against Sexual Integrity].

<sup>688</sup> Sexual Offences (Amendment) Act No. 7, 2014 (Bahamas), <http://laws.bahamas.gov.bs/cms/images/LEGISLATION/AMENDING/2014/2014-0007/SexualOffencesAmendmentAct2014.pdf>.

<sup>689</sup> Trafficking in Persons (Prevention and Suppression) Act, 2008 (Bahamas), Official Gazette of the Bahamas, *International Labour Organization*, accessed July 6 2021, Chapter 106.

<sup>690</sup> Registration of Sex Offenders Regulations, 2019, Government of the Bahamas, accessed July 6 2021, <https://www.bahamas.gov.bs/wps/wcm/connect/2de581d6-fb2c-4cd9-ad95-f40e7530783a/Registration+of+Sex+Offenders+Regulations%2C+2019.pdf?MOD=AJPERES>.

- "Sexual intercourse with a person between fourteen and sixteen years;
- "Sexual intercourse with a person suffering from a mental disorder;
- "Incest;
- "Sexual intercourse with a dependent;
- "Sexual assault by spouse;
- "Indecent assault;
- "Defilement of young person on premises;
- "Forcible taking or detaining of person with intent;
- "Unlawful detention with intent to have sexual intercourse;
- "Abduction of unmarried person under sixteen;
- "Abduction of unmarried person between sixteen and eighteen;
- "Child pornography."<sup>691</sup>
- Voyeurism;
- Sexual harassment.<sup>692</sup>

**Data Stored in Registry:**

- Name;
- Primary (and secondary address where applicable);
- Any address where offender intends to stay overnight other than main address, and dates of departure and return from main address;
- The particulars of every conviction.<sup>693</sup>

**Registrant Requirements:**

- The Bahamas Sexual Offences (Amendment) Act No. 7, 2014, (Amendment) Act No. 7, 2014 requires that offenders "...report in person to the Sex Offender Registry Registration Centre that serves the area in which he resides, and an entry of the report shall be made in the Sex Offender Register."
- Furthermore, "[e]very sex offender shall, after first reporting to the Sex Offender Registry Registration Centre, ...subsequently report, in the prescribed manner, to the Registration Centre that serves the area in which he resides, within seven days after he has changed his main residence or any secondary residence, within seven days after he has changed his name, or at any time between eleven months and one year after he has last reported to a registration center."
- Section 26H, Notice about absence.
  - Every sex offender shall notify a person who collects information at the Sex Offender Registry Registration Centre that serves the area in which the sex offender resides of:

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<sup>691</sup> Sexual Offences (Amendment) Act No. 7 (2014), Schedule Part A (Bahamas).

<sup>692</sup> *Id.* Schedule Part B (Bahamas).

<sup>693</sup> *Id.* §26B (Bahamas).

- Every address or location at which he stays or intends to stay, and of his actual or estimated dates of departure from and return to his main residence or a secondary residence, not later than seven days after departure, if he is in The Bahamas but is absent from his main residence and every other residence for a period of at least seven consecutive days;
- His actual or estimated date of departure from his main residence and any secondary residence, not later than seven days after departure if he is outside The Bahamas for a period of at least seven consecutive days;
- His actual return to his main residence or any secondary residence after a departure referred to in paragraph (a) or (b), not later than seven days after he returns, unless he is required to report under section 26G within that period.

The Sexual Offences (Amendment) Act imposes the following penalties for noncompliance with registrant reporting requirements:

- Section 26I. Reporting offenses: A sex offender who contravenes the reporting or notification requirements of this Part commits an offense and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.<sup>694</sup>

**Duration of Registration:** 10–20 years.<sup>695</sup>

**Access to Registry:** Restricted.

- “The Minister responsible for national security shall have regard to the need to protect the general public or any particular individual and may make regulations governing the disclosure of information in relation to sex offenders who are considered to present a risk of significant harm to the health or safety of the public or any particular individual. The regulations may provide for:
  - “The procedure to be followed prior to any notification to the general public;
  - “The procedure to be followed prior to any notification to a specific individual; and
  - “The identification information that may be included in a notification regarding a sex offender.
  - “The Minister responsible for national security shall consult with the Superintendent of Prisons before determining to give any notification in relation to a particular sex offender in accordance with regulations.”<sup>696</sup>

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<sup>694</sup> *Id.* at §§26F-26H (Bahamas).

<sup>695</sup> *Id.* at §26A (Bahamas).

<sup>696</sup> *Id.* at §26J (Bahamas).

**Notice of Travel:** The Sexual Offences (Amendment) Act No. 7, 2014, Section 26F, part 2, imposes the following international travel requirement:

- “No sex offender shall leave The Bahamas before first reporting to the Registry of his intention to leave The Bahamas.”<sup>697</sup>

**Additional Notes:** Sexual Offences (Amendment) Act, 2014 (No. 7 of 2014) establishes both a Sexual Offender Register and Sexual Offender Registry. The Register contains mandatory reporting information required of every registered sex offender, while the Registry is a database of sex offender information compiled by the government of the Bahamas, available to law enforcement agencies only.<sup>698</sup> The Registry is managed by the Superintendent of Prisons.<sup>699</sup>

### 4.6.3. Belize

**Applicable Laws:** Criminal Code (Amendment) (No. 2) Act, 2014.<sup>700</sup>

**Offenses Requiring Registration:** In Belize, the Criminal Code (Amendment) (No.2) Act, 2014, stipulates that offenders convicted of the following crimes must have their information documented:

- Rape;
- Attempted rape;
- Marital rape;
- Carnal knowledge;
- Forcible abduction;
- Incest;
- Indecent assault;
- Unnatural offense.<sup>701</sup>

**Data Stored in Registry:** The Belize Criminal Code (Amendment) (No.2) Act, 2014 stipulates that information to be collected include:

- Offender name and any aliases;
- Address and any subsequent change of address;
- Date of birth;
- Occupation and place of work;

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<sup>697</sup> *Id.* at §26F (Bahamas).

<sup>698</sup> *Id.* at §26A (Bahamas).

<sup>699</sup> *Id.* at §26 cl. 2 (Bahamas).

<sup>700</sup> Criminal Code (Amendment) (No. 2) Act, 2014 (Belize), [https://bco.gov.bz/wp-content/uploads/download-manager-files/12%20of%202014%20Criminal%20Code%20\(Amendment\)%20\(No.2\)%20Act,%202014.pdf](https://bco.gov.bz/wp-content/uploads/download-manager-files/12%20of%202014%20Criminal%20Code%20(Amendment)%20(No.2)%20Act,%202014.pdf).

<sup>701</sup> Criminal Code (Belize) Ch. 101, § 65(2), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68422/66703/F1776464508/BLZ68422.pdf>; Criminal Code (Amendment) (No. 2) Act, 2014 (Bel.), §19, 65A.

- Criminal convictions and corresponding sentences.<sup>702</sup>

**Registrant Requirements:** Sex offenders are subject to the following notification requirements under section 19 of the Criminal Code (Amendment) (No. 2) Act, 2014, amending sections 65A, 65B and 65C of the Belize Criminal Code:

- Must notify police of any change of home address;
- Must provide police with the address of their place of work and notify police of any changes to their place of work;
- Must notify police of any criminal convictions and corresponding sentences.<sup>703</sup>

The Criminal Code (Amendment) (No. 2) Act, 2014, section 18, also imposes a treatment requirement for convicted sex offenders:

- Offenders may be ordered to receive “counseling, medical or psychiatric treatment, as the court may consider appropriate having regards to the facts of the case.”<sup>704</sup>

**Duration of Registration:** Registrants in Belize are subject to requirements for 10 years (this can be extended by the Ministry of Home Affairs or the Commissioner of Police).<sup>705</sup>

**Access to Registry:** Restricted. Law enforcement and representatives of educational and childcare institutions (school principals, school managers, childcare facilities, and other entities responsible for the care and education of children), with pre-approval from the Ministry of Home Affairs, may gain access to information in the sex offender register.<sup>706</sup>

**Notice of Travel:** Notice of travel does not appear to be addressed in the Belize statute.

**Additional Notes:** In 2014, the Belize National Assembly passed amendments to the Criminal Code (Chapter 101 of the Laws of Belize), paving the way for the establishment of the Belize Sex Offenders Registry under sections 65A–C of the Code. The National Sex Offenders Registry is the primary source of information on persons convicted of sex offenses in Belize. The registry stores data on the identity and location of sex offenders, as well as the nature of their convictions. The registry aims to promote awareness to key agencies and ministries on the potential threat that sex offenders pose to the wider community. It also serves as an employment verification tool for organizations that work with children, which are granted access to registrant names.<sup>707</sup>

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<sup>702</sup> Criminal Code (Amendment) (No. 2) Act, 2014 (Belize) § 19 “Insertion of sections 65A, 65B and 65C,” 227–228.

<sup>703</sup> *Id.* and § 18, “Amendment of section 65,” 226.

<sup>704</sup> Criminal Code (Amendment) (No. 2) Act, 2014 (Belize) § 19 “Insertion of sections 65A, 65B and 65C,” 227–228.

<sup>705</sup> *Id.*

<sup>706</sup> *Id.* at 229.

<sup>707</sup> *Id.* and “Belize Sex Offender Registry Launched,” *San Pedro Sun* (Belize), November 22, 2018, <https://www.sanpedrosun.com/community-and-society/2018/11/22/belize-sex-offender-registry-launched/>.

- The Belize Sex Offenders Registry was developed with assistance from the Evidence-based Information Management on Citizen Security in Central America (InfoSegura) project. The project, funded jointly by the U.S. Agency for International Development (USAID) and the United Nations Development Programme (UNDP), aims to improve the quality of information on citizen security that is being managed in Central America and the Dominican Republic. In 2015, the InfoSegura project was expanded to include Belize. It has been providing support to the Belize Crime Observatory (BCO), an office within the Ministry of Home Affairs & New Growth Initiatives, which manages and hosts the registry.<sup>708</sup>

**Registry Available at:** <http://offenders.nsc.gov.bz/index.php>

#### 4.6.4. *Bermuda (British Overseas Territory)*

**Applicable Law:**

- Criminal Code (Sex Offender Management) Amendment Act, 2018;<sup>709</sup>
- Criminal Code Act, 1907.<sup>710</sup>

**Offenses Requiring Registration:** The Bermuda Criminal Code (Sex Offender Management) Amendment Act, 2018 stipulates that individuals convicted and sentenced to a term of imprisonment for the following offenses must register:<sup>711</sup>

- Carnal knowledge of a girl under 14;
- Carnal knowledge of a girl between 14 and 16;
- Sexual exploitation of a young person;
- Sexual exploitation of a young person in a position of trust;
- Incest;
- Indecent acts in public or with intent to offend;
- Indecent act involving children;
- Sexual assault;
- Sexual assault by a person with AIDS, etc.;
- Serious sexual assault;
- Aggravated sexual assault;
- Showing child abusive material, child pornography, or offensive material to a child;

<sup>708</sup> Belize Crime Observatory, "About the Sex Offenders Registry," <https://bco.gov.bz/sex-offenders-registry/>.

<sup>709</sup> Criminal Code (Sex Offender Management) Amendment Act, 2018 (Bermuda), accessed August 30, 2021, [http://www.bermulalaws.bm/laws/Annual%20Laws/2018/Acts/Criminal%20Code%20\(Sex%20Offender%20Management\)%20Amendment%20Act%202018.pdf](http://www.bermulalaws.bm/laws/Annual%20Laws/2018/Acts/Criminal%20Code%20(Sex%20Offender%20Management)%20Amendment%20Act%202018.pdf).

<sup>710</sup> Criminal Code Act, 1907 (Bermuda), accessed August 30, 2021, <http://www.bermulalaws.bm/laws/Consolidated%20Laws/Criminal%20Code%20Act%201907.pdf>.

<sup>711</sup> Criminal Code (Sex Offender Management) Amendment Act, 2018 (Bermuda), Section 6, 329FA, Subsection 1.

- Luring of a child;
- Luring of a young person by person in a position of trust;
- Making, distributing, etc. of child abusive material or child pornography;
- Possession of child abusive material of child pornography;
- Unlawful anal intercourse;
- Procuring children to participate in pornographic performances;
- Attendance at pornographic performance involving a child;
- Intercourse with a person with a severe mental impairment;
- Obtaining prostitution from person who is not an adult.<sup>712</sup>

Additionally, individuals “convicted of overseas sexual offenses and sentenced to a term of imprisonment, where the offender is or becomes resident in Bermuda,” must also register.<sup>713</sup>

**Data Stored in Registry:** In Bermuda, a person subject to be registered in the sex offender register must give the following information:

- “His name, and, where he uses one or more other names, each of those names;
- “And his home address;<sup>714</sup>
- “Photographs of all such convicted sex offenders;
- “Home addresses of all such convicted sex offenders;
- “Any information that is reasonably necessary to be included in the sex offender register; and
- “Any information that is reasonably necessary to give effect to the protocol established under section 329H,<sup>715</sup> stipulated to be the following:
  - “The Minister, having regard to the need to protect the public, an affected group of people, or an individual; and the objective of effective management of sex offenders...shall establish a protocol governing the disclosure of information in relation to sex offenders who are considered to present a risk of significant harm to the health or safety of the public, an affected group of people, or an individual.”<sup>716</sup>

**Registrant Requirements:** In Bermuda, “[a] person whose name is listed in the sex offender register shall during the period of registration,

- “Report to the offender risk management team as required by the case plan;
- “Submit to such assessments as may be determined by the offender risk management team;

<sup>712</sup> Criminal Code Act, 1907 (Bermuda).

