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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Friday 24 February 2017

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Mike Weir (Angus) (SNP): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163), and negatived.

Philip Davies (Shipley) (Con): On a point of order, Mr Speaker. On Wednesday morning, the Order Paper included four Bills whose remaining stages could take place today. However, the remaining stages of a fifth Bill—the Kew Gardens (Leases) Bill—appeared on the Order Paper on Thursday morning. That Bill only completed its Committee stage on Wednesday. I do not attach any blame to my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger) and I have no particular issue with the Bill in general. My particular issue is a point of principle, in that amendments to private Members' Bills on Friday have to be tabled by the end of play on Tuesday, yet the Kew Gardens (Leases) Bill did not appear on the Order Paper until Thursday morning after finishing in Committee on Wednesday. Therefore, people were given no opportunity to table amendments if they so wished. What is your view, Mr Speaker, as to whether this should be the state of affairs?

Mr Christopher Chope (Christchurch) (Con): Further to that point of order, Mr Speaker. I noticed that the Kew Gardens (Leases) Bill had appeared on the Order Paper yesterday morning, and I tabled some amendments to it, but obviously those amendments are starred because, although I tabled them at the first opportunity, it will not be possible to debate them unless there is a ruling to the contrary. I inquired as to the practice relating to the issue and was told that the convention is that a Member of this House should not put forward their private Bill for Report and Third Reading if that Bill has only come out of Committee on the Wednesday, rather than the Tuesday of that week. That was certainly the practice

adopted by my hon. Friend the Member for Harrow East (Bob Blackman) when he brought forward the Homelessness Reduction Bill, which I had the privilege of chairing in Committee. It was quite clear that that Bill would not be put forward for Report until there had been a clear period in which amendments could be tabled. Would you rule on that, Mr Speaker? If the Kew Gardens (Leases) Bill is heard today, will it be possible to discuss the amendments to it?

Mr Speaker: The short answer is that it will be possible. As is probably obvious to the hon. Gentleman and to the hon. Member for Shipley (Philip Davies), this is the first I had heard of their disquiet and of the timing of the Bill coming forward. I am advised that the rationale for that is that there are few sitting Fridays left, and that the hon. Member for Bridgwater and West Somerset (Mr Liddell-Grainger) is keen to make progress with his Bill. Whatever the rights or wrongs of that, there will be an opportunity for new clauses and amendments to be considered.

Moreover, beyond those that have been tabled, if there is concern that there was not a proper period in conformity with usual practice for the tabling of amendments, and the hon. Members for Christchurch (Mr Chope) and for Shipley feel disadvantaged by that, it is open to the Chair to allow manuscript amendments. I hope that, even if the hon. Gentlemen are not pleased about the sequence of events, they are reassured that such opportunities as they might seek to speak on these matters will be there for them. They will have an opportunity to deploy their vocal cords and their intellects.

Mr David Nuttall (Bury North) (Con) *rose*—

Mr Speaker: Very briefly, as I think I have given a very full explanation.

Mr Nuttall: Further to that point of order, Mr Speaker. On the point of manuscript amendments, if an hon. Member has noticed that there is a small typographical error on the amendments that have been tabled to a Bill to be debated today, is it in order to try to table manuscript amendments to those amendments? Would the Chair be prepared to consider that?

Mr Speaker: The Chair would certainly be happy to consider that. I make no commitment as it would depend on the merits of the case, but I am certainly open to that. I hope that the appetite for points of order has been satisfied, at least for now.

Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Bill

[*Relevant document: The Sixth Report of the Joint Committee on Human Rights, Session 2014-15, Violence against women and girls, HC 594.*]

Consideration of Bill, not amended in the Public Bill Committee.

New Clause 6

RECOMMENDATIONS BY GREVIO AND THE COMMITTEE OF THE PARTIES

“Any recommendations given by GREVIO (that is the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence) and the Committee of the Parties (that is the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)) are not binding on the UK Government.”—(*Philip Davies.*)

Brought up, and read the First time.

9.39 am

Philip Davies (Shipley) (Con): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 10—*Recommendations by GREVIO and the Committee of the Parties (No. 2)*—

“Any recommendations or reports by GREVIO (that is the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence) or the Committee of the Parties (that is the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)) must be debated in Parliament before any Government response is given.”

New clause 11—*Annual statistics*—

“The Government must use its best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims in each country who are ratified members of the Convention and to make them publicly available and published annually.”

New clause 12—*Quarterly statistics*—

“The Government must use its best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims who are ratified members of the Convention and to make them publicly available and published quarterly.”

New clause 14—*Limitation on reservations concerning Article 44*—

“The United Kingdom shall not make its ratification subject to any declaration as provided for under paragraph 2 of Article 78 of the Convention that it will not establish jurisdiction under Article 44 when the offence established with the Convention is committed by a person who has her or his habitual residence in the United Kingdom.”

