

Letter to editor of the Daily Mail published 10 May 2013 p. 54 (slightly edited) in response to the article “**Child rapists taken off Sex Offenders' Register in secret... and police say it's to protect their human rights**”

SIR – Jack Doyle tells us “Ministers were forced to allow the law change after a human rights ruling in 2010” (“Child rapists taken off Sex Offenders' Register in secret... and police say it's to protect their human rights” 7 May 2013). This is simply not the case. The Supreme Court issued a “declaration of incompatibility” under the Human Rights Act, which is just that, a declaration. It stated that, on the Court’s assessment, subjecting certain sex offenders to notification requirements indefinitely without the opportunity for review was not compatible with human rights. A Declaration of Incompatibility does not change the law, nor does it force the government to do so. In this instance the government did decide to change the law. When the prisoner votes case came before our courts and a Declaration of Incompatibility was issued, the government did not make the suggested legal change – evidence that there can be no “forced” law change under the Human Rights Act.

Professor Francesca Klug and Amy Williams, LSE Centre for the Study of Human Rights

Child rapists taken off Sex Offenders' Register in secret... and police say it's to protect their human rights

- Sex attackers can be removed from register if they 'no longer pose a threat'
- 43 applications for removal from Sex Offenders' Register approved in a year
- Successful applicants include eight rapists and 27 child sex attackers

By Jack Doyle

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Off the hook: Since the law changed last year, 43 applications for removal from the Sex Offenders' Register have been approved

Police have secretly removed dozens of convicted sex offenders, including paedophiles and rapists, from the Sex Offenders' Register, the Mail can reveal.

Following a human rights ruling, the law was changed last year to allow sex attackers to claim they no longer posed a threat and apply to be taken off the register.

Since then, 43 applications have been approved behind closed doors, at the rate of one every five days.

About half of those who apply have been successful – including eight rapists and 27 child sex attackers.

Each case was signed off by a mid-ranking police officer following a paper review of the case. With the stroke of a pen, each convict was removed from the list, and is now free to walk the streets with no monitoring of any kind.

Those who are taken off the register no longer have to tell the police where they are living, even if they move near a school, or move in with a family with young children.

Nor do they have to tell the police about any overseas travel.

Forces are refusing to name those taken off the register, citing Article 8 of the Human Rights Act – the right to a private and family life – and data protection rules. And they say it would ‘compromise the health and safety of these individuals’ to name them.

Some are even refusing to give details of the offences committed, and victims are not routinely notified if their attacker has been deemed no longer a threat.

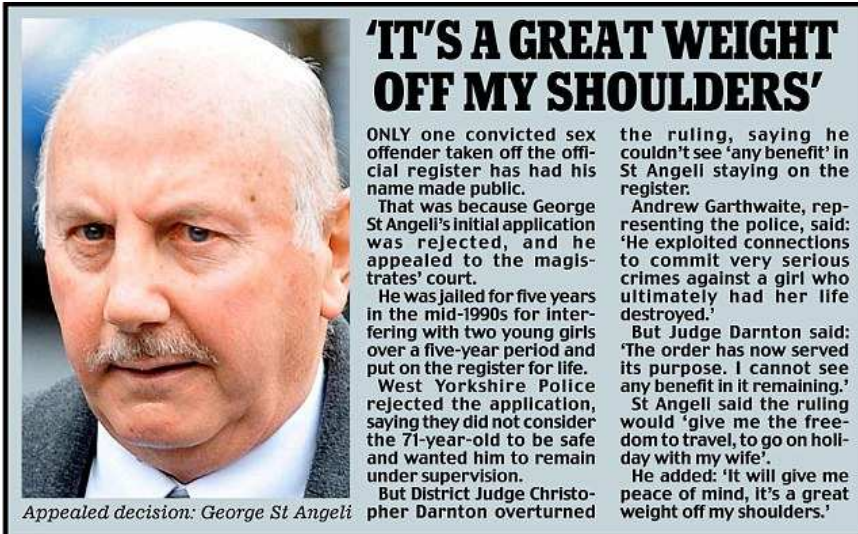
Child protection charities said the use of the law was setting back child protection, and questioned whether sex offenders could ever be reformed.

Claude Knights, director of children’s charity Kidscape, said: ‘This step removes a number of bricks from the wall of child protection, and takes us back to the level of a number of years ago.

‘The jury is out on whether someone who has committed these crimes can ever be cured. The worry is someone could be let off the register and commit further crimes and harm more children.’

Peter Cuthbertson, director of the Centre for Crime Prevention think-tank, said: ‘The Sex Offenders’ Register exists to protect the public from people who risk committing serious crimes.

‘These decisions involve a very one-sided and backward understanding of human rights. It wrongly puts the welfare of serious sex offenders above concern for public safety.’



'IT'S A GREAT WEIGHT OFF MY SHOULDERS'

ONLY one convicted sex offender taken off the official register has had his name made public.

That was because George St Angeli's initial application was rejected, and he appealed to the magistrates' court.

He was jailed for five years in the mid-1990s for interfering with two young girls over a five-year period and put on the register for life.

West Yorkshire Police rejected the application, saying they did not consider the 71-year-old to be safe and wanted him to remain under supervision.

But District Judge Christopher Darnton overturned the ruling, saying he couldn't see 'any benefit' in St Angeli staying on the register.

Andrew Garthwaite, representing the police, said: 'He exploited connections to commit very serious crimes against a girl who ultimately had her life destroyed.'

But Judge Darnton said: 'The order has now served its purpose. I cannot see any benefit in it remaining.'

St Angeli said the ruling would 'give me the freedom to travel, to go on holiday with my wife'.

He added: 'It will give me peace of mind, it's a great weight off my shoulders.'

Appealed decision: George St Angeli

The Mail used the Freedom of Information Act to ask all 43 police forces in England and Wales how many sex offenders they had removed from the list between September 1, when the law came into force, and the end of March.

Of the 27 who replied, there have been 91 applications and 43 sex offenders taken off the register.

One force, South Yorkshire Police, has approved all eight of its applications, including two rapists, one of whom attacked a child.

Only one force, Norfolk, said it was contacting victims to tell them what was happening.

Ministers were forced to allow the law change after a human rights ruling in 2010 which said it was a breach of criminals' rights under Article 8 to keep them on the register without any chance of appeal.

The case was brought by two convicted sex offenders. One, Angus Thompson, was jailed for five years for violently attacking and indecently assaulting a girl. He said the 'stress' of being kept indefinitely on the register had contributed to his ill health. The other was a man from Wigan who was 11 when he raped a boy of six. He said his name should be taken off because it prevented him from going on holiday.

There are about 37,000 sex offenders on the register.

A Home Office spokesman said: 'Sex offenders who remain a risk to the public will stay on the register, for life if necessary.'

'We argued strongly that sex offenders should stay on the register for life. But the Supreme Court decided they should be able to apply for a review of their case.'

'It is for individual police forces to decide how to manage known sex offenders living in the community, but those who pose a risk to the public will remain on the register.'