



SMART SUMMARY

2016

*Global Survey of Sex Offender Registration
and Notification Systems*

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Introduction

Sex offender registration and notification systems have proliferated around the world over the last twenty years. After the United States' first national-level sex offender registration law was passed in 1994, 29 additional countries have enacted sex offender registration laws. A handful of these systems are more analogous to what would be considered a CHRI (criminal history record information) database as opposed to a 'registry', but are included in this overview for the sake of thoroughness.

The following countries have laws governing sex offender registration systems at the national and/or provincial level: Argentina, Australia, Bahamas, Canada, Chile, Cyprus, France, Germany, India, the Republic of Ireland, Jamaica, Kenya, Maldives, Malta, New Zealand, Nigeria, Portugal, South Africa, South Korea, Spain, Taiwan, Trinidad & Tobago, United Kingdom and Commonwealth Nations (Bermuda, Gibraltar, Guernsey, Isle of Man, Jersey, and the Pitcairn Islands), and the United States.

The following countries have considered or are considering sex offender registration and notification laws, but such laws have not yet passed: Austria, Barbados, Belgium, Belize, Cayman Islands, Fiji, Finland, Hong Kong, Israel, Malaysia, Poland, Samoa, St. Lucia, Switzerland, United Arab Emirates, and Zimbabwe.¹

What follows in this *SMART Summary* is a brief snapshot of the sex offender registration and notification laws in each of the countries that have enacted such provisions, sequenced in chronological order of the *first* country in a continent or region to implement such laws. Statutory references, where available, are provided. In addition, the footnotes contain additional references which might assist the reader in finding out more detailed information about the countries' sex offender registration and notification provisions.

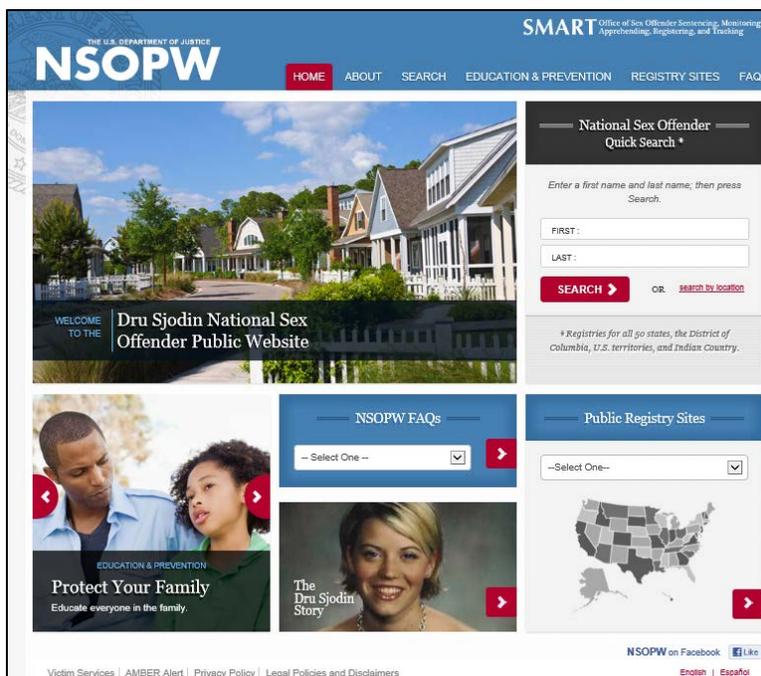
As this is a rapidly developing area of the law, and many statutes have not been officially translated into English, the reader is encouraged to check for the current versions of any nation's provisions and consult official translations, rather than relying solely on this *SMART Summary*.

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I. North America

A. United States

The first country to enact national sex offender registration legislation, the United States' registration and notification system now consists of individual registries and public registry websites operated by all 50 States, the District of Columbia, the principal U.S. Territories, as well as over 100 federally-recognized Indian Tribes. These jurisdiction-level systems are linked in a national public registry website, as well as a more detailed law-enforcement only database. Every one of these systems has its own nuances and distinct features. Every jurisdiction (meaning each state, territory, or tribe) makes its own determinations about who will be required to register, what information those offenders must provide, which offenders will be posted on the jurisdiction's public registry website, and so forth.



Even though sex offender registration itself is not directly administered by the federal government, the federal government is involved in sex offender registration and notification in a number of meaningful ways. Over the last two decades Congress has enacted various measures setting 'minimum standards' for jurisdictions to implement in their sex offender registration or notification systems. The most recent set of standards can be found in the Sex Offender Registration and Notification Act (SORNA), which was passed in 2006. SORNA

currently governs the federal minimum standards for sex offender registration and notification systems.

The public sex offender registry website and SORNA standards are administered through the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) within the United States Department of Justice. In addition to the SMART Office, other agencies and offices of the U.S. Department of Justice are involved in sex offender registration and notification policy, information-sharing, and international travel notifications, including the United States Marshals Service's National Sex Offender Targeting Center, INTERPOL-Washington, and the Federal Bureau of Investigation.

B. Canada

In 2001, Ontario was the first Canadian Province to enact a sex offender registration system. It operates in conjunction with, yet separately from, Canada's National Sex Offender Registry, which was launched in 2004. Each of the other Canadian provinces has passed their own regulations in order to participate in the National Sex Offender Registry (*See Appendix C*). In 2015, Canada passed new legislation enabling the creation of a national public registry website, although the site has not yet gone live. Public posting of sex offenders will be limited to those determined to be at a high-risk of re-offense.² Alberta³ and Manitoba⁴ each have maintained limited provincial public registry websites for a number of years.