New clause 15—*Territorial application*—

“The United Kingdom shall not make its ratification subject to any restriction on territorial application under Article 77 of the Convention.”

New clause 16—*Victims of forced marriage*—

“The United Kingdom shall not make its ratification subject to any restriction on its right to take the necessary legislation or other measures referred to in Article 59.4.”

New clause 17—*Compensation awarded to those who have sustained serious bodily injury or impairment of health*—

“No ratification of the Convention shall be made by the United Kingdom unless at the time of depositing its instrument of ratification it declares that it reserves the right not to apply the provisions of Article 30 paragraph 2.”

New clause 18—*Limitation on reservations concerning psychological violence and stalking*—

“The United Kingdom shall not make its ratification subject to any declaration as provided for under paragraph 3 of Article 78 that it reserves the right to provide for non-criminal sanctions for the behaviours referred to in Article 33 and Article 34.”

New clause 19—*Reservations*—

“Nothing in this Bill shall prevent the United Kingdom ratifying the Istanbul Convention with reservations as provided for in paragraphs 2 and 3 of Article 78.”

New clause 20—*Requirement to denounce of the Convention after five years*—

“The United Kingdom Government shall denounce the Istanbul Convention no later than five years after it has ratified the Convention.”

Government amendment 1, leave out clause 1.

This amendment leaves out clause 1.

Amendment 56, in clause 1, page 1, line 6, at end insert—

“without making any reservations under Article 78 of the Convention.”

Amendment 57, in clause 2, page 1, line 11, after “Convention” insert “without reservations”.

Government amendment 2, page 1, line 12, leave out “date by” and insert “timescale within”.

This amendment requires the Secretary of State to report on the timescale within which she expects the Istanbul Convention to be ratified, rather than the date.

Amendment 58, page 1, line 13, at end insert “without reservations.”

Amendment 24, page 1, line 14, leave out from “laid” to end of the subsection and insert “when reasonably practicable”.

Government amendment 3, page 1, line 14, leave out “within four weeks of this Act receiving Royal Assent” and insert

“as soon as reasonably practicable after this Act comes into force”.

This amendment changes the deadline for a report under clause 2 from four weeks from Royal Assent to as soon as reasonably practicable after commencement.

Amendment 22, page 1, line 14, leave out “four weeks” and insert “three years”.

Government amendment 4, page 1, line 16, leave out “Her Majesty’s Government” and insert “the Secretary of State”.

This amendment means the obligation to make a statement to Parliament will fall on the Secretary of State, rather than Her Majesty’s Government generally.

Amendment 59, page 1, line 17, after “Convention” insert “without reservations”.

Government amendment 5, page 1, line 17, leave out “it” and insert “the Secretary of State”.

This amendment is consequential on amendment 4.

Government amendment 6, page 1, line 19, leave out “its” and insert “the”.

This amendment is consequential on amendment 4.

Government amendment 7, page 1, line 20, leave out “the Convention will be” and insert—

“the Secretary of State would expect the Convention to be”.

This amendment means the Secretary of State will be required to make a statement detailing when she would expect the Istanbul Convention to be ratified, rather than when it will be so ratified.

Amendment 25, in clause 3, page 2, line 2, leave out “each year” and insert “biennially”.

Government amendment 8, page 2, line 2, after “each year” insert “until ratification”.

This amendment makes clear that the government will only have to report on progress towards ratification until ratification has taken place (see amendment 14).

Government amendment 9, page 2, line 4, leave out paragraph (a) and insert—

“(a) if a report has been laid under section 2(1), any alteration in the timescale specified in that report in accordance with subsection (1)(b) and the reasons for its alteration;”.

This amendment is designed to avoid the implication that a report under clause 2 will necessarily have been issued before a report is required under clause 3.

Amendment 26, page 2, line 4, leave out paragraph (a).

Amendment 27, page 2, line 7, leave out paragraph (b).

Government amendment 10, page 2, line 7, leave out “(before ratification)”.

This amendment is consequential on amendment 8.

Amendment 28, page 2, line 10, leave out paragraph (c).

Government amendment 11, page 2, line 10, leave out “(before ratification)”.

This amendment is consequential on amendment 8.

Government amendment 12, page 2, line 11, leave out “to” and insert “in”.

This amendment changes a reference to legislative proposals being brought forward “to” the devolved legislatures to legislative proposals being brought forward “in” the devolved legislatures - which is the usual formulation.

Amendment 29, page 2, line 14, leave out paragraph (d).

Government amendment 13, page 2, line 14, leave out “(before ratification)”.

This amendment is consequential on amendment 8.