<sup>713</sup> Criminal Code (Sex Offender Management) Amendment Act, 2018 (Bermuda), Section 6, 329FA, Subsection 1.

<sup>714</sup> *Id.* at Section 329G, Subsection 3.

<sup>715</sup> Criminal Code (Sex Offender Management) Amendment Act, 2018 (Bermuda), Section 6, 329FA, Subsection 1.

<sup>716</sup> Criminal Code Act, 1907 (Bermuda), Part XVIII, Section 329H.

- “Notify the offender risk management team in writing in advance of any intended change of address;
- “Notify the offender risk management team before any change of employment or occupation;
- “Notify the offender risk management team in advance of any plans to travel overseas, and shall not leave Bermuda without the written permission of the team; and
- “Comply with such other conditions as may be imposed by the offender risk management team for the purposes of facilitating the successful reintegration of the person into the community.”<sup>717</sup>

**Duration of Registration:** In Bermuda, “[a] person whose name is entered in the sex offender register shall be subject to a period of registration of ten years or more, as may be determined by the offender risk management team, following guidance issued by the Minister in a code of practice.”<sup>718</sup>

**Access to Registry:** Restricted. The Bermuda Criminal Code (Sex Offender Management) Amendment Act, 2018 states that information in the Bermuda sex offender registry may only be disclosed in accordance with the following protocol:

- “Public notification of information on sex offenders:
  - “The protocol shall provide for the following notification options—
    - “No notification;
    - “Notification of a specified group of persons;
    - “Notification of a specified individual;
    - “Notification to the public.
  - “Notification may include such identifying information (including a photograph of the sex offender) as the Minister may determine.”<sup>719</sup>

**Notice of Travel:** Yes. “A person whose name is listed in the sex offender register shall during the period of registration—notify the offender risk management team in advance of any plans to travel overseas, and shall not leave Bermuda without the written permission of the team.”<sup>720</sup>

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<sup>717</sup> Criminal Code (Sex Offender Management) Amendment Act, 2018 (Bermuda), Section 6, 329FA, Subsection 6.

<sup>718</sup> *Id.* at Subsection 4.

<sup>719</sup> Criminal Code Act, 1907 (Bermuda), Part XVIII, Section 329H, Subsections 2–3.

<sup>720</sup> Criminal Code (Sex Offender Management) Amendment Act, 2018 (Bermuda), Section 6, 329FA, Subsection 6.

## 4.6.5. Canada

### Applicable Laws:

- Sex Offender Information Registration Act, S.C. 2004, c. 10 (Can.), assented to April 1, 2004.<sup>721</sup>
- Criminal Code, R.S.C. 1985, c. C-46, Part XV, Sec. 490.011, Sex Offender Information (Can.), last amended May 6, 2021.<sup>722</sup>
- Provincial regulations: These regulations contain information about relevant authorized persons and places in their respective provinces.
  - Alberta Sex Offender Information Registration Regulations (SOR/2004-239), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-239.pdf>
  - British Columbia Sex Offender Information Registration Regulations (SOR/2005-2), <https://laws-lois.justice.gc.ca/PDF/SOR-2005-2.pdf>
  - Manitoba Sex Offender Information Registration Regulations (SOR/2004-310), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-310.pdf>
  - New Brunswick Sex Offender Information Registration Regulations (SOR/2005-16), <https://laws-lois.justice.gc.ca/PDF/SOR-2005-16.pdf>
  - Newfoundland and Labrador Sex Offender Information Registration Regulations (SOR/2004-332), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-322.pdf>
  - Northwest Territories Sex Offender Information Registration Regulations (SOR/2005-1), <https://laws-lois.justice.gc.ca/PDF/SOR-2005-1.pdf>
  - Nova Scotia Sex Offender Information Registration Regulations (SOR/2004-305), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-305.pdf>
  - Nunavut Sex Offender Information Registration Regulations (SOR/2004-321), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-321.pdf>
  - Ontario Sex Offender Information Registration Regulations (SOR/2004-306), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-306.pdf>
  - Prince Edward Island Sex Offender Information Registration Regulations (SOR/2004-307), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-307.pdf>
  - Quebec Sex Offender Information Registration Regulations (SOR/2005-6), <https://laws-lois.justice.gc.ca/PDF/SOR-2005-6.pdf>
  - Saskatchewan Sex Offender Information Registration Regulations (SOR/2004-304), <https://laws-lois.justice.gc.ca/PDF/SOR-2004-304.pdf>

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<sup>721</sup> Sex Offender Information Registration Act, S.C. 2004, c. 10 (Can.), assented to April 1, 2004, accessed July 2, 2021, <https://laws-lois.justice.gc.ca/eng/acts/S-8.7/FullText.html>.

<sup>722</sup> Criminal Code, R.S.C. 1985, c. C-46, Part XV, Sec. 490.011, Sex Offender Information (Can.), last amended May 6, 2021, accessed July 2, 2021, <https://laws-lois.justice.gc.ca/eng/acts/C-46/page-121.html#h-125497>.

- Yukon Sex Offender Information Registration Regulations (SOR/2005-43), <https://laws-lois.justice.gc.ca/PDF/SOR-2005-43.pdf>

**Offenses Requiring Registration:** In Canada, “[t]he Attorney General of a province or minister of justice of a territory may serve a person with a notice only if the person was convicted of, or found not criminally responsible on account of mental disorder for” a designated offense as described in section 490.011 of the Criminal Code.<sup>723</sup>

The Criminal Code lists the following as “designated offenses”:

- “Offense in relation to sexual offences against children;
- “Sexual interference;
- “Invitation to sexual touching;
- “Sexual exploitation;
- “Sexual exploitation of person with disability;
- “Incest;
- “Bestiality;
- “Compelling the commission of bestiality;
- “Bestiality in presence of or by a child;
- “Child pornography;
- “Parent or guardian procuring sexual activity;
- “Making sexually explicit material available to child;
- “Luring a child;
- “Agreement or arrangement – sexual offense against child;
- “Exposure;
- “Sexual assault;
- “Sexual assault with a weapon, threats to a third party or causing bodily harm;
- “Aggravated sexual assault – use of a restricted firearm or prohibited firearm or any firearm in connection with criminal organization;
- “Aggravated sexual assault—use of a firearm;
- “Aggravated sexual assault;
- “Removal of a child from Canada;
- “Trafficking – person under 18 years;
- “Material benefit- trafficking of person under 18 years;
- “Obtaining sexual services for consideration from person under 18 years;
- “Material benefit from sexual services provided by person under 18 years;
- “Procuring – person under 18 years;
- “Voyeurism;

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<sup>723</sup> Criminal Code (R.S.C., 1985, c. C-46), Part XV, Sec. 490.011 (Can.).

- "Indecent acts;
- "Murder;
- "Manslaughter;
- "Overcoming resistance to commission of offense;
- "Criminal harassment;
- "Kidnapping;
- "Trafficking in persons;
- "Material benefit – trafficking;
- "Withholding or destroying documents – trafficking;
- "Abduction of a person under age sixteen;
- "Abduction of a person under age fourteen;
- "Obtaining sexual services for consideration;
- "Material benefit from sexual services;
- "Breaking and entering a dwelling house with intent to commit an indictable offense;
- "Breaking and entering a dwelling house and committing an indictable offense;
- "Breaking and entering a place other than a dwelling house and committing an indictable offense;
- "Rape;
- "Attempt to commit rape;
- "Indecent assault on female;
- "Indecent assault on male;
- "Assault with intent;
- "Sexual intercourse with female under age fourteen;
- "Sexual intercourse with a female between ages of fourteen and sixteen;
- "Sexual intercourse with step-daughter;
- "Gross indecency;
- "Parent or guardian procuring defilement;
- "Householder permitting defilement;
- "Stupefying or overpowering for the purpose of sexual intercourse;
- "Living on the avails of prostitution of person under 18 years;
- "Aggravated offense in relation to living on the avails of prostitution of person under 18 years;
- "Prostitution of person under 18 years;"
- An attempt or conspiracy to commit the following:
  - Voyeurism;
  - Indecent acts;
  - Murder;
  - Manslaughter;

- Overcoming resistance to commission of offense;
- Criminal harassment;
- Kidnapping;
- Trafficking in persons;
- Material benefit – trafficking;
- Withholding or destroying documents – trafficking;
- Abduction of a person under age sixteen;
- Abduction of a person under age fourteen;
- Obtaining sexual services for consideration;
- Material benefit from sexual services;
- Procuring;
- Breaking and entering a dwelling house with intent to commit an indictable offense;
- Breaking and entering a dwelling house and committing an indictable offense;
- Breaking and entering a place other than a dwelling house and committing an indictable offense.<sup>724</sup>

**Data Stored in Registry:**

- Offender legal name and any aliases;
- Gender, date of birth and physical description;
- Address of main and secondary residences;
- If an offender does not have an address, “the location of that place;”
- Telephone numbers;
- Address (or in the absence of an address, the location] of educational institution;
- Name and address of employment or volunteer organizations;
- If there is no employment or volunteer organizational address, “the location of that place,” along with the name of their employer “or the person who engages them on a volunteer basis, or retains them, and the type of work that [the offender does] there.”
- Offense information;
- Current photograph;
- Identifying marks (e.g., tattoos, scars);
- Vehicle information (owned and used regularly);
- Type of employment and address;
- Driver's license information;
- Passport information.<sup>725</sup>

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<sup>724</sup> Criminal Code (R.S.C., 1985, c. C-46), Part XV, Sec. 490.011 (Can.).

<sup>725</sup> Sex Offender Information Registration Act, S.C. 2004, c.10 §5(1) (Can.); “Sex Offender Management: The National Sex Offender Registry,” Royal Canadian Mounted Police, last modified March 2, 2020, <https://www.rcmp-grc.gc.ca/en/sex-offender-management>.

**Registrant Requirements:** In Canada, registrants must report to their local registration center to record the following information (and must report any changes within seven days):

- Main residential address and secondary address;
- Telephone number at which they may be reached;
- Height and weight and a description of every physical distinguishing mark that they have;
- Current legal name, surname and any aliases used;
- Current employer information, including name, occupation and address;
- Address of every educational institution at which they are enrolled;
- The license plate number, make, model, body type, year of manufacture and color of the motor vehicles that are registered in their name or that they use regularly;
- Their status as an officer or a non-commissioned member of the Canadian Forces;
- License number and the name of the issuing jurisdiction of every driver's license that they hold;
- Passport number and the name of the issuing jurisdiction of every passport that they hold.
- If traveling for a period of seven or more consecutive days, dates of their departure and return and of every address or location at which they expect to stay in Canada or outside of Canada;<sup>726</sup>
- Sex offenders must report to their designated center between 11 months and one year after they have last reported to a registration centre.<sup>727</sup>

**Duration of Registration:** In Canada, duration of registration requirements vary according to severity of the offense, ranging from 10 years to a lifetime order. Registered sex offenders may apply to the courts for a termination order:

- 5 years after a 10-year order was issued;
- 10 years after a 20-year order was issued;
- 20 years after a lifetime order was issued.<sup>728</sup>

**Access to Registry:** Restricted. In Canada, access to information on a national basis is restricted. Specifically, the Sex Offender Information Registration Act, S.C. 2004 stipulates that it will be carried out with the following principles:

- "[T]he privacy interests of sex offenders and the public interest in their rehabilitation and reintegration into the community as law-abiding citizens require that...the information be collected only to enable police services to prevent or investigate crimes of a sexual nature, and...access to the information, and use and disclosure of it, be restricted."<sup>729</sup>

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<sup>726</sup> Sex Offender Information Registration Act, S.C. 2004, c. 10 §5(1) (Can.).

<sup>727</sup> Sex Offender Information Registration Act, S.C. 2004, c. 10 (Can.).

<sup>728</sup> "The National Sex Offender Registry."

<sup>729</sup> Sex Offender Information Registration Act, S.C. 2004, c. 10 §2 (Can.).

**Notice of Travel:** Yes. Registrants are required to notify their local registration office if they will be traveling outside of Canada for a period of seven or more consecutive days. Registrants also are required to provide their registration office with updated passport information.<sup>730</sup>

**Additional Notes:** Canada's National Sex Offender Registry, in place since 2004, is administered by the Royal Canadian Mounted Police.<sup>731</sup>

**Registry Available at:**

- Calgary: <https://www.alberta.ca/high-risk-offenders-calgary.aspx>
- Edmonton: <https://www.alberta.ca/high-risk-offenders-calgary.aspx>
- Manitoba: <https://www.gov.mb.ca/justice/commsafe/notification/index.html>
- "Other areas": <https://www.alberta.ca/high-risk-offenders-other-areas.aspx>

#### 4.6.6. Chile

**Applicable Laws:** Law 20.594 (2012), Law 21.103 (2017).<sup>732</sup>

**Offenses Requiring Registration:** In Chile, sex offenses against minors younger than 18 years of age and violent offenses against minors younger than 14 years of age subject an offender to registration. Specific sex offenses against minors requiring registration are rape of a minor and violent robbery of a minor victim younger than 14 years involving rape.<sup>733</sup>

**Data Stored in Registry:** Data stored by Chilean officials does not appear specified in materials located during research.