II. Europe

A. United Kingdom

The United Kingdom passed its initial national sex offender registration law in 1997. Under the current version of the Act, qualifying offenders are required to provide certain registration information to local police officials and maintain their registration information in the event of any changes. The general scheme of the registration and notification system of the United Kingdom is as follows: nearly every sex offense is registerable, and offenders are required to register for anywhere from two years to life, depending on certain circumstances. Offenders must update their registration information within three days of any changes. Notice of international travel is required.

The public notification provisions in the United Kingdom are fairly limited. In 2013, "Sarah's Law" was passed, which enables individuals to apply to their local police officials to find out if any person is a registered sex offender. Legislators have also proposed the creation of a public registry website in Scotland, but such measures have not been successful.⁵

1. Civil Orders

The United Kingdom was the first to utilize a comprehensive set of civil orders in an effort to manage its sex offenders. They have recently been reclassified, with the current Sexual Risk Orders (SRO) and Sexual Harm Prevention Orders (SHPO) replacing the previously-available Sexual Offences Prevention Orders (SOPO), Foreign Travel Orders (FTO), and Risk of Sexual Harm Orders (RSHO). These orders can be pursued independent of an individual's registration responsibilities, *i.e.*, a person need not be a convicted or registered sex offender in order to be potentially subject to these orders:

Sexual Risk Order (SRO): Any person may request an **SRO** if an adult is engaging in an "act of a sexual nature which suggests they pose a risk of harm to the public in the UK or children....abroad";⁶ the **SRO** can prevent any such named activity, in addition to placing the person on the sex offenders' register.⁷ As part of its decision-making process, the court will take into consideration a current assessment of risk of the offender.⁸ SROs may be issued for any qualifying person, regardless of whether or not they have been convicted of an offense.⁹

SROs last for not less than 2 years and must be tailored to the offenders' specific risk of harm. For example, an SRO may prohibit contact with a child, or prohibit the offender from visiting a place where they have previously offended against a child.¹⁰

Sexual Harm Prevention Order (SHPO): Police may request an **SHPO** if a person has previously been convicted of a sex or violent offense for the purposes of

- protecting a person or persons from sexual harm from the offender;¹¹
- protecting a particular child, or children in general, from sexual harm from the offender outside the United Kingdom.

For example, an **SHPO** might be issued to prevent an offender from working with children or using the internet for certain activities.¹² A SHPO can be issued at the time of sentencing, as well, without any petition from law enforcement.¹³

Foreign travel restrictions can be imposed by both SHPOs and SROs, depending on the circumstances. Such "restrictions may include prohibitions on travelling to:

- any country outside the UK named or described in the order;
- any country outside the UK, other than a country named or described in the order;
or
- any country outside the UK."¹⁴

2. Commonwealth Nations

Because of the historical ties forged through the British Empire, many countries still have a distinct legal relationship with the United Kingdom and, as such, often have similar criminal justice systems. Two designations used for such countries are *British Crown Dependency* or *British Overseas Territory*.

British Crown Dependency: There are three Crown Dependencies: the Bailiwick of Jersey, the Bailiwick of Guernsey, and the Isle of Man. These are not officially part of the United Kingdom. They have their own legislatures, administrative bodies, and legal systems.¹⁵ The United Kingdom is generally responsible for their defense and diplomatic representation.¹⁶

British Overseas Territory: The British Overseas Territories consist of the former territories of the British Empire that have not elected to pursue independence. There are 11 British Overseas Territories inhabited by civilians: Gibraltar, Bermuda, the Falkland Islands, St. Helena and its dependencies (Ascension and Tristan da Cunha), Montserrat, the British Virgin Islands, the Cayman Islands, Turks and Caicos Islands, Anguilla, the Pitcairn Islands, and the Sovereign Base Areas on Cyprus.¹⁷ The United Kingdom is generally responsible for the defense of the Overseas Territories and for their foreign affairs. Most Overseas Territories have their own legal system and elected government.

Certain Crown Dependencies and Overseas Territories have enacted sex offender registration provisions, with systems very similar to that found in the United Kingdom. In order of enactment, those countries are:

Bermuda	2001
Isle of Man	2001
Jersey	2010
Pitcairn Islands	2010
Gibraltar	2011
Guernsey	2014

Among the Commonwealth Nations, Bermuda, Guernsey, and Jersey permit a limited degree of public disclosure of information regarding registered sex offenders in certain circumstances. The remaining nations do not have any such provisions. In addition, all of these

countries (except Bermuda) have available most, if not all, of the civil orders detailed in the discussion of the United Kingdom's registration system, above.

3. Other United Kingdom-Style Registry Systems

One other country has a registration system which is akin to a United Kingdom-style system; **Malta** launched its sex offender registration program in 2012, although it does not have the sex offender-specific civil orders available.

B. Ireland

Unique among European countries is the system implemented in the **Republic of Ireland**. Ireland started its registration system in 2001. On conviction for a sex offense, the court issues a certificate which is held by the national police (Garda Síochána). The local police where the offender lives maintain a Sex Offenders Notification Form which is cross-referenced with the records held by the Garda, when necessary, but there is no national 'register' of sex offenders that contains updated information.