Government amendment 14, page 2, line 16, leave out paragraph (e).

This amendment removes the ongoing reporting obligation in clause 3(1)(e).

Amendment 49, page 2, line 25, at end insert—

“and produce a breakdown of government spending on victims of violence and domestic violence for both men and women.”

Amendment 50, page 2, line 27, after “violence” insert—

“and provide statistics showing international comparison on levels of violence against women and men”.

Amendment 51, page 2, line 31, at end insert—

“and to include the names of these organisations”.

Amendment 60, page 2, line 31, at end insert—

“(f) the costs to the Exchequer of the measures set out in subsection (1)(e).”

Amendment 52, page 2, line 32, leave out “annual” and insert “biennial”.

Amendment 53, page 2, line 32, leave out “1 November 2017” and insert “1 January 2020”.

Amendment 54, page 2, line 33, leave out “1 November each year” and insert—

“1 January every 2 years”.

Amendment 55, in clause 4, page 2, line 37, leave out from “Act” to end of subsection and insert—

“will not come into force until 90% of the signatories to the Convention have ratified it and there has been a proven reduction in violence against women in 75% of the countries who have ratified the Convention.”

Government amendment 15, page 2, line 37, leave out “on the day on which this Act receives Royal Assent”

and insert—

“at the end of the period of 2 months beginning with the day on which this Act is passed”.

This amendment means the Act will be brought into force two months following Royal Assent, rather than immediately on Royal Assent.

Government amendment 16, in title, line 1, leave out “Require the United Kingdom to ratify”

and insert—

“Make provision in connection with the ratification by the United Kingdom of”.

This amendment is consequential on amendment 7.

Government amendment 17, in title, line 3, leave out “; and for connected purposes”.

This amendment is consequential on amendment 16.

Mr Christopher Chope (Christchurch) (Con): On a point of order, Mr Speaker. I do not wish to try your patience, but could you advise the House about the status of explanatory statements associated with amendments, and particularly Government amendments? The Member’s explanatory statement to amendment 4 on page 8 of the amendment paper says:

“This amendment means the obligation to make a statement to Parliament will fall on the Secretary of State, rather than Her Majesty’s Government generally.”

In fact, the amendment goes much further, because it would change the Government’s role in ratification and substitute the Secretary of State for the Government, so the explanatory statement is not a full and accurate statement of the effect of the amendment.

Mr Speaker: What I would say to the hon. Gentleman in response to that further point of order is that I am not responsible for the content of Government explanatory statements.

Chris Heaton-Harris (Daventry) (Con): Shame.

Mr Speaker: Well, the Government Whip says from a sedentary position, “Shame.” I have a sufficient burden, which I am very happy to seek to discharge to the best of my ability, but responsibility for Government explanatory statements is not part of that burden. Moreover—if I can bring a glint to the eye and a spring to the step of the hon. Member for Christchurch (Mr Chope)—it might be my observation that he, too, is not responsible for the content of Government explanatory statements. They are intended to try to help the House and to facilitate debate, but they enjoy no formal status whatever, so I do not think the hon. Gentleman should be troubled by the matter, although it may be something on which he will wish to expatiate at a later stage. We shall see.

Peter Dowd (Bootle) (Lab): Not really.

Mr Speaker: Well, we shall see.

We begin with new clause 6—and I hope we can now begin with new clause 6—with which it will be convenient to consider the new clauses and amendments listed on the selection paper.

Philip Davies: I want to speak to new clause 6 and the other new clauses and amendments that stand in my name and that of my hon. Friend the Member for Bury North (Mr Nuttall). We have quite a large group of amendments and new clauses to go through this morning. There are 11 new clauses—seven tabled by me, and four by my hon. Friend the Member for Christchurch (Mr Chope). On top of those, we have 36 amendments, most of which have actually been tabled by the Government, in cahoots, it is fair to say, with the Scottish National party and the promoter of the Bill. I will come to their amendments in a bit, because they seem to be trying to con the campaigners behind the Bill by pretending to support the Istanbul convention, at the same time as filleting the Bill to make sure it does not come into effect at all—but more of that later.

I have tabled 14 amendments, and my hon. Friend for Christchurch has tabled five, so we have 47 new clauses and amendments to consider this morning. I will try to do justice to them, and I will try to do that as quickly as I can, because I appreciate that other people will want to speak to them. However, a quick bit of arithmetic will tell hon. Members that if I spend only two minutes on each new clause and amendment, we will soon rattle past an hour and a half, so it is going to take some time to go through such a large group.

Mr Jim Cunningham (Coventry South) (Lab): I would have thought that the hon. Gentleman would—and I hope he will—support the Prime Minister’s commitment to ratify the Istanbul convention. Will he clarify that for me?