**Duration of Registration:** The duration of offender registration in Chile is lifetime.<sup>734</sup>

**Registrant Requirements:** In Chile, persons convicted of a sex offense against a minor must relinquish their employment in any occupation involving minors, or in any type of educational environment (if applicable) and remain ineligible for such employment for life.<sup>735</sup>

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<sup>730</sup> Sex Offender Information Registration Act, S.C. 2004, c. 10 § 5(1) (Can.).

<sup>731</sup> Sex Offender Information Registration Act, S.C. 2004, c. 10 (Can.).

<sup>732</sup> Law No. 20.594 (Chile), June 13, 2012, Biblioteca del Congreso Nacional [Library of the National Congress], <https://www.bcn.cl/leychile/navegar?idNorma=1041136&buscar=Ley%2B20.594>; Law No. 21.013 (Chile), May 29, 2017, Biblioteca del Congreso Nacional [Library of the National Congress], <https://www.bcn.cl/leychile/navegar?idNorma=1103697>.

<sup>733</sup> Cód. Pen. [Penal Code] (Chile) 1874 (last modified February 3, 2021), Título 7, Biblioteca del Congreso Nacional [Library of the National Congress], <https://www.bcn.cl/leychile/navegar?idNorma=1984>.

<sup>734</sup> Law No. 20.594, art. 1 (Chile).

<sup>735</sup> *Id.*

**Access to Registry:** Restricted. There appears to be limited public access to the sex offender registry in Chile. Full access is for law enforcement only.<sup>736</sup>

**Notice of Travel:** Any required notice for travel in Chile does not appear to be addressed in the statute.

**Additional Notes:** Chile passed a limited sex offender registration law in 2012. Law 20.594 requires the Ministry of Justice to enter the names of persons convicted of a sex offense against a minor into the General Registry of Convictions, under a special category titled "Disqualifications to Exercise Functions in Educational Spheres or with Minors."<sup>737</sup> A subsequent law, Law 21.013, expands the range of offenses requiring registration to include non-sexual violent offenses against minors 14 years of age or younger.<sup>738</sup> Persons registered as such are banned for life from working in any occupation that would bring them in regular contact with minors.<sup>739</sup> Registration by the Ministry of Justice is automatic upon the issuance of a judicial verdict in a relevant case.<sup>740</sup> The Ministry also administers the national registry and the registry's public online query system. Full access to the registry is restricted to law enforcement agencies, but the public may submit online queries to the registry for purposes of employment verification.<sup>741</sup> Public access to registry information is limited to an electronic "registered" or "not registered" status notification for the individual being screened. Persons convicted of sex offenses against individuals older than 14 years of age are entered into the General Registry of Convictions but receive no special designation as a sex offender.<sup>742</sup>

**Registry Available at:** <https://inhabilidades.srcei.cl/ConsInhab/consultaInhabilidad.do>

#### 4.6.7. Colombia

**Applicable Laws:** Law 1918 (2018).<sup>743</sup>

**Offenses Requiring Registration:** In Colombia, offenses listed under Title IV of the Penal Code (Law 599, 2000) when committed against a minor (person younger than 18 years), require registration:

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<sup>736</sup> Law No. 20.594, art. 2 (Chile).

<sup>737</sup> *Id.* at art. 1 (Chile).

<sup>738</sup> Law No. 21.013 (Chile), May 29, 2017, Biblioteca del Congreso Nacional, <https://www.bcn.cl/leychile/navegar?idNorma=1103697&idParte=9803586&idVersion=2017-06-06>. [Library of the National Congress].

<sup>739</sup> Law No. 20.594, art. 1 (Chile).

<sup>740</sup> *Id.* at art. 2 (Chile).

<sup>741</sup> *Id.*

<sup>742</sup> Law No. 20.594, art. 1 (Chile).

<sup>743</sup> L. 1918, July 12, 2018, Función Pública [Public Function] (Colombia), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=87420>.

- Rape of a minor;
- Sexual assault of (or carnal access to) a minor;
- Sexual acts in the presence of a minor;
- Statutory rape of a minor younger than 14 years of age;
- Inducing or compelling a minor into prostitution;
- Procuring a minor for prostitution;
- Soliciting a minor for sexual acts;
- Sex trafficking of a minor;
- Sexual harassment of a minor;
- Creation or distribution pornography involving a minor;
- Sex tourism involving a minor.<sup>744</sup>

**Data Stored in Registry:** Data stored in the registry, in Colombia, does not appear to be specified in the law.

**Duration of Registration:** The duration of registration for offenders in Colombia is lifetime.<sup>745</sup>

**Registrant Requirements:** Colombian registrants may not obtain employment in professions that would place them in contact with minors.<sup>746</sup>

**Access to Registry:** Restricted. There appears to be limited public access for employment verification purposes. Full access is reserved for law enforcement only.<sup>747</sup>

**Notice of Travel:** Notice of travel restrictions for registered offenders in Colombia does not appear to be addressed in the law.

**Additional Notes:** Colombia's sex offender registration and notification law is a limited-scope law designed to protect minors younger than 18 years old from sexual exploitation. Sex offenses against adults are not covered under the law's registration requirements. Under the terms of Law 1918 (2018), all persons convicted of a sex offense against a minor after July 12, 2018 are registered in the National Registry of Criminal Offenders, under a special "Child Sex Offender" designation. Offenses committed prior to July 12, 2018 are exempt from registration. Lifetime registration of offenders is automatic upon conviction of a sex crime against a minor. Neither the law nor its implementing presidential decree (Decree 753, 2019) specify what type of offender data is stored in the registry. Full access to registry information is restricted to law enforcement

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<sup>744</sup> C. Pen., L. 599, Título IV, Julio 24, 2000, Función Pública [Public Function] (Colombia), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=6388#219%20C>.

<sup>745</sup> L. 1918, Julio 12, 2018 Función Pública (Colombia). [Public Function].

<sup>746</sup> *Id.* at art 1.

<sup>747</sup> Decreto 753 de 2019 (Abril 30) [Decree 753 of 2019 (April 30)], Función Pública [Public Function] (Colombia), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=92430>.

agencies. Representatives of certain public institutions may query the registry solely for the purpose of screening job applicants for positions involving contact with minors. Institutions that provide healthcare services and services to children are required by law to confirm that prospective hires are not registered. Mandated organizations that fail to conduct employment verification are fined under the law.<sup>748</sup>

#### 4.6.8. *El Salvador*

**Applicable Laws:** Law No. 553, December 1, 2016.<sup>749</sup>

**Offenses Requiring Registration:** In El Salvador, all criminal offenses listed in the Penal Code, Book 2, Title IV, Chapters 1–3, require registration. Specifically:

- Rape;
- Rape of a minor or mentally disabled person;
- Other sexual assault through oral, vaginal, or anal carnal access;
- Sexual assault to a minor or mentally disabled person;
- Aggravated rape or sexual assault;
- Statutory rape;
- Statutory rape with undue influence;
- Sexual Harassment;
- Various sexual acts with a minor;
- Corruption of a minor or disabled person;
- Aggravated corruption;
- Inducing, promoting, or providing favors for sexual or erotic acts with a minor;
- Payment for sexual or erotic acts from a minor;
- Incitement of a minor to prostitution;
- Prostitution;
- Obscene exhibitionism;
- Pornography;
- Production of pornographic material involving a minor or mentally disabled person;
- Possession of pornography;
- Possession of pornographic material involving a minor or intellectually disabled person.

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<sup>748</sup> *Preguntas y Respuestas: Registro de Ofensores Sexuales* [Questions and Answers: Sex Offender Registry] (Colombia), Instituto Colombiano de Bienestar Familiar [Colombian Institute of Family Welfare], accessed August 24, 2021. [https://www.icbf.gov.co/system/files/registro\\_de\\_ofensores\\_sexuales\\_v2.pdf](https://www.icbf.gov.co/system/files/registro_de_ofensores_sexuales_v2.pdf).

<sup>749</sup> Legislative Decree No. 553 (El Salvador), December 1, 2016, Asamblea Nacional [National Assembly], [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_073721657\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073721657_archivo_documento_legislativo.pdf).

**Data Stored in Registry:** El Salvador requires the following information to be stored on registered offenders:

- A recent photograph of the offender;
- Current home and work addresses;
- Classification of the offense or offenses for which registrant was convicted;
- Sentence imposed;
- All information related to offender's rehabilitation.<sup>750</sup>

**Registrant Requirements:** There do not appear to be additional registrant requirements specified in the law.

**Duration of Registration:** The duration of registration in El Salvador is specified to be the duration of sentence plus four years.<sup>751</sup>

**Access to Registry:** Restricted. Full access appears to be reserved for law enforcement and child protection agencies only. Limited public access appears available for employment verification purposes.<sup>752</sup>

**Notice of Travel:** Not addressed in the law.

**Additional Notes:** Law No. 553 of December 1, 2016, amends the national Penal Code (Codigo Penal), Article 174-A, to provide for a public sex offender registry of persons convicted of sex crimes in El Salvador. Offenders are to be placed on the registry at the time of conviction and remain registered for the duration of their sentence plus an additional four years after sentence completion. In March 2019, the opposition ARENA party legislative delegation issued a statement criticizing the public notice provisions of the current sex offender registry law as insufficient, given that the existing law restricts public access to the database to terminals located at select government facilities. The ARENA legislators proposed that the law be amended to require that the registry be made freely available to the public on a government Internet portal. The proposal has not been enacted into law.<sup>753</sup>

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<sup>750</sup> *Id.*

<sup>751</sup> *Id.*

<sup>752</sup> *Id.*

<sup>753</sup> Grupo Parlamentario Alianza Republicana Nacionalista [Nationalist Republican Alliance Parliamentary Group] (El Salvador), March 27, 2019, <https://www.asamblea.gob.sv/sites/default/files/documents/correspondencia/004150EB-7B58-4A10-B663-3EF0689D41FF.pdf>.

### 4.6.9. Guatemala

**Applicable Laws:** Decree Law 22-2017.<sup>754</sup>

**Offenses Requiring Registration:** In Guatemala, all offenses against sexual freedom and integrity listed in Title III of the Guatemalan Penal Code results in a requirement for registration. Specifically:

- Rape;
- Sexual assault;
- Statutory rape;
- Abduction for sexual purposes;
- Exhibitionism;
- Obscene exhibitionism;
- Admitting a minor to a sexual performance;
- Distributing pornography to a minor;
- Violation of sexual privacy;
- Promotion or facilitation of prostitution;
- Solicitation of a minor;
- Creation of child pornography;
- Commercialization or distribution of child pornography;
- Possession of child pornography;
- Trafficking of a minor for sex tourism;
- Unlawful dissemination of pornographic materials;
- Accessory to a sex crime.<sup>755</sup>

**Data Stored in Registry:** Guatemala requires the registered offender to provide, for registration purposes:

- Names, surnames, pseudonyms or nicknames;
- Current photograph;
- Date and place of birth;
- Nationality;
- Unique Identification Code from the Personal Identification Document or passport in the case of foreign persons;
- Reference to the genetic information that will be taken directly from the genetic data repository;
- Address where registrant will reside;

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<sup>754</sup> Código Penal [Penal Code] (Decreto [Decree] 17-73), Título [Title] III (Guatemala), accessed August 24, 2021, [http://ww2.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnálisisDocumentaciónJudicial/cds/Cds%20compilaciones/Compilacion%20Leyes%20Penales/expedientes/01\\_CodigoPenal.pdf](http://ww2.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnálisisDocumentaciónJudicial/cds/Cds%20compilaciones/Compilacion%20Leyes%20Penales/expedientes/01_CodigoPenal.pdf).

<sup>755</sup> *Id.*

- Name of the employer with whom registrant will work, address of the workplace and position.<sup>756</sup>

**Registrant Requirements:** In Guatemala, registrants must provide a blood sample for inclusion in the national DNA bank. During the five years following their sex offense conviction, registrants must report any changes to their name, surname or aliases; their residential address, and their employer name, address and job description.<sup>757</sup>

**Duration of Registration:** The duration of registration for offenders in Guatemala is five years.<sup>758</sup>

**Access to Registry:** Full access to offender information appears reserved for law enforcement only; public queries appear limited for employment verification purposes.<sup>759</sup>

**Notice of Travel:** Yes. Decree Law 22-2017, Article 13, references Guatemala's reciprocal obligation to receive and share information on foreign and domestic sex offenders with foreign jurisdictions.<sup>760</sup>

**Additional Notes:** Article 6 of Decree Law 22-2017, which entered into force on November 28, 2017, states "The Public Ministry shall maintain a National Registry of Sexual Aggressors, to include persons who have been convicted of crimes against sexual freedom and integrity, regulated in the Penal Code and other specific norms on the matter. Hereinafter to be referred to as The Registry."<sup>761</sup> Foreigners registered as sex offenders abroad who enter Guatemala are also entered in the registry.

All employers in Guatemala are required to perform an online background check against the National Registry of Sexual Aggressors (RENAS) prior to making offers of employment.

