



HIV Child Rapist Receives Reduced Sentence

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An HIV-positive man who sexually abused two children under 12 after serving time in jail for a similar offence has avoided an indefinite jail term.

Roy Francis, 27, was sentenced in the High Court at Auckland yesterday to nine years and four months' jail after admitting 18 sexual offences over a period of nearly three months earlier this year. A minimum non-parole period of four years eight months was imposed by Justice Patrick Keane, who rejected a crown submission for the indefinite prison term of preventive detention.

Mr Bell of ECPAT Child Alert questions the sentencing. *"This offence warranted a starting sentence of 13 years plus 1 year for previous convictions but the sentence was reduced by 50% and the parole period reduced by 33% upon that. The discounted sentencing was granted because the offender confessed and pleaded guilty. However the confession was only made when he knew that his victims had contacted the Police so one cannot help but be cynical about the motivation of the confession. Once you know your number is up and that you can get your sentence halved by pleading guilty you would have to question the degree of remorse being expressed compared to purely milking the system."*

Justice Keane said 13 of the charges were in relation to a girl under 12. They included one of rape, six of sexual violation and six of sexual conduct relating to a child under 12.

The other five charges were of sexual conduct relating to a child in relation to a boy under 12.

"Although Justice Keane said the offending was "invasive, damaging and, on occasions, extremely degrading" and although the Crown asked for an indefinite prison term sentence the offender appears to have got off lightly" said Mr Bell. "This is a very serious case where not only did the offender sexually abuse children including rape – he was also HIV positive at the time. One would think this would be on the upper end of sexual offending against children who had not yet even reached the teens. Surely the court decision only gives an indication to other child sex abusers how to avoid the most serious sentencing."

Justice Keane said Francis had earlier been sentenced to 15 months behind bars for a single incident in 2005 on a seven-year-old boy which was similar to the truth, dare and command game which today's sentencing covered.

ECPAT Child ALERT is a registered charitable trust working to prevent the sexual exploitation of children.

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