Philip Davies: It is fair to say that I have never been considered the Prime Minister’s official spokesman, and I am very grateful that the hon. Gentleman is elevating me to that lofty position. I suspect it is one I will never take up, so I might milk the opportunity for all it is worth now. The Prime Minister made it clear that she supports the Bill as it will be amended by the Government amendments, and I will explain why that is a long way from agreeing to the Istanbul convention. It strikes me that the Government amendments are all about trying not to ratify the convention.

9.45 am

I made it clear on Second Reading that I do not agree with the Istanbul convention because it is discriminatory, but at least I am up front and honest about that and about opposing the Bill and seeking to stop it going forward. That is a bit more appropriate than pretending to support something but quietly trying to fillet it to make sure it does not come into place. However, other people, including, hopefully, the promoter of the Bill, can explain their motivations when they get the opportunity to speak.

Nusrat Ghani (Wealden) (Con): Will they get an opportunity?

Philip Davies: I hope they will.

Let me go through the group in order. New clause 6 refers to the recommendations by GREVIO—the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence—and the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and would mean that those recommendations were not binding on the UK Government. The convention has a two-pillar monitoring system to ensure that all members live up to their commitments. *[Interruption.]*

It is interesting to note that nobody—particularly on the SNP Benches—wants to listen to the debate, which is surprising because it was exposed on Second Reading that they did not actually know what was in the Istanbul convention. You would think that they would have learned their lesson and would actually want, this time around, to learn what was in the convention—but apparently not. I am not entirely sure whether the position of the hon. Member for Perth and North Perthshire (Pete Wishart), who is on his knees and facing the wrong way, is in order during a speech, but it is certainly not normal behaviour from him. *[Interruption.]* He may not be listening, but he could at least give the impression that he is interested in knowing what is going on in the debate.

Pete Wishart (Perth and North Perthshire) (SNP) *indicated dissent.*

Philip Davies: He is not. We are very grateful to him for clarifying that he is not interested in the debate. There is no wonder the SNP is so authoritarian.

The Istanbul convention has a two-pillar monitoring system to ensure that all members live up to their commitments. The aim is

“to assess and improve the implementation of the Convention by Parties.”

We therefore have two groups: GREVIO, which is initially composed of 10 members and which will subsequently be enlarged to 15 members when the 25th country has ratified the convention, and a political body—the Committee of the Parties—which is composed of representatives of the parties to the Istanbul convention.

The last thing we need is another group from a supranational body that is set up to make it look as if that body is doing something on issues but that just becomes a talking shop. It is not the implementation of the Istanbul convention that will make any real difference to levels of violence generally—and certainly not to levels of violence against women—but harsher sentencing of perpetrators. The idea that having a group of experts pontificating about how well or badly something has been implemented will make any material difference to the levels of violence in the UK is for the birds.

GREVIO’s task is to monitor implementation, and it may adopt general recommendations on themes and concepts of the convention. The Committee of the Parties follows up on GREVIO reports and conclusions, and adopts recommendations to the parties concerned.

There are different procedures that these two bodies can use to monitor each country’s implementation, such as a country-by-country evaluation procedure whereby GREVIO considers evidence submitted by the relevant

countries. Should it find the evidence insufficient, it has the power to organise country visits and fact-finding missions.

Sir Greg Knight (East Yorkshire) (Con): Is the UK represented on either or both of those bodies, and if so, who is our representative? Did my hon. Friend consult with such person or persons concerning the terms of his new clause before he tabled it?

Philip Davies: My right hon. Friend is usually much more up on these matters than I am, so I always bow to his superior knowledge, but my understanding is that we would get members on these bodies only once we had ratified the convention. If he knows differently, I am happy to allow him to correct me because, as I say, he is usually more right than I am on most matters.

Another procedure that GREVIO can adopt is a special inquiry procedure that can be implemented when there is reliable information indicating that action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the convention. In this instance, GREVIO can request urgent submission of a special report by the concerned country.

Obviously I do not believe that the Government should ratify the convention at all, but should we do so, I do not want these foreign supranational bodies to come over and start lecturing us about things when in fact we are usually doing an awful lot better than any other country in the world on such matters. We often see this with the United Nations. By ratifying the convention on the terms of this Bill, we will open ourselves up to visits, fact-finding missions and interference by a foreign body lecturing us about what we should be doing, and perhaps even instructing us that we should be doing this, that and the other.

Mr David Nuttall (Bury North) (Con): Does my hon. Friend agree that we already have sufficient procedures and Committees within our own House of Commons to be able to monitor the actions of the Government on the Istanbul convention?