Decree Law 22-2017 includes a community notification provision requiring that the names of convicted sex offenders be publicized by the government. According to Guatemalan media sources, as of February 2018, more than 5,000 offenders were entered in the registry.<sup>762</sup>

**Registry Available at:** [https://consultamp.mp.gob.gt/constanciaIndividual/index.html?q=.](https://consultamp.mp.gob.gt/constanciaIndividual/index.html?q=)

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<sup>756</sup> Código Penal [Penal Code] (Decreto [Decree] 22-2017, art. 6) (Guatemala), Congreso de la República de Guatemala [Congress of the Republic of Guatemala], November 28, 2017, [https://consultamp.mp.gob.gt/docs\\_download/Decreto%2022-2017.pdf](https://consultamp.mp.gob.gt/docs_download/Decreto%2022-2017.pdf).

<sup>757</sup> *Id.*

<sup>758</sup> *Id.*

<sup>759</sup> *Id.* at art. 11.

<sup>760</sup> *Id.* at art 13.

<sup>761</sup> *Id.* at art. 6.

<sup>762</sup> Evelin Vásquez, "Entra en Vigencia la Ley de Registro de Agresores Sexuales" [Sexual Aggressor Registry Law Enters into Force], *Perspectiva* [Guatemala City], February 1, 2018, <https://www.perspectiva.gt/noticias/entra-vigencia-la-ley-registro-agresores-sexuales/>.

### 4.6.10. Jamaica

#### Applicable Laws:

- Sexual Offences Act (Registration of Sex Offenders) Regulations, 2012;<sup>763</sup>
- Sexual Offences Act, 2009;<sup>764</sup>
- Offences against the Person Act, 1864;<sup>765</sup>
- Trafficking in Persons (Prevention, Suppression, and Punishment) Act, 1971;<sup>766</sup>
- Child Care and Protection Act, 2004.<sup>767</sup>

**Offenses Requiring Registration:** In Jamaica, the following offenses will result in the offender having an obligation to register:

- Rape;<sup>768</sup>
- Grievous sexual assault;<sup>769</sup>
- Marital rape;<sup>770</sup>
- Incest;<sup>771</sup>
- Sexual touching or interference with a child;<sup>772</sup>
- Sexual grooming of a child;<sup>773</sup>
- Sexual intercourse with person under sixteen;<sup>774</sup>
- Inducing or encouraging violation of a child under sixteen;<sup>775</sup>
- Indecent assault;<sup>776</sup>
- Abduction of child under sixteen;<sup>777</sup>

<sup>763</sup> Sexual Offences Act (Registration of Sex Offenders) Regulations, 2012 (Jamaica), accessed July 2, 2021, [https://www.ja.parliament.gov.jm/attachments/article/1736/Sexual%20Offences%20Act,%20Sexual%20Offences%20\(Registration%20of%20Sex%20Offenders\)%20Regulations,%202012.pdf](https://www.ja.parliament.gov.jm/attachments/article/1736/Sexual%20Offences%20Act,%20Sexual%20Offences%20(Registration%20of%20Sex%20Offenders)%20Regulations,%202012.pdf).

<sup>764</sup> Sexual Offences Act, 2009 (Jamaica), accessed July 2, 2021, [https://japarliament.gov.jm/attachments/341\\_The%20Sexual%20Offences%20Act,%202009.pdf](https://japarliament.gov.jm/attachments/341_The%20Sexual%20Offences%20Act,%202009.pdf).

<sup>765</sup> Offence against Persons Act, 1864 (Jamaica), accessed July 2, 2021, <https://moj.gov.jm/sites/default/files/laws/The%20Offences%20Against%20the%20Person%20Act.pdf>.

<sup>766</sup> Trafficking in Persons (Prevention, Suppression, and Punishment), 1971 (Jamaica), accessed July 2, 2021, [https://moj.gov.jm/sites/default/files/laws/The%20Trafficking%20in%20Persons%20%28Prevention%2C%20Suppression%20and%20Punishment%29%20Act\\_0.pdf](https://moj.gov.jm/sites/default/files/laws/The%20Trafficking%20in%20Persons%20%28Prevention%2C%20Suppression%20and%20Punishment%29%20Act_0.pdf).

<sup>767</sup> Child Care and Protection Act, 2004 (Jamaica), accessed July 2, 2021, [https://moj.gov.jm/sites/default/files/laws/Child%20Care%20and%20Protection%20Act\\_0.pdf](https://moj.gov.jm/sites/default/files/laws/Child%20Care%20and%20Protection%20Act_0.pdf).

<sup>768</sup> Sexual Offences Act, 2009, Pt. 2 § 3 (Jam.).

<sup>769</sup> *Id.* at Pt. 2 § 4 (Jamaica).

<sup>770</sup> *Id.* at Pt. 2 § 5 (Jamaica).

<sup>771</sup> *Id.* at Pt. 3 § 7 (Jamaica).

<sup>772</sup> *Id.* at Pt. 4 § 8 (Jamaica).

<sup>773</sup> *Id.* at Pt. 4 § 9 (Jamaica).

<sup>774</sup> *Id.* at Pt. 4 § 10 (Jamaica).

<sup>775</sup> *Id.* at Pt. 4 § 11 (Jamaica).

<sup>776</sup> *Id.* at Pt. 4 § 13 (Jamaica).

<sup>777</sup> *Id.* at Pt. 4 § 15 (Jamaica).

- Violation of person suffering from mental disorder or physical disability;<sup>778</sup>
- Forcible abduction;<sup>779</sup>
- Procuration;<sup>780</sup>
- Procuring violation of person by threats or fraud or administering drugs;<sup>781</sup>
- Abduction of child with intent to have sexual intercourse;<sup>782</sup>
- Unlawful detention with intent to have sexual intercourse;<sup>783</sup>
- Living on earnings from prostitution;<sup>784</sup>
- Unnatural crime;<sup>785</sup>
- Attempt;<sup>786</sup>
- Outrages on decency;<sup>787</sup>
- Trafficking in persons;<sup>788</sup>
- Sale or trafficking of children.<sup>789</sup>

**Data Stored in Registry:** In Jamaica, the following information is stored in the Register.<sup>790</sup> Information on sex offenders is divided into three Tiers, with each Tier subject to varying levels of access by individuals, specified within the Jamaica Sexual Offences Act (Registration of Sex Offenders) Regulations, 2012:

- Tier 1 information:
  - A photograph of the sex offender, taken on the date when the sex offender first reports to the Registration Centre that serves the area in which he resides;
  - The sex offender's name at the time of conviction, any known aliases and change of name as a result of marriage, dissolution of marriage or other legally recognized circumstances;
  - The addresses of the main residence and any secondary residence of the sex offender defined in section 33(2) of the Act;
  - The date of birth of the sex offender and any date that the sex offender uses as his purported date of birth;

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<sup>778</sup> *Id.* at Pt. 5 § 16 (Jamaica).

<sup>779</sup> *Id.* at Pt. 5 § 17 (Jamaica).

<sup>780</sup> *Id.* at Pt. 5 § 18 (Jamaica).

<sup>781</sup> *Id.* at Pt. 5 § 19 (Jamaica).

<sup>782</sup> *Id.* at Pt. 5 § 20 (Jamaica).

<sup>783</sup> *Id.* at Pt. 5 § 21 (Jamaica).

<sup>784</sup> *Id.* at Pt. 5 § 23 (Jamaica).

<sup>785</sup> *Id.* at §76 (Jamaica).

<sup>786</sup> *Id.* at §77 (Jamaica).

<sup>787</sup> *Id.* at §79 (Jamaica).

<sup>788</sup> Trafficking in Persons (Prevention, Suppression, and Punishment) Act, Pt. 2 § 4 (Jamaica).

<sup>789</sup> Child Care and Protection Act, 2004. § 10 (Jamaica).

<sup>790</sup> Sexual Offences Act (Registration of Sex Offenders) Regulations, 2012 §8, cl. 2 (Jamaica).

- The specified offense for which he was convicted under the Act and the date of the conviction;
- The sex and date of birth of the victim of the sex offender.
- Tier 2 information:
  - The names and address of each or both of the sex offender's parents;
  - The address of every place where the sex offender resided as a child;
  - The name and address of the person with the closest kinship ties to the sex offender;
  - The age of the sex offender when he committed the offense;
  - The race, sex height, hair color, and eye color of the sex offender;
  - The taxpayer registration number and other national identification number, if any, of the sex offender;
  - And distinguishing features, such as scars and tattoos;
  - The fingerprints of the sex offender;
  - The occupation of the sex offender;
  - The name and address of any place at which the sex offender is an employee or will be an employee or conducts or will conduct business;
  - The route or general areas in which the sex offender will work, and take to travel to or from work;
  - The name and address of any educational institutions where the sex offender is enrolled or matriculated;
  - Particulars of the conviction of the sex offender of a specified offense and in the particulars of any previous convictions;
  - Place where offense occurred;
  - History and details of any treatment received by the sex offender for mental or personality disorders;
  - Where applicable, the license plate numbers and description of any motor vehicles owned by the sex offender;
  - A photocopy of any valid driver's license granted to the sex offender;
  - The notification and reporting requirements applicable to the sex offender.
- Tier 3 information:
  - The name of the victim;
  - The address of the victim;
  - The telephone numbers and email addresses at which the victim may be contacted.<sup>791</sup>

**Registrant Requirements:** In Jamaica, sex offenders must report to their registration center:

- "Within fourteen days after he has changed his main residence or any secondary residence."

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<sup>791</sup> *Id.* at First Schedule (Jam.).

- “Within fourteen days after he has changed his name.”
- “At any time between eleven months and one year after he has last reported to the centre.”<sup>792</sup>

**Duration of Registration:** The duration of registration in Jamaica is ten years, unless a judge elects to shorten the registration period.<sup>793</sup> After 10 years, a Judge may determine that reporting requirements should be terminated.<sup>794</sup>

**Access to Registry:** Restricted. The Jamaica Sexual Offences Act (Registration of Sex Offenders) Regulations, 2012 specifies that “[a]ll information in the Register and the Registry shall be secret and confidential and the Registrar shall only allow access to the Register or Registry in a in accordance with these Regulations. ...For the purpose of access, the information concerning a sex offender specified in the First Schedule...[s]hall be divided into three categories, that is to say, Tier 1 information, Tier 2 information and Tier 3 information; and [s]ubject to regulations 11 and 13, may be obtained in writing, under the supervision or direction of the Registrar.”

- According to Section 11:
  - “Tier 1 information concerning a sex offender shall be provided only to the following persons or organizations, that is to say—
    - “Members of the Jamaica Constabulary Force;
    - “Persons engaged in the professional counselling of sex offenders;
    - “Prospective employers and employers and employees of the sex offenders;
    - “Persons managing educational institutions at which the sex offender is enrolled or seeking to enroll;
    - “Persons managing facilities for the care or treatment of vulnerable persons at which the sex offender is, or has applied to be a patient, employee or volunteer;
    - “Persons acquiring information approved by the Minister for statistical purposes so, however, that the names and addresses of sex offenders shall not be available for these purposes; and
    - “A parent, guardian caregiver, nearest relative or person who, in light of a proposed association with or activity of the sex offender, the Registrar considers as having a legitimate interest in the Tier 1 information concerning a sex offender sufficient to justify the information being provided to him.”
- According to Section 12:
  - “When considering whether a person has a legitimate Interest in the Tier 1 information concerning a sex offender pursuant to regulation 11(g), the Registrar shall consider whether there is a reasonable cause to believe that:

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<sup>792</sup> *Id.* at § 33 (Jam.).

<sup>793</sup> *Id.* at § 30 (Jam.).

<sup>794</sup> *Id.*

- “The sex offender poses a risk of harm to a vulnerable person; and
- “Disclosure of the information to the applicant is necessary for the protection of a vulnerable person.”
- “Where the applicant is a society, corporation or association that is seeking to ascertain whether particulars relating to a member, prospective member or volunteer of the society, corporation or association is kept on the Register and the Register considers that the society has a legitimate interest in the Tier 1 information concerning a sex offender sufficient to justify the information being provided to it, the information shall be disclosed only to the president or other authorized officer of the society, corporation or association.”
- According to Section 13:
  - “Tier 2 information concerning a sex offender shall be provided only to the following persons or organizations, that is to say:
    - Members of the Jamaica Constabulary Force;
    - Persons engaged in the professional counselling of sex offender;
    - A person who the court considers as having a legitimate interest in the Tier 2 information sufficient to justify the information being provided to him, and such person shall also be entitled to be provided with the Tier 1 information.
- According to Section 14:
  - A person (hereinafter referred to as the applicant) who wishes to obtain access to information from the Register shall make an application to the Register.
  - An applicant under paragraph (1) shall—
    - “Be made in writing; and
    - “Provide such information as is reasonably necessary to enable the Registrar to identify the information requested.”<sup>795</sup>

**Notice of Travel:** Yes. “No offender shall leave Jamaica before first reporting to the Registry his intention to leave Jamaica.”<sup>796</sup>

**Additional Notes:** “The Commissioner of Corrections shall designate a person employed in the Correctional Services as the Registrar.”<sup>797</sup>

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<sup>795</sup> Sexual Offences Act (Registration of Sex Offenders) Regulations, 2012 §§ 10–15 (Jamaica).

<sup>796</sup> *Id.* at Pt. 6 § 32, cl. 2 (Jam.).

<sup>797</sup> *Id.* at § 5 (Jam.).

