



Resolution 1733 (2010)¹

Final version

Reinforcing measures against sex offenders

Parliamentary Assembly

1. The Parliamentary Assembly recognises the gravity of the harm caused to victims of sexual offences. Sexual abuse is unquestionably an abhorrent type of wrongdoing with debilitating effects on its victims. Children and other vulnerable individuals are entitled to special protection in this respect.
2. Sex offenders are thought to be amongst the most frequent recidivists. The Assembly considers that the supervision of sex offenders should be seriously addressed within the member states.
3. Current systems dealing with sex offenders vary greatly across member states. Whilst some states already have comprehensive management systems to deal with such offenders, including a functioning “sex offenders register”, other states have no such arrangements and do not have a register in place.
4. A sex offenders register is an instrument used in a procedure whereby convicted sex offenders are required to notify the relevant authority of personal information, such as their name, address and date of birth, and to immediately inform this authority if their personal circumstances change. The record of these notifications is commonly referred to as a sex offenders register. For such registers to be effective, all information stored must be accurate and regularly updated.
5. The Assembly recognises the key role that a register can play in the supervision of offenders, especially when employed as part of a comprehensive sex offenders management programme. The information in the register may be used to assess the risk that the offender poses to the community and therefore to manage that risk. If a large amount of relevant and up-to-date information is stored on the register, it can play a key role in rapidly detecting perpetrators of offences. Registers can also function as administrative tools, since they remind relevant authorities of the whereabouts of offenders.
6. The Assembly is particularly concerned by the fact that convicted sex offenders are able to continue working with children and vulnerable persons because of a loophole in the national system or a system abroad. Under certain circumstances, sex offenders thus manage to find employment in fields such as education, the prison service, health services and childcare. The Assembly is concerned that some member states do not have an effective “vetting and barring” system in place whereby those who have been convicted of certain sexual offences are prohibited from working with children and other vulnerable persons.
7. The Assembly recalls that the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) obliges states to introduce measures, in conformity with their internal law, to ensure that candidates for professions necessitating regular contact with children have not been convicted of acts of sexual exploitation or sexual abuse of children.
8. The Assembly welcomes the forthcoming entry into force of the convention on 1 July 2010 and calls upon those states that have not yet done so to sign and ratify the convention.
9. The Assembly emphasises that measures to prevent sexual offences must be based on laws that fully respect human rights and fundamental freedoms, in particular Article 8 of the European Convention on Human Rights (“the Convention”, ETS No. 5), which guarantees the right to respect for private life. In this

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 21 May 2010 (see [Doc. 12243](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs de Pourbaix-Lundin).*



regard, the Assembly recalls that some of those systems which include a sex offenders register (such as in France and the United Kingdom) have been deemed to be compliant with Convention rights by the European Court of Human Rights.

10. Sex offenders travel from country to country – including between European countries – to perpetrate offences and to escape conviction and supervision in their home country. The Assembly considers that the management of sex offenders therefore requires international co-operation.

11. The Assembly regrets the inadequacy of information and exchange of intelligence on sex offenders between member states. The Assembly therefore urges states to increase the quality, quantity and regularity of information and intelligence sharing on this subject. Such information should be shared in compliance with the provisions of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) which secures for every individual respect for his/her rights and fundamental freedoms, and in particular his/her right to privacy, with regard to automatic processing of personal data relating to him/her.

12. In view of the high degree of freedom of movement and establishment among European states, the Assembly considers it particularly important for states to exchange information on those offenders who are deemed unsuitable for work with children or vulnerable persons. Information contained in national vetting systems should therefore be made available abroad, including in the Schengen information system, to ensure the safety of society's most vulnerable people.

13. Interpol has the capacity to store in its database information on sex offenders provided by member states. This information is available to law enforcement officials in all member states to facilitate criminal investigations.

14. The Assembly also recognises the need for awareness-raising campaigns in member states to educate people about the risks posed by sex offenders and to help them recognise signs of abuse.

15. The Assembly favours an integrated approach at international level in order to achieve greater effectiveness and coherence in the protection of all individuals against sexual offences.

16. Consequently, the Assembly does not support the introduction of a Europe-wide sex offenders register but calls on member states to take effective national measures to prevent sexual offences and, in particular, to:

16.1. evaluate their respective legal frameworks to assess whether they provide appropriate safeguards against sexual offences and, if necessary, amend their legislation in order to create a comprehensive system to manage sex offenders;

16.2. introduce, as part of their national system, in accordance with the provisions of the European Convention on Human Rights and, in particular, in compliance with the principle of proportionality, a sex offenders register which contains accurate and regularly updated information on persons convicted of such offences in order to produce a central file allowing an exchange of information between entitled authorities, as strictly defined by law;

16.3. form a comprehensive package of legal measures aimed at controlling and monitoring movement of sex offenders, particularly travel abroad;

16.4. introduce a system of vetting and barring for employment purposes to ensure that those who pose a risk cannot work with children or vulnerable persons;

16.5. ensure that any legislation introduced fully respects individual rights, in particular the right to private life, and therefore restricts access to the sex offenders register only to duly entitled officials and excludes access by the general public to the register;

16.6. strictly regulate any disclosure of information to any member of the public where it is considered necessary to protect one child in particular or several children, and ensure adequate technical or other safeguards to protect against unauthorised access or misuse of this information;

16.7. introduce a co-ordinated and efficient child abduction alert system;

16.8. sign and ratify the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse without delay, and implement it fully;

16.9. establish awareness-raising campaigns concerning detection of sexual abuse and ways to address this problem.

17. In order to be effective, the monitoring of sex offenders must include increased co-operation between states. The Assembly therefore urges member states to:

17.1. increase the quality, quantity and regularity of the information they share with other member states on sex offenders in order to effectively oversee the movements of offenders;

17.2. improve the information exchange with other member states on persons convicted of sex offences so that individuals who are not suitable for work with children or other vulnerable people are not able to gain employment abroad;

17.3. increase the quantity and regularity of the information on sex offenders which they feed into the Interpol database.