Philip Davies: My hon. Friend is absolutely right. It is rather sad if the House of Commons, and Parliament generally, thinks it is so poor at holding the Government to account on these things that it cannot do it itself and has to farm out the job to a foreign body. That would be a rather strange approach and from a Parliament that was lacking in self-confidence. The Women and Equalities Committee—I will not go into the issue of its name today—would be more than capable of holding the Government to account on the work they are doing on combating violence against women, and violence against men for that matter. We do not really need foreign politicians and foreign bureaucrats sticking their noses into what we are doing.

Sir Greg Knight: Is not my hon. Friend rather contradicting himself, because if we were to adopt the convention, it would not be a foreign body lecturing us, would it? It would be a body on which we had representation and were able to make our views known.

Philip Davies: I do not accept that. Having said that my right hon. Friend is virtually always right, I fear that this is one of the rare occasions when he is not. These

things all sound wonderful when one signs up to them, but one does not necessarily understand the full implications of doing so. As an illustration of that, we might focus on the European convention on human rights. It would be very difficult for anybody to disagree with anything in that convention, but we did not realise at the time how it would grow and start to get ahead of itself, interpreting things in a way that could never have been envisaged and getting above its station. That creates all sorts of problems further down the line. In this context, my fear is not necessarily all about what is in the Istanbul convention, although I do have concerns about that—I am more concerned about the way in which a foreign body will interpret its role and start growing to a level that was never envisaged either in the convention or in the Bill. The votes for prisoners issue in relation to the European convention on human rights perfectly illustrates how these things can grow in a way that we never envisaged. I therefore do not accept the premise of my right hon. Friend's intervention.

New clause 6 is absolutely essential to maintaining our sovereignty in the United Kingdom and to making sure that that is set out clearly in the Bill so that there is absolutely no doubt that we retain all sovereignty in these matters and in what we are implementing.

New clause 10 follows on from that. I would have hoped that the SNP and the campaigners for this Bill would very much welcome it, because it says:

“Any recommendations...by GREVIO...or the Committee of the Parties...must be debated in Parliament before any Government response is given.”

My hon. Friend the Member for Bury North argued that Parliament should be in charge of these matters. If we sign up to this Bill as currently drafted, Parliament will be excluded from anything that goes on. Once we have ratified the convention and the Bill is passed, Parliament will suddenly become redundant. If a foreign organisation is producing reports saying that the Government are not meeting what they signed up to—if that is the view of GREVIO and the Committee of the Parties and they produce a report along those lines—then surely it is only right that the matter is debated in Parliament so that Parliament can have its say on whether it agrees before the Government respond to GREVIO and the Committee of the Parties.

I cannot see why anybody who is in favour of this Bill and is campaigning for it could possibly object to giving Parliament more scrutiny over the process and more power to hold the Government to account. If anybody who supports the Bill would like to intervene and tell me what objection they have to new clause 10, I would be very happy to hear it and try to deal with it. If people do not have any objections to it, they will obviously remain quiet and we can proceed on that basis—we can press it to a vote and hopefully get people's endorsement. I will give people the opportunity again: if anybody has any objection to new clause 10, perhaps they could speak now. If they do not, we will press it to a Division and hopefully get full support for it. It looks as though we have that.

Mr Chope: Does my hon. Friend agree that the Bill as currently drafted includes some provision for parliamentary scrutiny, in clause 3(1)(e), but Government amendment 14 seeks to remove even that modicum of scrutiny?

Philip Davies: My hon. Friend is absolutely right. I will come on to the Government amendments in due course. The Government, in cahoots with the SNP in the cosy little deal that they have put together, have removed any post-ratification scrutiny of how the Government are doing. That is quite extraordinary, but no doubt the Government and the SNP will be able to answer for themselves in due course.

Mr Chope: My hon. Friend says that the Government have removed it, but so far the Bill has not been amended at all. He will obviously ensure that any Government amendments are tested in this House, because it may well be that quite a lot of the people who were originally supporters of this Bill would not want to see it watered down in the way that the Government wish.

Philip Davies: My hon. Friend is absolutely right. Far from watering down the Bill, he is seeking to strengthen it; I will come to his amendments and new clauses in due course. We have an important role to play in Parliament in making sure that any legislation is fit for purpose. We ought to test the will of the House on any attempts to hoodwink the public. People should know where each MP stands on watering down the convention and on whether Parliament should have any role post-ratification—or whether we should just ratify the convention and leave it at that.

10 am

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am grateful to my hon. Friend for giving way with regard to his new clause 10, but I wonder whether he has thought through the constitutional implications of allowing a vote in this House to have any formal standing when it is neither a statutory instrument nor primary legislation. Would that not risk bringing the courts into the proceedings in Parliament?