C. European Governance

The governance within and among European countries is intricate at times, particularly regarding issues of law enforcement, criminal justice, migration, and information-sharing. A discussion of the multi-national police agencies on the Continent is followed by an overview of the Council of Europe, the European Union (**EU**), and various migration policies which influence the sharing of information about sex offenders travelling internationally. Where appropriate, certain relevant resolutions and directives are described.

1. Multi-National Police Organizations

INTERPOL (International Criminal Police Organization) is a police organization with 190 member countries, based in Lyon, France, and dedicated to facilitating international police cooperation on a wide variety of law enforcement issues.¹⁸ Its General Assembly meets annually to set policy, and make decisions regarding other operational matters. Each INTERPOL member country maintains a National Central Bureau (**NCB**) to link national police with INTERPOL's global network. Although not strictly a European institution, INTERPOL is a critical resource in Europe's law enforcement infrastructure.

- INTERPOL's Resolution No. 2 (AG-2014-RES-02)¹⁹ passed in 2014, and encouraged its member countries to develop measures to share information about traveling child sex offenders and to work towards establishing a global system for sharing information about such offenders.

EUROPOL (European Law Enforcement Agency) is the EU's police agency, based in The Hague, Netherlands, working with law enforcement in 28 EU Member States and other non-EU states to identify and track the most dangerous criminal networks in Europe.²⁰

2. Council of Europe

A predecessor organization to the EU is the **Council of Europe**, founded in 1949 and still functioning with 47 member states, serving as an advisory and investigatory body to develop and critique policies and practices which affect its member states.²¹ Member states include EU member states, as well as non-EU nations such as Turkey, Ukraine, and the Russian Federation. The **Parliamentary Assembly** of the Council of Europe (PACE) has over 320 members, consisting of elected representatives from the respective member states.

- Resolution 1733 (2010)²² of the **Parliamentary Assembly** issued a series of recommendations for EU member states regarding the implementation of sex offender registers. While the Assembly “did not support a Europe-wide sex offenders register” it did call on member states to “introduce...a sex offenders register which contains accurate and regularly updated information on persons convicted” of sex offenses. Among other measures, member states were also encouraged to share information about sex offenders with other member states and to provide such information to INTERPOL.

3. European Union

The most significant post-cold war development in European politics has been the growth in stature and significance of the European Union. Based in Brussels, Belgium, and established with its current name in 1993, the EU and its 28 member states coordinate to streamline policy and address significant issues across Europe.

There are a number of EU entities which drive policy among the Member States:

- The **European Commission** is the executive ‘branch’ of the EU, responsible for the creation of new laws and policies, as well as overseeing their implementation.²³
- The **Council of the European Union** (The Council) is the forum in which ministers meet to make decisions on EU policy, roughly equivalent to an ‘upper house’ of the EU’s legislative system.
- The **European Parliament** consists of over 750 elected members (MEP’s), and is roughly equivalent to a ‘lower house’ of the EU’s legislative system.

- Directive 2011/92/EU of the European Parliament encouraged EU member states to consider implementing sex offender registers in their countries, consistent with national constitutional principles.²⁴

4. European Migration Policies

When tracking registered (or convicted) sex offenders internationally, the issues of immigration law, border restrictions, and international agreements are squarely in play. With the recent influx of refugees from Syria, Iraq, and other war-torn locations, many of the previously-enacted migration agreements between European countries are being amended to alter the ability of people to travel freely throughout the region.

Schengen Area: The **Schengen Agreement** was originally a treaty entered into by dozens of European countries which, over the years, has resulted in the ability to travel throughout nearly all of continental Europe without any border control points, once a person has been admitted to the **Schengen Area**. The Schengen countries are contiguous to one another.²⁵ Twenty two EU member states participate as Schengen countries.²⁶ Seven additional non-EU countries participate either formally or in practice.²⁷ Because of the refugee crisis which has inundated Europe since the summer of 2015, some countries are now limiting their participation in the Agreement, or withdrawing from it altogether.²⁸

Common Travel Area: As noted above, the United Kingdom and Ireland are not Schengen countries, and maintain their own border control regardless of an individual's country of origin. Similar to the free travel provisions of the Schengen Area, however, the Common Travel Area (CTA) is made up of the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands (including Guernsey and Jersey). Generally speaking, persons travelling between and among the jurisdictions in the CTA are not required to pass through any kind of physical immigration control point.²⁹

In addition, among these frequently travelled areas and countries located in such close proximity to one another, the issue of sharing criminal justice data—and tracking sex offenders—has risen to the forefront in recent years.

The **Schengen Information System** (SIS) is a law enforcement database designed to alert border control officers and other appropriate officials when a person is of particular concern to public safety. Most EU countries have access to SIS, with the notable exception of the United Kingdom and Ireland. Generally speaking, when an individual presents themselves for admission to a Schengen Country, the country's

border authority will (among other checks) conduct an SIS check, and take appropriate action, as they are able, if there is an alert for the individual found in SIS.

