



PRESS RELEASE

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New Changes to Crimes (Amendment) Bill

At the end of last month, the Minister for Justice, the Hon Neil Costa, published a Bill for a new Crimes (Amendment) Act 2017. This introduces a new offence of “Revenge Porn.”

This Bill also includes amendments to the offence of “grooming” in Gibraltar to bring this offence in line with the equivalent offence in the United Kingdom. “Grooming” currently applies to an adult who communicates with a child on at least two occasions, and who subsequently meets or arranges to meet that child in order to commit a sexual offence. The new proposed amendment will reduce to one the number of occasions on which the defendant must initially meet or communicate with the child with the intention of committing a sexual offence. Thus, a single such meeting or communication will qualify as “grooming”.

Following the publication of the Bill, Minister Costa was approached by the Gibraltar Women’s Association who welcomed it and offered their support. The GWA suggested that the Bill could go further and that a new offence was needed to target paedophiles who communicate sexually with a child. In the UK, such an offence was introduced by the Serious Crime Act 2015.

Minister Costa has considered the GWA’s proposal and is pleased to announce that he has given notice to the Speaker of Parliament that he will be moving amendments to the Bill at Committee stage to include sexual communication with a child as an offence in Gibraltar’s Crimes Act.

This will make it a criminal offence for a person aged 18 years or over to communicate with a child under 16 years old if the communication is sexual or if it is intended to elicit from the child a communication which is sexual. The offence applies only where the defendant can be shown to have acted for the purpose of obtaining sexual gratification; ordinary social or educational interactions between children and adults, or communications between young people themselves, will not be caught by the offence. The offence is subject to a two year maximum prison sentence and will lead to notification requirements.

The Minister for Justice, the Hon Neil F. Costa MP, said: “I would like to thank the Gibraltar Women’s Association for their support in this area and for proactively coming forward with proposals. We are all agreed that sexual offences against children are terrible crimes and that it is vital to protect children from falling victim to such abhorrent behaviour. There is already legislation in

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place in Gibraltar which enables the prosecution of individuals for a range of existing offences, depending on the circumstances. It is important, however, that we continue to adapt our laws, particularly to reflect changes in technology and communications which have given potential offenders new ways of contacting children to encourage or prepare acts of abuse.

I am certain that the creation of this new offence will provide a further tool for our law enforcement authorities to ensure that children and young people are fully protected by the law. It will also allow the authorities to intervene earlier to prevent more serious offending. This, together with the changes to the grooming offence already in the Bill and the recent restructuring of the Child Protection Committee, shows that this Government is serious in doing all it can to safeguard and protect Gibraltar's children."