Philip Davies: I always bow to my hon. Friend's superior knowledge of constitutional issues. I would never enter into a competition with him on that, because I would certainly lose. However, I do not think there is anything to fear from new clause 10. All it asks for is a debate on the report in Parliament before the Government give a response. It would not even necessarily make the Government beholden to the outcome of that debate, but it would at least ensure the Government were aware of the views of MPs before they responded.

Mr Rees-Mogg: I am grateful to my hon. Friend for giving way again. How would that be tested? If the Government decided not to have a debate in Parliament, it could not be taken to a judicial review, because the courts could not consider a proceeding in Parliament.

Philip Davies: There is plenty of evidence of Governments ignoring what Parliament has to say to them on a number of occasions, whether on appointments, Select Committees or whatever. I appreciate my hon. Friend's concerns and I always take them seriously. I will reflect on what others have to say in the debate; they may be able to persuade me that new clause 10 is not worth pursuing. However, I do not envisage the problems my hon. Friend envisages. I suppose we ought just to leave it at that and perhaps move on from there. My hon.

Friend may well have the opportunity to have his say and explain in greater detail why new clause 10 should be resisted. I am sure the House will listen carefully to what he says, as will I. It would be a sad—and rare—state of affairs if I found myself voting in a different Lobby from my hon. Friend. New clause 10 should find favour with campaigners in favour of the Bill and the convention, because it gives Parliament more say over what happens post-ratification.

New clause 11 relates to annual statistics. This is very important. I have heard many assertions from campaigners that we must pass the Istanbul convention to eliminate violence against women, and that if we do not ratify it we will not have any reduction in violence against women. Campaigners say that if we pass the convention there will miraculously be no violence against women. New clause 11 requires the Government to use their

“best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims in each country who are ratified members of the Convention and to make them publicly available and published annually.”

The point of that is to allow us all to see for ourselves whether ratifying the Istanbul convention actually makes any difference at all to levels of violence against women and levels of domestic violence. At the moment, we do not really know too much about it.

In preparation for this debate, I tried to get figures on countries that have ratified the convention to ask them if they had seen a reduction in violence since ratification. We should want to test whether it will actually make any difference at all. Unfortunately, the House of Commons Library told me that it did not have any such figures and that these figures did not exist. So anybody who stands up today and says that passing the Istanbul convention will reduce levels of violence against women is doing so in the full knowledge that they have no evidence at all to support that claim—unless, of course, they have done what I did. In the absence of any House of Commons Library figures, I wrote to the ambassadors of all the countries who ratified the convention to ask whether they could supply me with any of the information.

I do not know whether anybody else in the House has actually bothered to find out whether ratifying the convention makes any difference to levels of violence against women. Perhaps anybody who has done so could intervene now and share that information with me. No, I did not think anybody would intervene. I did not think that anyone would actually have any idea of what they were talking about before they came here today, but of course someone coming in on a Friday and knowing what they were talking about before pontificating would be breaking a great tradition. I have done the work for them—again. I contacted the ambassadors of the countries that have ratified the convention and asked for their figures. I am sure everyone will be interested to know what has happened in those countries since ratification. I am sure the Minister will be delighted to know. Maybe the Minister does not know this either. It is quite extraordinary, really.

Sweden signed the convention in May 2011 and ratified it in July 2014. It came into force in November 2014, with reservations. I will come on to reservations later, because I know that is a subject my hon. Friend the Member for Christchurch feels very strongly about. From the figures given to me by the Swedish ambassador, the total number of reported offences in 2013, before

the convention was ratified in Sweden, was 39,580. When the convention came into force it was 42,217. In 2015, after ratification, it went up to 42,252. The preliminary figures for 2016 show another increase in violence, with reported offences at 43,179. The offences included in this category—I am very grateful to the Swedish ambassador for sending this very detailed information—are all forms of assault, murder and rape, including attempted rape, regardless of the victim's age. In Sweden, therefore, ratification of the Istanbul convention has not made a blind bit of difference to levels of violence against women. In fact, all that has happened is that levels of violence have continued to increase. What do all those who claim that the convention is essential to reducing violence have to say about that? Absolutely nothing—that is what they have got to say about it.

Mr Rees-Mogg: I wonder whether there might be other factors involved. My hon. Friend will no doubt have heard the President of the United States expressing considerable concern about the dangers now arising in Sweden.

Philip Davies: My hon. Friend makes a very good point. I do not intend to deviate too much from the matter in hand, but he raises an interesting point about what might be the driving force behind that. I think the point he is getting at is that he thinks the levels and nature of immigration into Sweden might have been a contributory factor—a point made by President Trump last week. There may well be truth in that. I do not know; I did not ask the ambassador for any assessment on that. All we do know is that ratifying the Istanbul convention has not led to a decrease in violence against women in Sweden, and so all the people claiming that that is what is going to happen might want to think again.