D. Other European Registration Systems

France enacted its registration law in 2004 and it went into force in 2005. French Nationals who are convicted in foreign courts of offenses similar to registerable offenses in France also must register upon their return to France. The 2009 landmark case of *Gardel v. France*³⁰ discussed the French registration process in detail and held that it did not violate the European Convention on Human Rights. While **Germany** does not have a nationwide sex offender registration system, a number of its states have developed a “sex offender file”³¹ in order to better track sex offenders after their release from prison and while they are on supervision in the community. The system appears to be in place in Bavaria (Bayern), Brandenburg, Hessen, Saxony (Sachsen), and North Rhine-Westphalia (Nordrhein-Westfalen). Information gathered by the system includes risk assessments, DNA, fingerprints, and conviction information.

At least in part due to Directive 2011/92/EU of the European Parliament, some additional EU member states have recently passed sex offender registration provisions. In 2015, **Portugal** approved the creation of a child sex offender registry, with access limited to law enforcement.³² **Spain** also enacted its registry in 2015, although the system appears to only be a criminal history database, and does not appear to require any proactive steps on the part of offenders to keep registration information current.³³ **Cyprus** has also enacted a sex offender registration law.³⁴

III. Asia

South Korea has a robust sex offender registration and notification system which was first enacted in 2000. Any person convicted of a sex offense is subject to targeted public notification and website posting.³⁵ South Korea also maintains a public registry website.



Taiwan enacted its sex offender legislation in 2005, and the regulation governing the implementation of the sex offenders' database was issued in 2012. The registration database includes basic identifying information, information about the crime of conviction, fingerprints, DNA, and a photograph. The law authorizing the establishment of a public sex offender registry website in the **Maldives** was passed in 2009. However, the implementation of that law has been delayed for many years, and it is unclear whether the registry is operational.³⁶

In recent years, **India** has moved towards a national sex offender registration program. New Delhi's police department started posting detailed information about convicted sex offenders on a public registry website in 2013, and convictions dating back to 1983 are now included.³⁷ In August 2015, India's Home Minister announced that a national sex offender registry will be established by 2017.³⁸ The Delhi Police operate a publicly-available notification website (<http://www.delhipolice.nic.in/sexualoffender.html>) which includes the offender's picture, name, parentage name, address, and additional information about the conviction itself.

Sr. No.	Photo	Name	Parentage Name	Present Address	Permanent Address	Fir No	Fir Year	Police Station
1		GYANI	JAI PAL SINGH	VILLAGE BAINA PS MAAJATH DISTT. MATHURA UP	HOUSE OF VICKY H.N. 106 STREET NO 3 BHARIPUR DELHI	255	2012	KHAJURI KHAS 363 IPC
2		SURENDER	RAM CHANDER	F-6/28 SULTANPURI DELHI		80	2013	SULTAN PURE 376 4/5 ACT
3		JAGDISH NAUTYAL	SALIK RAM NAUTYAL	254 - 255 SWAYAM SEWA CO- OPERATIVE GROUP HOUSING SOCIETY TROVENE APARTMENTS JHLMIL COLONY NEW DELHI		07	2011	OTHER SOUTH- WEST 376

IV. Caribbean & South America

Trinidad & Tobago enacted its sex offender registration provisions in 2000, the first to be enacted in the Caribbean. **Jamaica** passed its Act requiring sex offender registration in 2009, and enacted regulations enabling such registration in 2012. The data system needed to handle the registry data was completed in March of 2014.³⁹ The **Bahamas** passed its first national sex offender registration law in 2014.

In South America, **Chile** enacted its sex offender registration law in 2012.⁴⁰ The general public can search against the registry database to find out if a person is listed on the registry.⁴¹ **Argentina** passed its national sex offender registration law in 2013. Among its 23 provinces and one autonomous city (Buenos Aires), a number have enacted conforming provincial regulations to implement the national law.⁴²

V. Australia & New Zealand

The first **Australian** state to assent to Sex Offender Registration legislation was New South Wales, in 2000. In 2004, the National Sex Offender Registration Agreement was entered into and by 2006, every Australian state and territory had enacted sex offender registration legislation (see Appendix C). Australia has a central registry, the Australian National Child Offender System (NCOS, formerly ANCOR) which has been operational since 2004 and is operated by CrimTrac. Each of Australia's eight states and territories also has its own sex offender registry.

While each state or territory maintains its own registry, there are policies in place to share that registration information across the country, as well as with the Australian Government. The individual registration schemes are distinct and complex and the practitioner is encouraged to review the appropriate State or Territory's provisions.

- The State of Western Australia has established a public sex offender registry website: <https://www.communityprotection.wa.gov.au>.



The Child Sex Offender Register in **New Zealand** began its operations in October of 2016.⁴³ Persons convicted of sex offenses against minors who have also either (1) been sentenced to imprisonment, or (2) ordered to register by the sentencing judge, will be subject to the registration requirements. Similar to the system in the United Kingdom, the duration of registration varies, depending on the severity of the offense and the length of the sentence

which was received, ranging from eight years to life. The general public does not have access to the register.