#### 4.6.11. Paraguay

**Applicable Laws:** Law 6572/20 (July 23, 2020).<sup>798</sup>

**Offenses Requiring Registration:** In Paraguay, sex crimes listed in the Penal Code (Law 1160/1997) when committed against children, adolescents, or the disabled, carries with them the requirement to register. Specifically:

- Sexual coercion of a minor;
- Sexual abuse of a defenseless person;
- Sexual abuse of hospitalized persons;
- Sexual harassment of a minor;
- Sexual abuse of a minor;
- Sexual abuse of a person under guardianship;
- Homosexual acts with a minor;
- Procurement of a minor or disabled person for sexual services;
- Trafficking in persons;
- Creation and distribution of pornography involving a minor or disabled person.<sup>799</sup>

**Data Stored in Registry:** In Paraguay, the following information is stored in the register:

- Offender's names, surnames, and nicknames;
- Updated photograph of the convicted person;
- Date and place of birth;
- Nationality;
- Identity document or passport in the case of foreigners;
- Offender's genetic profile (stored in a linked genetic bank);
- Description of the facts for which offender was convicted;
- Offender's address(es);
- Offender's work address, position, and name of employer.<sup>800</sup>

**Registrant Requirements:** Registrants must immediately notify police of any change of address, employment, job address, or job title.<sup>801</sup>

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<sup>798</sup> Law No. 6572, Julio 23, 2020 (Par.), accessed August 24, 2021, <https://www.bacn.gov.py/leyes-paraguayas/9303/ley-n-6572-crea-el-registro-nacional-de-agresores-sexuales-de-ninos-ninas-y-adolescentes-y-el-banco-genetico>.

<sup>799</sup> *Id.* at art. 6.

<sup>800</sup> *Id.* at art. 12.

<sup>801</sup> *Id.* at art. 11.

**Duration of Registration:** The duration of registration in Paraguay is lifetime for the registry<sup>802</sup> and 100 years for the Genetic Bank.<sup>803</sup>

**Access to Registry:** Restricted. Full access to Paraguay's registry information appears to be reserved for law enforcement officers only; limited public access is available for mandatory employment verification purposes (proof of non-registration).<sup>804</sup>

**Notice of Travel:** Notice of travel does not appear to be specified in Paraguay law.

**Additional Notes:** On July 22, 2020, the Paraguayan Congress passed Law 6572/20, creating the National Registry of Sex Offenders of Girls, Boys and Adolescents, and the Genetic Bank. The law creates a national sex offender registry containing information on persons convicted of sex crimes against minors. It also creates a genetic bank of persons convicted of sex crimes against minors, which is maintained the Public Ministry.<sup>805</sup>

The following Paraguayan institutions are required by Law 6572/20 to establish that any new hire holds a certificate of non-registration:

- High schools, schools, institutes, nurseries;
- Art schools;
- Sports academies;
- Religious institutions;
- Associations, foundations, NGOs linked to work with children and adolescents.
- Health centers, sanatoriums and hospitals;
- Shelter entities, foster families and foster families and applicants for adoption;
- Prison officers and educators of Educational Centers where adolescents are deprived of their liberty;
- Officials of national, departmental and municipal public institutions who carry out tasks related to the care of children and adolescents;
- Child and adolescent advocacy organizations, officials of the Court, the Public Ministry, and the Specialized Justice of Children and Adolescents.<sup>806</sup>

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<sup>802</sup> *Id.* at art. 13.

<sup>803</sup> *Id.* at art. 23.

<sup>804</sup> *Id.* at art. 15.

<sup>805</sup> Paraguay Digital TV (government news agency), "Ejecutivo crea registro nacional de agresores sexuales y un banco genético" [Executive Creates National Registry of Sexual Aggressors and a Genetic Bank], accessed August 24, 2021, <https://www.ip.gov.py/ip/ejecutivo-crea-registro-nacional-de-agresores-sexuales-y-un-banco-genetico/>.

<sup>806</sup> Law No. 6572, Art. 5, July 23, 2020 (Paraguay), art. 15.

#### 4.6.12. Peru

**Applicable Law:** Law No. 30901 (2018), “Implementing the Convictions Sub-registry and Establishing a Definitive Ban on [Registrants’] Participation in Activities, Professions, Occupations or Office Holding Involving the Care, Supervision, or Provision of Services to Girls, Boys or Adolescents.”<sup>807</sup>

**Offenses Requiring Registration:** In Peru, the following crimes subject an offender to registration requirements:

- Simple homicide;
- Parricide;
- Qualified homicide;
- Femicide;
- Aggravated assault;
- Aggravated domestic assault;
- Trafficking in persons;
- Aggravated trafficking in persons;
- Sexual exploitation;
- Slavery and other forms of exploitation;
- Rape;
- Rape of an unconscious or incapacitated person;
- Statutory rape;
- Rape of a minor;
- Rape of a person under the care or supervision of offender;
- Rape by means of deception;
- Sexual touching or licentious or libidinous conduct without consent of victim;
- Sexual touching or licentious or libidinous conduct against a minor;
- Pimping;
- Public indecency.<sup>808</sup>

**Data Stored in Registry:** In Peru, registrants must subject the following information:

- Registrant’s first name and surname(s);
- National ID document number;
- Nationality;
- Case number;

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<sup>807</sup> Law No. 30901, December 29, 2018, (Peru), [https://www.leyes.congreso.gob.pe/Documentos/2016\\_2021/ADLP/Normas\\_Legales/30901-LEY.pdf](https://www.leyes.congreso.gob.pe/Documentos/2016_2021/ADLP/Normas_Legales/30901-LEY.pdf).

<sup>808</sup> *Id.* at art. 2 (Peru).

- Descriptive information on the offense requiring registration and information on any rehabilitation services or sentence modification orders issued by the court.<sup>809</sup>

**Registrant Requirements:** There does not appear to be additional requirements specified for registrants in Peru.

**Duration of Registration:** Registered offenders are subject to a lifetime ban on obtaining employment in occupations involving minors.

**Access to Registry:** Access to the Peru registry is available to the public; however, a freely available public registry website specified in art. 3 of the law was not found to be online as of September 2021.<sup>810</sup>

**Notice of Travel:** Notice of travel requirements for offenders in Peru is not specified.

**Additional Notes:** In December 2018, Peruvian President Humala signed Law No. 30901 (2018), creating a special sub-registry within the National Registry of Convictions for offenders who commit sex or violence-related crimes against minors and women. The National Registry of Convictions is an entity administered by the National Judicial Registry, a decentralized agency of the Judicial Services and Collection Management of the Judicial Branch, whose function is to register the convictions sent by the jurisdictional bodies.<sup>811</sup> The Registry issues Criminal Record Certificates for jurisdictional use at the request of the judicial bodies, as well as Criminal Record Certificates for administrative use at the request of the interested party or its representative. Information in the National Registry of Convictions is restricted to certain authorized institutions.<sup>812</sup> The law bans employers in occupations involving minors from hiring persons listed in the sex offender sub-registry. The sub-registry law does not include provisions for community notification, registrant requirements, or notification of intent to travel.<sup>813</sup>

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<sup>809</sup> *Id* at art. 5, (Peru).

<sup>810</sup> *Id* at art. 3 (Peru).

<sup>811</sup> Poder Judicial del Peru [Judicial Power of Peru], "Registro Nacional de Condenas [National Registry of Convictions]" [accessed September 13, 2021], [https://www.pj.gob.pe/wps/wcm/connect/CorteSuprema/s\\_cortes\\_suprema\\_home/as\\_servicios/as\\_enlaces\\_de\\_interes/as\\_registro\\_nacional\\_condenas/Inicio+Registro+de+condenas](https://www.pj.gob.pe/wps/wcm/connect/CorteSuprema/s_cortes_suprema_home/as_servicios/as_enlaces_de_interes/as_registro_nacional_condenas/Inicio+Registro+de+condenas).

<sup>812</sup> *Id*.

<sup>813</sup> Law No. 30901, December 29, 2018, (Peru).

### 4.6.13. *Trinidad and Tobago*

**Applicable Laws:** Sexual Offences (Amendment) Act, 2000;<sup>814</sup> Sexual Offences (Amendment) Act, 2019.<sup>815</sup>

**Offenses Requiring Registration:** The following offenses subject an offender in Trinidad and Tobago to registration requirements:

- Rape;
- Grievous sexual assault;
- Incest;
- Bestiality;
- Sexual intercourse with a mentally subnormal person;
- Bestiality;
- Indecent assault;
- Serious indecency;
- Procuration;
- Procuring defilement of a person;
- Detention of a person;
- Abduction of a female;
- Maintenance of a brothel;
- Prostitution.<sup>816</sup>

**Data Stored in Registry:** Registered offenders in Trinidad and Tobago must provide the following information:

- Name, former name, and aliases;
- Date and place of birth;
- Sex;
- Country of citizenship and nationality;
- Main address or secondary address;
- Address of any other place the offender visits regularly or volunteers;
- Name of educational institution attending;

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<sup>814</sup> Sexual Offences (Amendment) Act, 2000 (Trin. & Tobago), assented to September 25, 2000, Part III, "Notification Requirements for Sex Offenders," accessed August 24, 2021, <http://www.ttparliament.org/legislations/a2000-31.pdf>.

<sup>815</sup> Sexual Offences (Amendment) Act, 2019 (Trin. & Tobago), assented to September 26, 2019, accessed August 24, 2021, <http://news.gov.tt/sites/default/files/E-Gazette/Gazette%202019/Acts/Act%20No.%2019%20of%202019.pdf>.

<sup>816</sup> Sexual Offences Act, 1986 (Trin. & Tobago), unofficial version updated December 31, 2016, Chapter 11:28, "Sexual Offences," 3, accessed August 24, 2021, [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.28.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.28.pdf). In April 2018, Trinidad & Tobago's Supreme Court eliminated the sex offence of "buggery"—listed in the Sexual Offences Act—declaring it unconstitutional (Reuters, "Trinidad and Tobago Judge Rules Homophobic Laws Unconstitutional," *Guardian*, April 13, 2018, <https://www.theguardian.com/world/2018/apr/13/trinidad-and-tobago-sexual-offences-act-ruled-unconstitutional>).

- Telephone number of the place of employment;
- National identification card number;
- Passport number and dates of issue and expiry of passport;
- Driver's permit number;
- Telephone number or an alternate telephone at which the offender may be regularly contacted;
- Height, weight and a physical description of the offender including any distinguishing or identifying marks;
- Offenses committed, including dates offenses committed;
- Convictions, including dates of convictions and penalties imposed;
- Acquittals or pardons;
- Number of the license plate of the vehicle for which the offender has regular control or use, or which the offender owns or operates.<sup>817</sup>
- Description of the vehicle for which the offender has regular control or use, or which the offender owns or operates;
- Names and ages of children residing in the same dwelling house in which the offender is residing;
- Name, address and contact information of any club, association or organization whose membership includes children and with which the offender is affiliated;
- Details of travel information provided by the offender;
- Fingerprints;
- DNA profile compiled from sample taken from the offender;
- Medical history including information on any communicable diseases contracted by the offender;
- Photograph;
- Information on the IP address of any device regularly used by the offender;
- Email address.

**Registrant Requirements:** Trinidad and Tobago registrants must submit to a mandatory physical and HIV/STD screening upon sentencing.<sup>818</sup> Within 14 days of completing of their sentence, registrants must notify the local police station of their registrant status (either in person or by mail) and provide the following information:

- Name, surnames, and any aliases;
- Current residential address;
- Date of birth;

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<sup>817</sup> Sexual Offences (Amendment) Act, 2019, sch. 3 (Trin. & Tobago).

<sup>818</sup> Sexual Offences (Amendment) Act, 2000, § 34E (Trin. & Tobago).

- Registrants must report any change to the above information to their local police station within 14 days.<sup>819</sup>

**Duration of Registration:** Duration of registration varies with the length of the sentence.

- No sentence: 1 year;
- Non-custodial: 2 years;
- Imprisonment for 5 years or less: 5 years;
- Imprisonment for 5 to 10 years: 10 years;
- Imprisonment for 10 to 15 years: 15 years;
- Imprisonment for more than 15 years, not including imprisonment for life: 25 years.<sup>820</sup>

**Access to Registry:** Partial public access.<sup>821</sup>

**Notice of Travel:** Yes. "Where a registered sex offender who resides in Trinidad and Tobago intends to travel outside Trinidad and Tobago, he shall at least seven calendar days before his departure, report to the police station nearest to his main or secondary address and provide a designated officer with the following information":

- "The date of [the offender's] intended departure;
- "The countries of [the offender's] intended stay;
- "Any country through which [the offender] may transit;
- "The addresses of the places of [the offender's] intended stay;
- "The duration of [the offender's] stay in each country;
- "The duration of [the offender's] stay abroad;
- "The date of [the offender's] intended return;
- "A copy of [the offender's] travel itinerary; and
- "Any other relevant information as the designated officer may require."<sup>822</sup>

**Additional Notes:** Trinidad & Tobago enacted its sex offender registration provisions in 2000, the first registry to be enacted in the Caribbean.<sup>823</sup> The 2019 Sexual Offences (Amendment) Act modified the 2000 registry law by making the registry information available to the public. Under the new law, information on sex offenders is published in an online website accessible to the public (<https://sexoffenders.gov.tt/>). The general public is able to query a search engine by performing searches on offenders' names and addresses.

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<sup>819</sup> *Id.* at § 34B, § 34C (Trin. & Tobago).

<sup>820</sup> Sexual Offences (Amendment) Act, 2019, sch. 5 (Trin. & Tobago).

<sup>821</sup> *Id.* at, Pt. 4 (Trin. & Tobago).