Lucy Frazer (South East Cambridgeshire) (Con): Is it possible that in a country that cares about a particular form of violence people might be more willing to report that violence, and so figures might go up rather than down?

Philip Davies: It is a no-fail measure, isn't it? If the level of violence goes down, it is because of the Istanbul convention; if it goes up, it is because the Istanbul convention has helped levels of reporting. It cannot fail: whatever the figures it is a winner. I commend my hon. and learned Friend greatly for that line. She will almost certainly be made a Government Minister very soon. With such aplomb at the Dispatch Box with which to explain away any difficult figures in her Department, I suspect she will make a very fine Minister in short order.

My hon. and learned Friend may well be right. Unfortunately, the situation in Portugal is not quite the same as that in Sweden, so her thesis slightly falls down. Portugal ratified the convention a bit earlier than Sweden, since when the numbers have been like a rollercoaster: they have gone down, then up, then down again. I am not entirely sure how that can be explained away on the basis of increased awareness.

It is fair to say that, to any independent observer, the figures indicate that ratification does not make a blind bit of difference to levels of violence against women. I

am very happy for other hon. Members to put their own gloss or spin on why the figures have gone up and down; I am just looking at them as someone who is interested in the statistics.

Nusrat Ghani: I am not sure whether my hon. Friend is referring to reported figures. Surely the point is that if women are aware that their voices will be heard and that support is available, they will come forward and report incidents of this hidden crime. Surely he can see that that is a positive thing.

Philip Davies: Of course I am in favour of people reporting crimes, but I am not entirely sure that we need to ratify the Istanbul convention for them to do so. We already encourage people to report crimes. If my hon. Friend wants to send a message today to every victim of violence that it is essential that they report that crime to the police, she is welcome to do so and I will endorse that message wholeheartedly. Any victim of any kind of violence, in any shape or form, irrespective of their gender, should report it to the police. It should be fully investigated and the perpetrator brought to justice and much more harshly punished than they currently are. Let that message ring out from the Chamber today, but we do not need to ratify the Istanbul convention for people to report that they have been the victim of a violent crime—we already have measures in place to deal with that.

The rollercoaster effect in Portugal that I described has also happened in Poland, which ratified the convention on 27 April 2015. It seems that the figures went up after it signed the convention, but that lately they have gone down.

There is no pattern to the figures in the countries whose ambassadors kindly sent me them, but it is important to put it on the record that they show that Sweden, Portugal and Poland clearly take the issue very seriously. I commend those countries for doing so and for laying bare their figures to me. In some cases the figures are good and in others they are not, but those countries have been open and transparent enough to share them with me so that I can share them with the House.

I worry about the countries that did not share their figures. I appreciate that I have no evidence to support this and that I am making an assertion that can be countered, but I fear and suspect that some countries did not supply me with the information because they are slightly embarrassed that the figures have gone in the wrong way since they ratified the convention. I could be wrong, but people can draw their own conclusions.

I have also seen figures from Albania and Austria. In Albania, they show an increase since ratification from 4,599 to 5,281. In Austria, the trend is the same. Its first annual report, which came out last September after the convention came into force in 2014, showed that the number of female victims of violent offences had increased from 37,546 to 37,677—so I think it is fair to say that we are not going to make a massive difference to levels of violence against women by ratifying the treaty.

After Austria ratified the Istanbul convention, the number of women murdered there went from 118 in 2014 to 165 in 2015. That seems quite a significant increase in murders against women a year after the country ratified the convention.

Mr Chope: Does my hon. Friend think that the number of murders of women results from a higher reporting rate?

Philip Davies: I suspect that it is harder for a murder victim to report that crime—so clearly not. My hon. Friend is absolutely right that that statistic cannot be explained away by increased reporting of crime. I think it is fair to say that murders are known to the public authorities.

10.15 am

Given the considerable increase in murders the year after Austria ratified the convention, I hope all the hon. Members who claim that the convention will lead to a miraculous reduction in violence against women will now change their minds. Perhaps they will be persuaded to vote for new clause 11, so that all the statistics would be available to us and we could produce our own analysis, whatever it might be. What does anyone have to fear from knowing the facts about all the countries that have ratified the convention? I do not see what anyone has to fear from asking the Government to source that information.

New clause 12 is similar to new clause 11, but it asks for quarterly statistics:

“The Government must use its best endeavours to obtain statistics on the levels of violence against men, women and all domestic violence victims...published quarterly”.

I will not dwell on new clause 12. The arguments for it are the same as for new clause 11, but it asks the Government to publish statistics quarterly rather than annually. Hon. Members can choose which of the new clauses they prefer; they are not really compatible with each other, but I tabled them both to give the House a choice about when to see the figures published. New clause 17 relates to compensation

“awarded to those who have sustained serious bodily injury or impairment of health”.