VI. Africa

Kenya enacted its sex offender registration law in 2006. In 2008, regulations were promulgated to implement the registry. Beginning in 2010, the Kenyan National Council for Law Reporting (NCLR) began independently compiling a register of convictions for sex offenses to be forwarded to the Registrar. The official registry database was unveiled in 2012. **South Africa** passed its legislation directing the establishment of a National Register for Sex Offenders (NRSO) in 2007, and the system became operational in 2009. The registry is primarily used to enable employers and certain government officials to conduct checks; it does not appear to be designed for investigative use by police officials.⁴⁴

There is also a limited registration system in **Nigeria**. The country consists of 36 states and one federal capital territory; Lagos State, on the southwestern coast of the country, announced the establishment of a sex offenders register in 2014.⁴⁵

Appendix A
Statutory References

Argentina	LAW No. 26.879, July 24, 2013, BOLETÍN OFICIAL 32.686 ⁴⁶
Australia	INTERGOVERNMENTAL AGREEMENT: CRIMTRAC AGENCY ⁴⁷
Bahamas	Sexual Offences (Amendment) Act, 2014 ⁴⁸
Bermuda	Criminal Code Act 1907 (Bahamas) 329G & 329H ⁴⁹
Canada	Sex Offender Information Registration Act, S.C. 2004, c. 10 ⁵⁰
Chile	CREA INHABILIDADES PARA CONDENADOS POR DELITOS SEXUALES CONTRA MENORES Y ESTABLECE REGISTRO DE DICHAS INHABILIDADES, LEY 20594. ⁵¹
Cyprus	<i>No Citation Available</i>
France	CODE DE PROCÉDURE PÉNALE [CODE OF CRIMINAL PROCEDURE] 706-53-1, <i>et. seq.</i> ⁵²
Germany	<i>Nordrhein-Westfalen nimmt Sexualstraftäter-Datei in Betrieb</i> [North Rhine-Westphalia Puts Sex Offender File in to Use] ⁵³
Gibraltar	Crimes Act (2011) pt. 13 ⁵⁴
Guernsey	The Criminal Justice (Sex Offenders and Miscellaneous Provisions) Law, 2013 ⁵⁵
India	<i>No Citation Available</i>
Ireland	SEX OFFENDER ACT 2001 (Act No. 18/2001) ⁵⁶
Isle of Man	Criminal Justice Act (2001), Sex Offenders Act (2006), Criminal Justice, Police and Courts Act (2007) ⁵⁷
Jamaica	Sexual Offences Act ⁵⁸
Jersey	SEX OFFENDERS (JERSEY) LAW 2010 ⁵⁹
Kenya	The Sexual Offences Act §39(13) (LAWS OF KENYA NO. 3/2006) ⁶⁰
Maldives	Law no: 12/2009 at §57 ⁶¹

Malta	Protection of Minors (Registration) Act, Act XXIII of 2011 ⁶²
New Zealand	CHILD PROTECTION (CHILD SEX OFFENDER GOVERNMENT AGENCY REGISTRATION) ACT 2016 ⁶³
Nigeria	<i>No Citation Available</i>
Pitcairn Islands	LAWS OF PITCAIRN, HENDERSON, DUCIE & OENO ISLANDS, CH. XLIV (SEXUAL OFFENCES (NOTIFICATION AND PREVENTION) ORDINANCE) ⁶⁴
Portugal	DECRETO N.º 395/XII ⁶⁵
South Africa	Criminal Law (Sexual Offences and Related Matters) Amendment Act (No. 32 of 2007) ⁶⁶
South Korea	Act on the Protection of Children and Juveniles from Sexual Abuse, June 9, 2009, art. 33, <i>et. seq.</i> ⁶⁷
Spain	REAL DECRETO 1110/2015 ⁶⁸
Taiwan	Sex Assault Crime Prevention Act, Art. 23 ⁶⁹
Trinidad & Tobago	Laws of Trinidad and Tobago, Sexual Offences Act, Ch. 11:28, Pt. III ⁷⁰
United Kingdom:	Sexual Offences Act, 2003
United States	42 U.S.C. §16911, <i>et. seq.</i>

Appendix B
Australian State and Territory Sex Offender Registration Legislation

State or Territory	Date of Assent	URL of Legislation
Australian Capital Territory	June 29, 2005	http://www.legislation.act.gov.au/a/2005-30/current/pdf/2005-30.pdf
New South Wales	June 27, 2000	http://www.legislation.nsw.gov.au/inforcepdf/2000-42.pdf?id=e625d849-0c7d-e10e-ef30-d1164e2c2ec2
Northern Territory	November 4, 2004	http://www.austlii.edu.au/au/legis/nt/consol_act/cprara514/
Queensland	November 29, 2004	https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2004/04AC052.pdf
South Australia	November 30, 2006	http://www.legislation.sa.gov.au/LZ/C/A/CHILD%20SEX%20OFFENDERS%20REGISTRATION%20ACT%202006/CURRENT/2006.32.UN.PDF
Tasmania	December 15, 2005	http://www.parliament.tas.gov.au/bills/Bills2005/pdf/86_of_2005.pdf
Victoria	October 1, 2004	http://www.austlii.edu.au/au/legis/vic/consol_act/sora2004292/
Western Australia	December 8, 2004	http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mr_title_166_homepage.html

Appendix C
Canadian Provincial Sex Offender Registration Regulations

Province	Date of Assent	URL of Sex Offender Regulations
Alberta	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-239/index.html
British Columbia	2005	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-2/index.html
Manitoba	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-310/index.html
New Brunswick	2005	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-16/index.html
Newfoundland & Labrador	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-322/index.html
Northwest Territories	2005	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-1/index.html
Nova Scotia	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-305/index.html
Nunavut	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-321/index.html
Prince Edward Island	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-307/index.html
Quebec	2005	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-6/index.html
Saskatchewan	2004	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-304/index.html
Yukon	2005	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-43/index.html