<sup>822</sup> *Id.* at § 59 (Trin. & Tobago).

<sup>823</sup> U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, *Global Survey of Sex Offender Registration and Notification Systems*, November 2016, 10, <https://www.ojp.gov/library/publications/global-survey-sex-offender-registration-and-notification-systems>.

**Registry Available at:** <http://sexoffenders.gov.tt/>

#### 4.5.14. Uruguay

**Applicable Laws:** Law N° 19889, Julio 9, 2020.<sup>824</sup>

**Offenses Requiring Registration:** In Uruguay, the following offenses subject an offender to registration requirements:

- Rape;
- Sexual abuse;
- Aggravated sexual abuse;
- Violent assault on modesty;
- Sexual abuse without bodily contact;
- Corruption;
- Sexual, commercial or non-commercial violence committed against children, adolescents or the disabled.<sup>825</sup>

**Data Stored in Registry:** Registrants in Uruguay must submit the following information:

- Offender's name and surname, pseudonyms or nicknames;
- Updated photograph;
- Date and place of birth;
- Nationality;
- Identity document number;
- Work or activity and work or activity address;
- Current home address;
- Criminal conviction that resulted in offender's registration.<sup>826</sup>

**Registrant Requirements:** Registrants must provide a DNA sample and fingerprints for inclusion in the registry. Registrants must also notify the authorities of any change in their registry information (residential and work addresses, legal name surname, aliases, etc.) during the 10 years after completing their sentence.<sup>827</sup>

**Duration of Registration:** In Uruguay, duration of registration for offenders is a 10-year minimum period; this is extendable to 20 years for repeat offenders.<sup>828</sup>

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<sup>824</sup> Law N° 19889, Julio 9, 2020, Normativa y Avisos Legales del Uruguay [Regulations and Legal Notices of Uruguay] (Uruguay), accessed August 24, 2021, <http://www.impo.com.uy/bases/leyes/19889-2020/104>.

<sup>825</sup> *Id.*

<sup>826</sup> *Id.*

<sup>827</sup> *Id.*

<sup>828</sup> *Id.*

**Access to Registry:** Restricted. There is limited public access for mandatory employment verification purposes.<sup>829</sup>

**Notice of Travel:** Notice of travel does not appear to be addressed in Uruguay law.

**Additional Notes:** The Comprehensive Law on Violence against Women Based on Gender (Law 19.580), approved in 2017, established occupational restrictions for persons convicted of a sex crime. In particular, it established a 10-year ban from employment in the health and education fields, as well as in all fields that include contact with children and people with disabilities.

Article 104 of Law 19889, passed on July 9, 2020, reinforced the 2017 law's provisions and created the National Registry of Sexual Violators and Abusers, which became operational in October 2020. The registry is managed by a newly created office within the National Directorate of the Scientific Investigations Unit, part of the Ministry of the Interior, and includes all persons who have been convicted of a sex crime in Uruguay.

Under Law 19889, sex offenders are banned for a minimum of ten years from engaging in activities related to health care, teaching, academia, sports, or any direct or indirect activity that implies a relationship with children or adolescents. Repeat offenders are banned for 15 to 20 years. All educational institutions must require a certificate of non-registration before hiring a job applicant. A fine is imposed against institutions that fail to comply with the registry check requirement.<sup>830</sup>

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<sup>829</sup> *Id.* and Decree N° 250/020, art. 1, September 15, 2020, Normativa y Avisos Legales del Uruguay [Regulations and Legal Notices of Uruguay] (Uruguay), accessed August 24, 2021, <http://www.impo.com.uy/bases/decretos/250-2020>.

<sup>830</sup> "Comenzó a funcionar el Registro Nacional de Violadores y Abusadores Sexuales" [National Sex Offender Registry Begins to Function], *La Diaria* [Montevideo], October 20, 2020, <https://ladiaria.com.uy/feminismos/articulo/2020/10/comenzo-a-funcionar-el-registro-nacional-de-violadores-y-abusadores-sexuales/>.

## 5. APPENDIX: NOTABLE COUNTRIES CURRENTLY WITHOUT SEX OFFENDER REGISTRIES

### 5.1. Africa (Sub-Saharan)

#### 5.1.1. Botswana

**Status:** In process.

**Notes:** In 2020, Botswana's Justice and Security Minister announced that the country would establish a sex offenders' register "to address gender-based violence and sexual offenses." The proposed registry would have a full sexual perpetrators list that would be available for inspection by members of the public as a way of ensuring that anyone in the record did not end up working in institutions dealing with children.

It would be a permanent record kept by the Registrar of the High Court with all the necessary personal details of perpetrators to help employers and interested parties to conduct checks.

**Sources:** "Botswana to Establish Sex Offenders Register to Address Sexual Offenses," *Xinhua*, September 8, 2020, [http://www.xinhuanet.com/english/africa/2020-09/09/c\\_139353399.htm](http://www.xinhuanet.com/english/africa/2020-09/09/c_139353399.htm).

Nnasaretha Kgamanyane, "Sex Offenders' Register in the Offing," *Mmegi Online*, June 24, 2019, <https://www.mmegi.bw/news/sex-offenders-register-in-the-offing/news>.

#### 5.1.2. Ethiopia

**Status:** Under consideration.

**Notes:** In 2020, Ethiopia's Ministry of Women, Children and Youth Affairs took a number of steps to "ensure the rights" of women and children. Specifically, an Anti-Violence Task Force was developed and an Offenders Registration System was proposed.

**Sources:** "Ethiopia: Efforts to Ensure Women, Children and Youths Multidimensional Benefits," *The Ethiopian Herald*, October 20, 2020, <https://allafrica.com/stories/202010200633.html>.

### 5.1.3. Ghana

**Status:** Under consideration.

**Notes:** In August 2020, the Ghana Police Service's National Coordinator of the Domestic Violence and Victims Support Unit (DOWSU) announced that it would establish a sex offender's register. At the time of the announcement, all convicts within Ghana were documented at CID headquarters.

**Sources:** "Ghana to Have Sex Offenders Register," *Ghana Business News*, August 19, 2020, <https://www.ghanabusinessnews.com/2020/08/19/ghana-to-have-sex-offenders-register-dovsu/>.

### 5.1.4. Liberia

**Status:** Under consideration.

**Notes:** In September 2020, the government of Liberia declared rape a national emergency, with President George Weah stating he would install a special prosecutor for rape and establish a national sex offender registry.

**Sources:** "Rape Declared National Emergency in Liberia," *CGTN*, September 13, 2020, <https://newsaf.cgtn.com/news/2020-09-13/Rape-declared-national-emergency-in-Liberia-TLdGbEIJT2/index.html>.

### 5.1.5. Namibia

**Status:** In process.

**Notes:** In February 2021, Namibia's Popular Democracy Movement (PDM) announced that it would establish a sex offender registry before March 2022. This announcement follows a PDM proposal that was introduced in October 2020, which argued that such a register "be shared with all government institutions, as well as employers in the public and private sector." PDM representatives proposed that the register be digitized and accessible to the home affairs ministry.

**Sources:** "Government to Implement Sex Offenders' Register," *The Namibian*, February 24, 2021, <https://www.namibian.com.na/209040/archive-read/Government-to-implement-sex-offenders-register>.

Kuzeeko Tjitmsia, "Namibia: MP Wants Sex Offenders' Registry to Curb Sexual Violence," *New Era*, October 8, 2020, <https://neweralive.na/posts/mp-wants-sex-offenders-registry-to-curb-sexual-violence>.

### 5.1.6. Rwanda

**Status:** In process.

**Notes:** As of 2020, the Rwanda Public Prosecution Authority (NPPA) is in the process of establishing a national registry of all individuals convicted for rape or defilement. The registry will be open to the public.

**Sources:** Nasra Bishumba, "Government to Establish Sex Offenders Registry," *The New Times*, June 19, 2020, <https://www.newtimes.co.rw/news/government-establish-sex-offenders-registry>.

### 5.1.7. Senegal

**Status:** In process.

**Notes:** While Senegal does not have a sex offender registry, in 2019 it launched an online human trafficking database. The "Systraite" system was launched in partnership with the U.S. State Department and highlights "hotspots and [assist in] profiling crooks in a bid to curb the growing trade in people."

**Sources:** Nellie Peyton, "Senegal Launches Online Database to Track the Traffickers," *Reuters*, October 30, 2019, <https://www.reuters.com/article/us-senegal-trafficking/senegal-launches-online-database-to-track-the-traffickers-idUSKBN1X928Z>.

### 5.1.8. Sierra Leone

**Status:** In process

**Notes:** In 2019 Sierra Leone announced its plan to establish a sex offender registry. Although further details were not provided, it appears as though the registry will be publicly available.

**Sources:** Kemo Cham, "Sierra Leone to Establish Sex Offenders' Registry," *Politico SL*, December 18, 2019, <https://politicosl.com/articles/sierra-leone-establish-sex-offenders-registry>.

### 5.1.9. Uganda

**Status:** In process

**Notes:** In 2019 the Ugandan Parliament passed the Sexual Offenses Bill, which states that sexual offenders will have their information registered with the country's National Identification and Registration Authority (NIRA). According to the bill, "the register shall be managed and maintained in electronic or other form by the authority," and information will be shared within 10 days of conviction. In May 2021, the passage of a new anti-gay bill further mandates that "Ugandans convicted of having sex with people of the same sex would be included" in the registry. The registry is accessible to security agencies, health insurance companies, schools and the general public.

**Sources:** Patience Ahimbisibwe, "Stiff Penalties for Sexual Offenders as Uganda Moves to Create Directory," *Daily Monitor*, May 5, 2021, <https://www.monitor.co.ug/uganda/news/national/stiff-penalties-for-sexual-offenders-as-uganda-moves-to-create-directory-3388452>.

Kikonyogo Kivumbi, "Convicted Homosexuals to be Included in Uganda Sex Offender Registry," *76 Crimes*, May 7, 2021, <https://76crimes.com/2021/05/07/convicted-homosexuals-to-be-included-in-uganda-sex-offender-registry/>.

### 5.1.10. Zimbabwe

**Status:** Under consideration.

**Notes:** In 2011, reporting indicated that Zimbabwe would be establishing a National Sex Offender's Register, and police would use "an automated fingerprint system to aid in the fight against sex crimes." In 2016 a High Court judge proposed the creation of a national database of all people convicted of child sexual offenses "in order to monitor their movements once released from prison."

**Sources:** Tatenda Gumbo, "Zimbabweans Welcome Calls for National Sex Offenders Registry," *Voice of America*, January 26, 2016, <https://www.voazimbabwe.com/a/zimbabweans-welcome-calls-for-national-sex-offenders-registry/3163737.html>.

"Zimbabwe Sets up Sex Offenders Register," *New Zimbabwe*, February 2, 2011, <https://genderlinks.org.za/barometer-newsletter/zimbabwe-sets-up-sex-offenders-register-2011-02-02/#:~:text=Zimbabwe%2>.

## 5.2. East Asia and the Pacific

### 5.2.1. China

**Status:** In process

**Notes:** In 2019, China's Supreme People's Procuratorate (SPP) announced that it would establish a national database of child sex offenders. December 2017, a local court in East China's Jiangsu Province announced that it would publicly release the names and personal information of four men who were sentenced for sexually assault. The same year, a local procuratorate in China's Minhang district "launched a system to limit sex offenders from seeking certain jobs." Similarly in 2016 Zhejiang began releasing information of sex offenders.

**Sources:** Lui Caiyu, "National Sex Offender Registry Needed," *Global Times*, December 12, 2017, <https://www.globaltimes.cn/content/1081127.shtml>.

"China to Build Sex Offender Database," *Xinhua*, August 8, 2019, [http://www.xinhuanet.com/english/2019-08/02/c\\_138279165.htm](http://www.xinhuanet.com/english/2019-08/02/c_138279165.htm).

### 5.2.2. Indonesia

**Status:** No.

**Notes:** While it is unclear whether Indonesia has an official sex offender registry, the country does have methods for monitoring and tracking offenders. Specifically, in 2016, the government introduced a new law requiring "all rapists and child offenders to be implanted with radio frequency identification (RFID) microchips." This process would allow authorities to track offenders "24 hours a day, seven days a week" upon their release from prison.

**Sources:** Mary-Ann Russon, "Indonesia Wants All Child Sex Offenders to be Tracked Using RFID Microchips," *International Business Times*, June 1, 2016, <https://www.ibtimes.co.uk/indonesia-wants-all-child-sex-offenders-be-tracked-using-rfid-microchips-1563157>.

### 5.2.3. Philippines

**Status:** In process.

**Notes:** In 2015, the Philippines' House of Representatives introduced House Bill 6301, which seeks to establish a National Sex Offender Registry System. The registry shall include the following

information for each sex offender: name, address, employment, fingerprints, DNA sample, complete criminal history, recent photograph, in addition to any other information that will be deemed necessary for the proper registration of sex offenders.

The bill defines "sex offenders" as any person convicted by final judgment of rape under Article 266 of the Revised Penal Code; crimes committed against chastity as defined under Book 2, Title XI of the Revised Penal Code; and violations of Section 5 (g) of Republic Act 9262, as amended, as well as other forms of sexual violence as defined therein. Sex offenders shall also include persons convicted by final judgment before foreign courts for the crimes of rape, sexual assault, acts of lasciviousness, or other similar crimes involving sexual violence or activity.