Appendix D: Summary Table of National Provisions

	Year	Offenses	Duration	Updating	Notice of Int'l Travel	Website	Civil Orders	Other Public Notification
Argentina	2013	Sexual Abuse of Minors; Forcible Sexual Abuse	Indefinite	Residence Address	No	No	No	No
Australia	2000/2004	Varies	Varies	Varies	Yes	One State	No	No
Bahamas	2014	Most sex offenses	Ten years +	Annual and w/in 7 days for name or address change	No	No	No	If offender poses significant risk of harm
Bermuda	2001	Most serious sex offenses	Ten years	Immediate update of name or address	No	No	No	Can be made after risk assessment
Canada	2001/2004	Most sex offenses	10 years to Life	Annual and w/in 15 days for name or address change	Yes	Yes	No	If offender convicted of sex offense against a minor and high-risk

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	Year	Offenses	Duration	Updating	Notice of Int'l Travel	Website	Civil Orders	Other Public Notification
Chile	2012	Many sex offenses	10 or 20 years	Every 6 months or annual; address change w/in 15 days	No	No, but general public can query registry database	No	No
Cyprus	2014	Child Sex Offenses	Life	Annual	Unknown	No	Unknown	Unknown
France	2005	Many sex offenses	10 or 20 years	Every 6 months or annual; address change w/in 15 days	No	No	No	No
Germany		Unknown	Unknown	Unknown	No	No	No	No
Gibraltar	2011	Most sex offenses	2 years to life	Within 3 days of changes	Authorized	No	Yes	No
Guernsey	2014/2015	Most sex offenses	At least 2 years	Annual and within 24 hours of any changes	Authorized	No	Yes	If an offender poses a specific risk of harm

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	Year	Offenses	Duration	Updating	Notice of Int'l Travel	Website	Civil Orders	Other Public Notification
India	2015	Rape and other serious sex offenses	Unknown	Unknown	No	One locality; central website under development	No	No
Ireland	2001	Most sex offenses	5 years to life	On any changes	Yes	No	No	No
Isle of Man	2001	Most sex offenses	5 years to life	Name, address, employment changes within 2 days	Authorized	No	Yes	No
Jamaica	2009/2012	Most serious sex offenses	Indefinite, may petition for removal after 10 years	Annual; address or name change w/in 14 days	Yes	No	No	No
Jersey	2011	Most serious sex offenses	Suggested minimum of 5 years	Name or address w/in 24 hours	Yes	No	Yes	Background check can be requested by concerned individual

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	Year	Offenses	Duration	Updating	Notice of Int'l Travel	Website	Civil Orders	Other Public Notification
Kenya	2006/2008	Unknown	Life	Any changes to residence, employment or school	Yes	No	No	Anyone with a reasonable interest may inquire
Maldives	2009	Most serious sexual offenses involving children	Unknown	Unknown	No	Authorized but not operational	No	No
Malta	2012	Most serious sex offenses	2 years to Life	Any changes w/in 3 days	Yes	No	No	No
New Zealand	2016	Child sex offenses	8 years to Life	Annual; any changes w/in 3 days	No, but required for any trip away for more than 48 hours	No	No	When significant threat to safety
Nigeria (Lagos State)	2014	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	To individuals and organizations who need the information
Pitcairn Islands	2004	Serious sex offenses	2 years to life	Within 3 days of any changes	Yes	No	Yes	No

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	Year	Offenses	Duration	Updating	Notice of Int'l Travel	Website	Civil Orders	Other Public Notification
Portugal	2015	Child sex offenses	5 years to 20 years	Within 15 days	No	No	No	To parents, in certain circumstances
South Africa	2007/2009	Child sex offenses	5 years to Life	Unknown	No	No	No	No
South Korea	2009	Child sex offenses	20 years	Within 30 days; police verify annually	No	Yes	No	To the local community
Spain	2015	Child Sex Offenses (generally)	Varies	None	No	No	No	No
Taiwan	2005/2012	Rape & Indecent Acts	5 or 7 years	Within 7 days	No	No	No	No
Trinidad & Tobago	2000	Any sex offense	5 years to Life	Within 14 days of name or address change	No	No	No	No
United Kingdom	1997	Most sex offenses	2 years to life	Within 3 days	Yes	No	Yes	Individual may inquire with local police

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	Year	Offenses	Duration	Updating	Notice of Int'l Travel	Website	Civil Orders	Other Public Notification
United States	1994	Most sex offenses	15, 25, or Life	Every 3, 6, or 12 months; within 3 days of name, address, work, school changes	Yes	Yes	No	States may make further public notification

ENDNOTES

¹ A general source reference for some of the material found in this overview is: Thomas, Terry, *THE REGISTRATION AND MONITORING OF SEX OFFENDERS: A COMPARATIVE STUDY* (2011). The following is the source material for the assertions that certain countries are considering, or have considered, developing sex offender registration laws, or other notable policies regarding convicted sex offenders:

- Austria: *America has pioneered the harsh punishment of sex offenders. Does it work?*, THE ECONOMIST (Aug. 6, 2009), <http://www.economist.com/node/14164614>.
- Barbados: Renette M. Dimmott, *Keep Tabs on Sex Offenders*, NATIONNEWS (Nov. 5, 2015), http://www.nationnews.com/nationnews/letters_to_editor/74123/tabs-sex-offenders#sthash.WOU6RBFw.fwuf.
- Belgium: In 2014 legislation was proposed to establish a sex offender registry, although to date it has not passed. Proposition de Loi Visant à Créer un Registre National des Auteurs d'infractions sexuelles au sein du Casier Judiciaire Central [Proposed Legislation to Create a National Registry of Sex Offenders in the Central Criminal Record] (Aug. 26, 2014), *available at* <http://www.lachambre.be/FLWB/PDF/54/0155/54K0155001.pdf>.
- Belize: In 2013 legislation was proposed in the National Assembly and passed the House of Representatives, but has not yet passed in the Senate. Criminal Code (Amendment) (No. 2) Bill, 2013, § 18, *available at* [http://d02044893.brinkster.net/belizecan/PDF/BILL101/Criminal_Code_\(Amendment\)_\(No._2\)_Bill,_2013.pdf](http://d02044893.brinkster.net/belizecan/PDF/BILL101/Criminal_Code_(Amendment)_(No._2)_Bill,_2013.pdf), *House of Representatives Approved 20 Bills*, <http://www.nationalassembly.gov.bz/index.php/press-release-bna/282-house-of-representatives-approve-20-bills>.
- Cayman Islands: A sex offender registry bill was introduced in 2009, but failed to pass. *Comment Now on Sex Offender Bill*, CAYMAN ISLANDS GOVERNMENT, <http://www.gov.ky/portal/page/portal/cighome/pressroom/archive/200903/commentnowonsexoffenderbill>, *Over the Past Few Years there have been Proposals for a Sex Offender Registry in the Cayman Islands; would the Creation of a Public Registry be a Breach of Human Rights-Right to Privacy?*, Research Project—Summer 2013, CAYMAN ISLANDS HUMAN RIGHTS COMMISSION, *available at* <http://www.humanrightscommission.ky/portal/pls/portal/docs/1/11292790.PDF>.
- Fiji: *Fiji Considers Sex Offenders Registry*, (Feb. 24, 2013), *available at* <http://www.abc.net.au/news/2013-02-25/an-fiji-sex-register/4537340>.
- Finland: *Finland Considers Sex Offender Registry*, YLE UUTISSET (Oct. 30, 2009), *available at* http://yle.fi/uutiset/finland_considers_sex_offender_registry/5909091.
- Hong Kong: Hong Kong has considered implementing a sex offender registry but has yet to do so. *Interim Proposals on a Sex Offender Register*, THE LAW REFORM COMMISSION OF HONG KONG, REVIEW OF SEXUAL OFFENCES SUB-COMMITTEE (Consultation Paper), *available at* <http://www.hkreform.gov.hk/en/publications/sexoff.htm>, Wing Hong Chui *et. al.*, *Attitudes of the Hong Kong Chinese Public Towards Sex Offending Policies: The Role of Stereotypical Views of Sex Offenders*, 17 PUNISHMENT & Society 94 (2015). Hong Kong also has a Sexual Conviction Record Scheme Check Protocol, which enables employers of persons working with children to check whether their prospective employees have any prior sexual offense convictions. *Notes to Employers*, HONG KONG POLICE FORCE, http://www.police.gov.hk/ppp_en/11_useful_info/eta.html.

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- Israel: Israel has implemented multiple provisions to better monitor sex offenders. In 2006 a law was passed which requires that the “risk imposed by any sex offender who is discharged to the community [be] assessed. In the case of moderate to high levels of dangerousness, the state can apply for supervisory measures, with specifications and length that are adjusted according to level of dangerousness and the nature of the offenses.” Moshe Birger, *et. al.*, *Treatment of Sex Offenders in Israeli Prison Settings*, J. AM. ACAD. PSYCHIATRY LAW 39:100-3 (2011), available at <http://www.jaapl.org/content/39/1/100.full.pdf>. In addition, background checks to prevent persons convicted of sex offenses from gaining employment at any place that provides services to ‘helpless persons’. See Prevention of Employment of Sex Offenders in Specific Institutions (Amendment No. 7) Law, 5711-2011; *Israel: Prevention of Employment of Sex Offenders in Specific Institutions* (June 20, 2011), http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205402714_text. Calls to establish a sex offender registry have also been made. Ruth Eglash, *Shattering the Quiet*, JERUSALEM POST (Jan. 4, 2011), <http://www.jpost.com/Opinion/Op-Ed-Contributors/Shattering-the-quiet>.
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- St. Lucia: *Sex Offenders Registry Gets T & T Support*, ST. LUCIA TIMES NEWS (March 6, 2016), <http://stluciatimes.com/2016/03/06/sex-offenders-registry-gets-support>.
- Switzerland: *Registre des Délinquants Sexuels et des Auteurs des Violence sure des Enfants* [Registry of Sex Offenders and Abusers of Children], MOTION NO. 13.127, available at <https://www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20133127>; *Sex Offender Registry Sought after Tragic Killing*, THE LOCAL (Sept. 15, 2013), available at <http://www.thelocal.ch/20130915/sex-offenders-registry-sought-after-therapist-killing>. Switzerland has a centralized criminal record database (VOSTRA) from which employers can require a prospective hire to secure a criminal record; however, the information in the database is held only for a set period of time before it is deleted. MOTION NO. 13.127, see also DISCLOSURE OF CRIMINAL RECORDS IN OVERSEAS JURISDICTIONS (COUNTRIES R-U) MARCH 2009, p. 72-80, available at https://www.cpni.gov.uk/documents/publications/2009/2009-criminal_records_disclosure_countries-r-u_march09.pdf.