The bill provides that every convicted sex offender shall register in each province municipality, or city where the offender resides, is employed, or is a student, prior to their release from prison.

Each offender shall regularly update the registration. A sex offender who changes residence, employment, or school should update the registry within 10 days.

The Department of Justice is mandated to create and maintain the necessary database, computer system, and software to establish the National Sex Offender Registry System which shall allow immediate information-sharing between local and foreign jurisdictions, including law enforcement agencies. The database, computer system and software created shall be shared and distributed to local government units for the operation of a uniform registry and Internet websites.

The general public shall not have access to the detailed information of the registered sex offender, but a website shall be made available which will include relevant information about sex offenders, such as their name, recent photograph, and the crime committed. Every local government unit shall be required to maintain its own online registry, which shall be accessible to the general public.

**Sources:** Republic of the Philippines, "House Bill No. 6301," *House of Representatives*, November 25, 2015, [https://www.congress.gov.ph/legisdocs/basic\\_16/HB06301.pdf](https://www.congress.gov.ph/legisdocs/basic_16/HB06301.pdf).

## 5.3. Europe and Eurasia

### 5.3.1. Albania

**Status:** Under consideration.

**Notes:** Since 2016, Albania has requested establishing a national register for sex offenders. In June 2020, an online petition advocating for the creation of a sex offender registry in Albania reached over 24,000 signatures. The national register would be “managed by the National Authority of Police, which is the only authority in Albania that has the task of preventing crimes and identifying the perpetrators.” The register would be maintained by the police, with offenders being registered “as soon as their sentence for one of the sexual crimes provided for in the Criminal Code becomes final.” In September 2020, a draft law for the national register was publicly presented to stakeholders from civil society and government institutions. As of October 2020, the draft law was awaiting approval by the Albanian Parliament.

**Sources:** “Altin Hazizaj: The Draft-Law is Ready! ‘Child Sex Offenders Register’ Soon to be Approved by the Parliament,” *IconStyle Magazine*, October 31, 2020, <https://www.crca.al/en/news-national-register-sexual-crimes-against-children-albania-media/altin-hazizaj-draft-law-ready>.

“Petition for Public Sex Offender Registry in Albania Reaches 24,000 Signatures,” *Exit News*, June 4, 2020, <https://exit.al/en/2020/06/04/petition-for-public-sex-offender-registry-in-albania-reaches-24000-signatures/>.

### 5.3.2. Belgium

**Status:** Unclear.

**Notes:** In 2014, an official legislative proposal was established for the creation of a sex offender registry. However, as of 2021, it still has not been passed.

**Sources:** Proposition de Loi Visant à Créer un Registre National des Auteurs d’infractions sexuelles au sein du Casier Judiciaire Central, (2014), <http://www.lachambre.be/FLWB/PDF/54/0155/54K0155001.pdf>.

### 5.3.3. *Bosnia and Herzegovina*

**Status:** No.

**Notes:** While there is not a national registry, in April 2019 Republika Srpska's National Assembly adopted the "Law on Special Registry of Persons Finally Convicted for the Criminal Offenses of Sexual Abuse and Exploitation of Children." Police, courts and prosecutors have the authority to inspect the registry. The registry contains data "regarding all offenders who are convicted for trafficking children, abusing children older than 15 years of age, having a spousal relationship with children below 15 years of age, [and] exploitation of children for the purposes of child sexual abuse materials."

**Sources:** Nives Jukic et al. "Information for the Special Rapporteur on the Sale and Sexual Exploitation of Children Including Child Prostitution, Child Pornography and Other Child Sexual Abuse Material," *Ombudspersons of Bosnia and Herzegovina*, September 20, 2019.

Sunethra Sathyanarayanan, "ECPAT Country Overview, Bosnia and Herzegovina: A Report on Scale, Scope and Context of the Sexual Exploitation of Children," *ECPAT International*, November 2018, <https://ecpat.org/wp-content/uploads/2021/08/ECPAT-Country-Overview-Report-Bosnia-Herzegovina-2018.pdf>.

### 5.3.4. *Croatia*

**Status:** No.

**Notes:** In November 2017, the Croatian Democratic Union passed an anti-pedophilia bill in parliament, which envisioned the creation of a separate register for convicted pedophiles. A spokesperson for Ombudswoman for Children, Helena Pirnat-Dragicevic explained that the registry has existed since 2013, "but was not separate or public, so the data is available only per request from courts, the police or the State Attorney's Office." Under the provisions of the 2017 bill, offenders are "subject to mandatory five year surveillance."

**Sources:** "More than 500 Victims of Paedophilia Every Year in Croatia." *N1 News*, June 15, 2018, <https://hr.n1info.com/english/news/a310321-more-than-500-victims-of-paedophilia-every-year-in-croatia/>.

### 5.3.5. Estonia

**Status:** No.

**Notes:** In 2013, Minister of Justice Hanno Pevkur announced he would not support a public register of sex offenders and would prefer handing more power to the police. Estonia police had proposed the creation of a sex offender registry which would include pictures and current addresses of offenders. As of 2021, however, no such registry exists. Instead, the country's Punishment Register is available for public viewing, "which has a separate search option for accessing information concerning crimes against minors." According to a 2016 *Postimees* article, however, the public Punishment Register "cannot be trusted" as a "critical number of mistakes" were identified. Namely, "some crimes for which persons have been punished never make it to the register."

**Sources:** Tiina Kaukvere, "Punishment Register Full of Mistakes," *Postimees*, November 21, 2016, <https://news.postimees.ee/3918747/punishment-register-full-of-mistakes>.

"Pevkur Says No to Sex Offender Registry," *ERR*, April 17, 2013, <https://news.err.ee/110786/pevkur-says-no-to-sex-offender-registry>.

### 5.3.6. Finland

**Status:** No.

**Notes:** In 2009, a working group from Finland's Ministry of Justice considered creating an online registry of pedophiles' home addresses. The Finnish Pedohunters group launched an online legislative initiative calling for the establishment of an American-style sex offender registry. In 2013, however, Justice Minister Anna-Maja Henriksson stated that there would be no reason for a public registry.

**Sources:** "Finland Considers Sex Offender Registry," *UUTISET*, October 30, 2009, [https://yle.fi/uutiset/osasto/news/finland\\_considers\\_sex\\_offender\\_registry/5909091](https://yle.fi/uutiset/osasto/news/finland_considers_sex_offender_registry/5909091).

"Justice Minister: No Sex Offender Registry Needed," *UUTISET*, May 26, 2013, [https://yle.fi/uutiset/osasto/news/finland\\_considers\\_sex\\_offender\\_registry/5909091](https://yle.fi/uutiset/osasto/news/finland_considers_sex_offender_registry/5909091).

### 5.3.7. Hungary

**Status:** Under consideration.

**Notes:** In 2021, the opposition Democratic Coalition (DK) proposed that the government should create a public database of people with a criminal record for sexual offenses. The searchable register would require at a minimum offenders' name, year of birth, address, photograph and "data related to the crimes committed by them." Such a database would enable parents to check if people working with their children had committed any sex-related crimes.

**Sources:** Tamas Velki, "Perpetrators of Pedophile Crimes Can no Longer Hide," *Magyar Hirlap*, June 1, 2021, <https://www.magyarhirlap.hu/belfold/20210601-pedofilelles-torvenycso-mag>.

### 5.3.8. Iceland

**Status:** No.

**Notes:** In 2018, Iceland's Minister of Justice Sigríuður Andersen put forth a bill proposing that rulings of district courts relating to sensitive personal issues will no longer be published online. Offenses would include sexual assault, violence in close relationships, restraining orders, and inheritance.

**Sources:** Jelena Ciric, "Minister Proposes Anonymity for Sexual Offenders," *Iceland Review*, October 23, 2018, <https://www.icelandreview.com/politics/minister-proposes-anonymity-sexual-offenders/>.

### 5.3.9. Lithuania

**Status:** No.

**Notes:** In November 2018, the chairwoman of the Seimas Committee on Social Affairs and Labor stated that Lithuania's personal data protection requirements "would not allow the creation of a publicly-accessible register." However, at the time a government-appointed working group was submitting proposals on how to best use existing registers. An alternative, as noted by Deputy Justice Minister Ernestas Jurkonis, would be to provide the State Labor Inspectorate access to existing registries.

### 5.3.10. Slovenia

**Status:** Under consideration.

**Notes:** In 2008, Slovenia indicated its willingness to introduce a sex offender registry but at the time was still in the drafting stages. As of 2021, however, no such registry has been created.

**Sources:** Marietta de Pourbaix-Lundin, "For a Europe-Wide Sex Offenders Register: Introductory Memorandum," *Parliamentary Assembly Committee on Legal Affairs and Human Rights*, November 4, 2008, [http://assembly.coe.int/CommitteeDocs/2010/20081104\\_ajdoc51.pdf](http://assembly.coe.int/CommitteeDocs/2010/20081104_ajdoc51.pdf).

### 5.3.11. Switzerland

**Status:** Under consideration

**Notes:** The discussion of whether to create a pedophile registry began in 2008 with a motion filed in March by Parliament's Legal Affairs Committee. Drawing on the existence of U.S registries, the motion advocated for a public registry containing information on repeat offenders including their addresses, and place of work. This information would be shared with relevant institutions working with children. In 2013, the Swiss Parliament formally introduced a motion calling for the creation of such a public registry. However, debate on the proposal closed in 2015, because the board did not complete its review within two years.

**Sources:** Rickli Natalie, "Registre des Delinquants Sexuels et des Auteurs de Violence sur des Enfants," *The Federal Assembly: Swiss Parliament*, March 3, 2015, <https://www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20133127>.

Christe Seydoux, "Creer un Registre National Pour Les Pedophiles Recidivistes: Rapport de al Commission des Affaires Juridique du 7 Septembre 2010," *The Federal Assembly: Swiss Parliament*, September 7, 2010, [https://www.parlament.ch/centers/kb/Documents/2008/Rapport\\_de\\_la\\_commission\\_CAJ-E\\_08.3033\\_2010-09-07.pdf](https://www.parlament.ch/centers/kb/Documents/2008/Rapport_de_la_commission_CAJ-E_08.3033_2010-09-07.pdf).

## 5.4. Near East (North Africa and Middle East)

### 5.4.1. Israel

**Status:** Unclear.

**Notes:** It is unclear whether Israel has a sex offender registry. According to Israeli news media, *The Times of Israel*, the country has a private national sex offender registry which is only available to police and prison services. Other news agencies such as the *Jewish Telegraph Agency*, claim Israel does not keep a registry of offenders.

**Sources:** Melanie Lidman, "Diaspora Pedophiles Increasingly Use Israel as 'a Haven,' Activists Charge," *The Times of Israel*, November 26, 2016, <https://www.timesofisrael.com/diaspora-pedophiles-increasingly-use-israel-as-a-haven-activists-charge/>.

Sam Sokol, "Child Advocates Blast Systemic Failures in Israel's Handling of Sex Abuse Cases," *Jewish Telegraph Agency*, July 1, 2019, <https://www.jta.org/2019/07/01/israel/child-advocates-blast-systemic-failures-in-israels-handling-of-sex-abuse-cases>.

### 5.4.2. Saudi Arabia

**Status:** No.

**Notes:** In 2018, Saudi Arabia's Shura Council rejected a proposal recommending the establishment of a sex offender registry. The proposal advocated that such a registry would include the names of pedophiles, to ensure that offenders would not be able to hold professions that work with children.

**Sources:** "The Saudi Shura Drops a Recommendation to Create a Register that Includes the Names of Child Molesters," *Erm News*, September 26, 2018, <https://www.ermnews.com/entertainment/society/1510856>.

### 5.4.3. United Arab Emirates

**Status:** Under consideration.

**Notes:** In 2010 the United Arab Emirates was in the process of establishing a sex offenders registry which would "keep a detailed profile of convicted criminals" including their name, age, address as well as fingerprints, eye imprints and facial profile. It would also include information on "the type

of victim the sex offender prefers." As of 2021, no additional information regarding this registry's status seems to be available.

**Sources:** Kareem Saheen, "Sex Offenders Registry Gets Close in UAE," *The National News*, July 18 2010, <https://www.thenationalnews.com/uae/sex-offenders-registry-gets-closer-in-uae-1.559949>.

## 5.5. South and Central Asia

### 5.5.1. Bhutan

**Status:** No.

**Notes:** As of 2021, Bhutan does not have a public sex offender registry. However, in 2019 Pasang Wangmo, a member of the child court bench has supported the creation of such a registry, stating that “there is no legal tool at the moment for a sex offender registry [...] a registry will ensure sex offenders are not employed in schools.” In 2017, the nongovernmental organization, ECPAT International additionally recommended the Government of Bhutan introduce a sex offender registry.

**Sources:** ECPAT International, “Child Exploitation in Bhutan,” April 14, 2017.

“Sexual Harassment Among Least Reported Sexual Offenses,” *Business Bhutan*, December 9, 2019, <https://businessbhutan.bt/2019/12/09/sexual-harassment-among-least-reported-sexual-offences/>.

### 5.5.2. Pakistan

**Status:** In process.

**Notes:** In December 2020, the Pakistani government introduced a new anti-rape ordinance, which will provide privacy to victims and create a national registry of sex offenders. The National Data-Base Registration Authority will maintain the registry, the details of which “may not be published or released except to a court of law or a law enforcement agency.” Simultaneously, the ordinance provides the Prime Minister with the authority to establish rules “for the release of such data [...] to any person, agency, authority or segment of society in the interest of public safety.”