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- Zimbabwe: Tatenda Gumbo, *Zimbabweans Welcome Calls for National Sex Offenders Registry*, <http://www.voazimbabwe.com/content/zimbabweans-welcome-calls-for-national-sex-offenders-registry/3163737.html> (Jan. 26, 2016); Lebo Nkatanzo, *Zimbabwe Sets Up Sex Offenders' Register*, NEW ZIMBABWE (Jan. 11, 2011), available at <http://www.newzimbabwe.com/news-4251-Police+set+up+sex+offenders+register/news.aspx>.

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⁶ Jacqueline Beard & Sally Lipscombe, *Briefing Paper: Registration and Management of Sex Offenders*, at p. 16, HOUSE OF COMMONS LIBRARY, No. SN05267 (May 23, 2016), <http://researchbriefings.files.parliament.uk/documents/SN05267/SN05267.pdf>, hereinafter 2016 Briefing Paper.

⁷ See GUIDANCE ON PART TWO OF THE SEXUAL OFFENCES ACT 2003 at 42-49, U.K. HOME OFFICE (March 2015), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442151/2015-07-03_FINAL_Guidance_Part_2_SOA_2003.pdf, hereinafter GUIDANCE ON PART TWO.

⁸ 2016 Briefing Paper, *supra* n. 6 at 16.

⁹ *Id.* at 16.

¹⁰ *Id.* at 17.

¹¹ See *id.* at 14, 33-41. The burden of proof is a 'reasonable cause to believe' that it is necessary that a SHPO be entered. *Id.* at 15.

¹² *Id.* at 15.

¹³ *Id.* at 14.

¹⁴ *Id.* at 18. If an offender is subject to a total ban on foreign travel, they must surrender their passport. *Id.*

¹⁵ *Fact Sheet on the UK's Relationship with the Crown Dependencies*, MINISTRY OF JUSTICE, <http://www.uniset.ca/microstates/crown-dependencies.pdf>.

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- ¹⁹ <http://www.interpol.int/content/download/26798/362408/version/4/file/AG-2014-RES-02%20E%20GREEN%20NOTICES.pdf>.
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- ²³ All background information about the EU is from John McCormick and Jonathan Olsen, *THE EUROPEAN UNION: POLITICS AND POLICIES* (5th ed. 2014).
- ²⁴ Directive 2011/92/EU, Para. 43, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093>.
- ²⁵ Generally speaking, any territory of a Schengen country which is located outside of Europe is not included in the Schengen Area (for example, the French territory of Martinique in the Caribbean).
- ²⁶ The four non-participating countries are Bulgaria, Croatia, Cyprus, and Romania.
- ²⁷ Iceland, Monaco, Liechtenstein, Norway, San Marino, Switzerland, and Vatican City.
- ²⁸ As of the fall of 2016, those countries are Austria, Denmark, France, Germany, Norway, Poland, and Sweden. *Temporary Reintroduction of Border Control*, EUROPEAN COMMISSION, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/index_en.htm.
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- ³⁴ Sinead Kelly, *Cyprus Gets Tough on Sex Offenders as House Passes New Law*, CYPRUS MAIL (June 20, 2014), <http://cyprus-mail.com/2014/06/20/cyprus-gets-tough-on-sex-offenders-as-house-passes-new-law/>.
- ³⁵ As of 2012, South Korea had over 7,600 registered sex offenders, 2,650 of whom had their information posted on the public registry website. Kyungseok Cheo & Andrew Harris, *Sex Offender Registration in Korea*, SEX OFFENDER LAW REPORT (April/May 2013) at p. 35. The registry contains certain information including: The offenders' name, both in Korean and Chinese characters (non-Korean offenders must submit their name in Korean, the offenders' native language, and English); resident registration number; address and real residence; occupation, job position, and work address; physical description and age; photograph; car registration number; court and date of conviction; case number; name of the crime of conviction; sentence imposed; and summary of case facts.
- ³⁶ Zaheena Rasheed, *Man sentenced to 14 years in jail for molesting a 16 year old boy*, MINIVAN NEWS (June 10, 2014), <https://minivannewsarchive.com/crime-2/man-sentenced-to-14-years-in-jail-for-molesting-a-16-year-old-boy-86745>.
- ("State Minister for Health [doctor] Aishath Ramila told local media in April that the ministry has failed to compile a legally mandated Sex Offenders Registry due to lack of access to criminal records. 'Even if we look at other countries, an Offenders Registry is always with the Police of the country. This is because all the criminal records of the offenders are within the police database. Gender ministry will not have their criminal records,' Ramila said. "Will the register be maintained by us or the police? I think this is the first decision that we need to make", she added. She also said the Health Ministry does not have the resources to compile and maintain the registry.")
- Id.*
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⁶⁸ http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-14264.

⁶⁹ <http://www.ccunix.ccu.edu.tw/~alumni/m/tatdvso/ajodvso/1-1/9.pdf>.

⁷⁰ http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.28.pdf.