**Sources:** Dr. Arif Alvi, “Anti-Rape (Investigation and Trial) Ordinance 2020,” *Government of Pakistan: Ministry of Human Rights*, 2020, [http://www.mohr.gov.pk/SiteImage/Misc/files/Anti-Rape%20\(Investigation%20and%20Trial\)%20Ordinance%2C%202020.pdf](http://www.mohr.gov.pk/SiteImage/Misc/files/Anti-Rape%20(Investigation%20and%20Trial)%20Ordinance%2C%202020.pdf).

Waqar Mustafa, “Pakistan Toughens Rape Law After Outcry Over Attacks,” *Reuters*, December 15, 2020, <https://www.reuters.com/article/us-pakistan-rape-lawmaking-trfn/pakistan-toughens-rape-law-after-outcry-over-attacks-idUSKBN28P2JC>.

## 5.6. Western Hemisphere

### 5.6.1. Antigua and Barbuda

**Status:** No.

**Notes:** Since 2019, Antigua and Barbuda's government has considered draft amendments to the Sexual Offences Law of 1995 that include a sex offender registry. However, that activity appear to be suspended while the discussion has been moved to the Organisation of Eastern Caribbean States (OECS). The OECS Commission hosted a regional consultation via Zoom on June 30, 2020 to discuss the need for a Sex Offender Register in the OECS. Reporting from September 2020 relays that the committee's discussion included whether an intra-regional register is feasible and if a register should be private, public or a hybrid model where information is shared with specific individuals.

**Sources:** "Antigua – Barbuda to Review Draft Sexual Offences Bill," *Caribbean News Global*, September 27, 2019, <https://www.caribbeannewsglobal.com/antigua-barbuda-to-review-draft-sexual-offences-bill/>.

"Committee to Discuss Need for Sex Offender Registry in the OECS," *Antigua News Room*, September 26, 2020, <https://antiguanewsroom.com/committee-to-discuss-need-for-sex-offender-registry-in-the-oecs/>.

"Meeting to Discuss a Sex Offender Register for the OECS" *The Barnacle News*, July 2, 2020, <https://www.thebarnaclenews.com/meeting-to-discuss-a-sex-offender-register-for-the-oecs/>.

"Sex Offenders' Registry to be Implemented," *Antigua Observer*, February 2, 2019, <https://Antiguaobserver.com/sex-offenders-registry-to-be-implemented/>.

### 5.6.2. Bolivia

**Status:** No.

**Notes:** In 2018, the president of Bolivia's Chamber of Deputies discussed whether to create a "public registry" bill, which would require the registration of "all those who have committed acts of sexual violence against women, girls, boys and adolescents." As of 2021, however, no additional conversations or legislation appears to have occurred.

**Sources:** "El Parlamento boliviano plantea crear un registro público de violadores" [Bolivian Parliament Plans to Create a Sex Offenders' Registry], EFE, April 13, 2018, <https://www.efe.com/>

efe/america/sociedad/el-parlamento-boliviano-plantea-crear-un-registro-publico-de-violadores/20000013-3582658.

### 5.6.3. *Brazil*

**Status:** No.

**Notes:** While Brazil has no national-level sex offender registry law, at least one Brazilian state has passed state-level registry law. On July 31, 2017, the Governor of the State of Mato Grosso do Sul, in western Brazil, approved Law No. 5,038 on creating a State Register of Pedophiles within his state. The Law was published on August 1, 2017, and was expected to enter into force within 30 days of publication.

**Sources:** Law Library of Congress, Global Legal Monitor, August 9, 2017, <https://loc.gov/law/foreign-news/article/brazil-state-law-creates-register-of-pedophile-offenders/>.

### 5.6.4. *Cayman Islands*

**Status:** No.

**Notes:** A February 2020 article from Cayman Marl Road describes that "various successive governments have been unwilling to implement a sex offender's registry in the Cayman Islands despite a publicly submitted petition." Sandra Hill, the owner of Cayman Marl Road, submitted a petition in 2016 with over 1,100 signatures, advocating for creation of a sex offender registry "to be maintained by [the government's] child sexual abuse commissioner." As of 2021, however, there has not been an update on the petition's progress. Cayman Marl Road further notes that "in November 2011, Royal Cayman Islands Police Service Superintendent Marlon Bodden said police have previously supported the idea of a public sex offender registry, but establishing one is a government policy decision – not something police would do on their own."

**Sources:** "Trinidad Launches Online Sex Offenders' Registry," Cayman Marl Road, February 4, 2020, <https://caymanmarlroad.com/trinidad-launches-online-sex-offenders-registry/aaw> 1.

Brent Fuller, "Petition Seeks Dismissal of Officers in Sex Abuse Investigation," *Cayman Compass*, September 19, 2016, <https://www.caymancompass.com/2016/09/19/petition-seeks-dismissal-of-police-officers-in-sex-abuse-case/>.

### 5.6.5. Cuba

**Status:** No.

**Notes:** The Cuban Ministry of Justice maintains an internal Central Registry of Sanctioned Persons (Registro Central de Sancionados) containing information on all persons convicted of a crime. However, no dedicated sex offender registry is known to exist.

**Sources:** "Central Registry of Punished," *Ministerio de Justicia: Republica de Cuba*, September 13, 2021, <https://www.minjus.gob.cu/es/servicios/registro-central-de-sancionados>.

### 5.6.6. Dominican Republic

**Status:** Under consideration.

**Notes:** A January 2020 story in the Santo Domingo daily *Listin Diario* reports that congressional deputy Jean Luis Rodríguez had introduced a bill in the Chamber of Deputies to establish a national sex offender registry. Former prosecutor for Santo Domingo, Yeni Berenice Reynoso, has also called for the creation of a sex offender registry, citing the US national sex offender registry as an example.

**Sources:** Santo Domingo, "After Yaneisy's Death, Deputy Insists on a Bill for Chemical Castration," *Listin Diario*, January 9, 2020, <https://listindiario.com/la-republica/2020/01/09/599185/tras-muerte-de-yaneisy-diputado-insiste-en-iniciativa-de-ley-para-la-castracion-quimica>.

"Yeni Berenice Advocates for a Public Sex Offender Registry in the DR," *Dominican Awakening*, February 15, 2019, <https://ddnoticias.com/yeni-berenice-aboga-por-un-registro-publico-de-delincuentes-sexuales-en-rd/>.

### 5.6.7. Ecuador

**Status:** No.

**Notes:** A national sex offender registry law was declared unconstitutional and voided by the Supreme Court in December 2019.

**Source:** Daniel Romero, "Violators Registry is Unconstitutional; Assembly Will Have to Archive Project," *El Comercio*, December 5, 2019, <https://www.elcomercio.com/actualidad/registro-violadores-corte-constitucional-asamblea.html>

### 5.6.8. Grenada

**Status:** In process.

**Notes:** In November 2017, the government of Grenada announced its plans to establish a special victims unit and to enact legislation that would require convicted sex offenders to be registered as part of the efforts to combat increasing child sexual abuse and other forms of sexual violence. As a member of the Organisation of Eastern Caribbean States (OECS), Grenada has previously participated in discussions to establish a regional registry. As of July 2021, the government suggested that by the end of the year its parliament may provide approval to publish the names of convicted sex offenders. According to Attorney General Dia Forrester, the registry would be maintained by the Commissioner of Police and is expected to be divided into two parts: one part containing all relevant information on offenders and the other containing "specific information available to the public."

**Sources:** "Grenada Government Moving to Establish Sex Offenders Register," *Caribbean National Weekly*, July 2, 2021, <https://www.caribbeannationalweekly.com/news/grenada-government-moving-to-establish-sex-offenders-registry/>.

"Grenada to Establish Sex Offender's Registry," *Caribbean National Weekly*, November 30, 2017, <https://www.caribbeannationalweekly.com/caribbean-breaking-news-featured/grenada-to-establish-sex-offender-registry/>.

### 5.6.9. Guyana

**Status:** No.

**Notes:** A February 2018 story in the *Guyana Times* reports public support in Guyana for a sex offender registry. In 2020, a representative of the Caribbean Voice (TCV) explained that her organization created and circulated the petition in 2017 in order to raise awareness about "the importance of establishing the registry." However, the petition did not receive the necessary 50 percent of the 10,000 signatures.

**Sources:** "Efforts to Establish Sex Offenders' Registry Stalled by Lack of Support," Kaieteur News, September 15, 2020, <https://www.kaieteurnewsonline.com/2020/09/15/efforts-to-establish-sex-offenders-registry-stalled-by-lack-of-support-the-caribbean-voice/>.

"Guyanese Support the Establishment of Sex Offenders' Registry," *Guyana Times*, February 16, 2018, <https://guyanatimesgy.com/guyanese-support-the-establishment-of-sex-offenders-registry/>.

### 5.6.10. Honduras

**Status:** No.

**Notes:** Decree Law 130-2017 created a new Penal code for Honduras that includes a provision requiring the courts to "keep a record of sexual offenders in which they enter the data of the people who have been convicted of any of the crimes contained in this title." However, the law appears to fall short of a true national sex offender registry, as indicated by the fact that a May 2020 article in the daily *La Prensa* calls for the establishment of a registry.

**Sources:** "Decreto No. 130-2017," *UN OHCHR*, 2017, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HND/INT\\_CCPR\\_FCO\\_HND\\_32137\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HND/INT_CCPR_FCO_HND_32137_S.pdf).

"Sex Offenders: A Permanent Danger, Especially in Children," *La Prensa*, May 28, 2020, <https://www.laprensa.hn/guiamedica/1382915-418/peligro-agresiones-sexuales-acoso-maltrato>

### 5.6.11. Mexico

**Status:** No.

**Notes:** In March 2020, the Mexico City passed a sexual offender registry law by a near unanimous vote. Persons convicted of the following crimes are to be included in the public registry: "femicide" "trafficking in persons" "assaults on children younger than 12 years old," and "sexual tourism." According to a March 10, 2020, NOTIMEX wire story:

The information system will contain the records of people sentenced by a criminal judge, and access will be public. The registry will include names, aliases, nicknames, updated photographs and nationality of the offender. The compilation of [other ] information is being studied, such as criminological profile, modus operandi, geographical information on where the offenses were committed, and offender genetic profile information (which will only be available to the Public Ministry). The crimes considered are: femicide, human trafficking, assaults on children under 12 years of age, and sex tourism. Registry listings will have a minimum duration of 10 years and a maximum of 30 years.

The sex offender registry resolution requires amendments to three Federal District laws: 1. Federal District Penal Code, 2. Law on Women's Entitlement to a Violence-Free Life, and Law on Children and Adolescent Rights. [Para llevar a cabo la creación de este registro se modificaron el Código

Penal capitalino, la Ley de Acceso de las Mujeres a una Vida Libre de Violencia y la Ley de los Derechos de Niñas, Niños y Adolscentes.]

The amendment to the Mexico Federal District Penal Code establishing the sex offender registry orders "the sentenced person to be registered in the Public Registry of Sexual Offenders, in terms of what is stated in the Law of Access of Women to a Life Free of Violence of Mexico City and of this code for the purposes of protection and security."

**Sources:** "Crean registro de agresores sexuales en la CDMX: incluirá nombre, ADN, foto y apodo," [Sex Offender Registry Created in Mexico City: Will Include] *El Financiero* [Mexico City] March 10, 2020, <https://www.elfinanciero.com.mx/nacional/crean-registro-de-agresores-sexuales-en-la-cd-mx-incluire-nombre-adn-foto-y-apodo>.

"¿Qué información tendrá el registro público de agresores sexuales de la Ciudad de México?" [What Information will the Mexico City Sex Offender Registry Contain?], *El Herald de Mexico*, March 10, 2020, <https://heraldodemexico.com.mx/cdmx/registro-publico-agresores-sexuales-ciudad-de-mexico-donde-consultar-informacion/>.

### 5.6.12. *St. Lucia*

**Status:** No.

**Notes:** In December 2017, Prime Minister Allen Chastanet expressed his government's support for a national sex offender registry. However, as of mid-2021, the parliament had not yet passed a registry law. As a member of the Organisation of Eastern Caribbean States (OECS), St. Lucia has participated in discussions to establish a regional registry.

**Source:** "PM Announces Plans for Local Sex Offender Registry," *Loop News*, December 5, 2017, <https://stlucia.loopnews.com/content/pm-announces-plans-local-sex-offender-registry>.

### 5.6.13. *Virgin Islands (British) (British Overseas Territory)*

**Status:** No.

**Notes:** Since at least 2018, the British Virgin Islands' government has been discussing establishment of a sex offender registry. Specifically, in September 2018, Minister for Health and Social Development Ronnie Skelton told BVI News that the matter has been put up for discussion 'on many occasions.' But to date, no definitive decision has been made on when or how the registry will be implemented.

The minister said the registry would reflect local sex offenders but he also noted: "There are sex offenders that are travelling here (the BVI)". He further explained that the ministry was "interested in making such a registry" but cited the need for coordination with other countries. He noted that the Virgin Islands had not been able to come to a consensus on how to get sex offenders travelling into the country on to the registry.

**Source:** Esther Durand, "Establishing Sex Offender Registry Being Discussed," *BVI News*, September 6, 2018, <https://bvinews.com/establishing-sex-offender-registry-being-discussed/>.