We now come to the reservations allowed within the Istanbul convention. My hon. Friend the Member for Christchurch knows much more about the subject than I do, and I am sure that he will want to speak on his new clauses and amendments that cover it. Unusually, he and I seem to be coming at the Bill from different angles: I want the Government to retain as many reservations as is allowed under the ratification of the convention, while he seeks to reduce the number of—indeed, eliminate—the reservations that they would be allowed to retain under it. He will make his case in his speech; I want to make the case for giving the Government as much freedom as possible within the convention. I would be interested to know from the Minister where she stands on the issue.

Article 30, paragraph 2, of the convention states:

“Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming redress for compensation awarded from the perpetrator, as long as due regard is paid to the victim’s safety.”

I am a bit nervous about that. Obviously I believe as much as—perhaps more than—any hon. Member present that victims should be treated much fairer in the criminal justice system, and that that has to include proper

compensation for being a victim of crime. However, my fear is that adopting article 30 would open the Government up to large claims for compensation from the state when those claims might more appropriately be pursued through other avenues. It might lead people not to pursue such claims through other avenues because they thought it much easier to go to the state.

I hope that the Minister will give us an estimate of how much the Government think it would cost to adopt article 30. I genuinely do not know what additional cost, if any, there would be to the UK taxpayer from signing up to article 30. Perhaps the Minister does not know—I would not blame her if she did not, because obviously any figure would be an estimate—but if we do not know, rather than signing the UK taxpayer up to an unknown cost, it would be more sensible for the UK to reserve the right not to sign up to the article. We can make our own arrangements in the House. Not signing up to that part of the Istanbul convention does not mean we cannot do it ourselves. We should leave it for us in the UK to decide these matters, rather than signing ourselves up to something of which we do not know the full consequences or cost to the UK taxpayer. That is the point of the new clause.

Mr Chope: I commend my hon. Friend for tabling new clause 17. It is effectively a probing new clause trying to find out the Government’s policy on the issue. They say they wish to ratify the convention, but they have made no statement about whether, in ratifying, they wish to have reservations under the powers in the convention.

Philip Davies: My hon. Friend makes a very good point, and I hope that the Minister will make that clear. I have given up the hope that SNP Members know anything about what is in the Istanbul convention. They clearly have no idea. If they bothered to read it, they would know that it contains powers for Governments to reserve some areas—not sign up to them—but still ratify the convention. We have no idea, however, whether we are going to sign up to these things. Before Parliament agrees to something, we should at least know what we are signing up to. At the moment, we have no idea. Perhaps the Minister will be good enough to tell us, before Third Reading, what the Government envisage us signing up to.

My hon. Friend the Member for Christchurch is right in one sense about the new clause being a probing measure to tease out from the Government which bits of the convention we will sign up to as part of ratification, but he does it a slight disservice. I am not entirely sure I agree that it is just a probing new clause. To describe it as such suggests that I do not particularly agree with it and am just seeking information, whereas I do agree with it, so I cannot agree with him.

If my hon. Friend was to make the same accusation about new clause 19, however, he might have a point. It states:

“Nothing in the Bill shall prevent the United Kingdom ratifying the Istanbul Convention with reservations as provided for in paragraphs 2 and 3 of Article 78.”

In effect, that would allow the Government to ratify the convention with the maximum number of reservations allowed. It is important to highlight what reservations are allowed and therefore what would be covered by the

new clause. The reservations apply to the following outline areas: compensation, which I have just covered on new clause 17, jurisdiction, statute of limitation, residence status and the right to provide for non-criminal sanctions for psychological violence and stalking.

I have talked about article 30 and compensation already. The new clause 19 would also allow the Government in effect to opt out of paragraphs (1)(e), (3) and (4) of article 44, on jurisdiction; article 55(1), as it relates to article 35, on minor offences and *ex parte* and *ex officio* proceedings; article 58, as it relates to articles 37 to 39, on the statute of limitation; and article 59, on residence status, especially in relation to spouses. Finally, article 78(3) declares that a state

“reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34”—

on psychological violence and stalking respectively.

There is a good case for saying that the UK Government and Parliament should be sovereign in all these areas and that where we can leave matters to the UK Government, Parliament and the UK courts, we should take that opportunity, mainly for the reason I outlined in response to my right hon. Friend the Member for East Yorkshire (Sir Greg Knight): we have no idea necessarily how these things will develop over the years, so it is best to reserve as many rights as possible. That would be the most sensible strategy for the Government to adopt, because it would allow them to retain as much control as possible.

Mr Nuttall: Does my hon. Friend agree that there is plenty of precedent from around Europe for going down precisely this route in respect of what other countries have done as part of their ratification process?

Philip Davies: My hon. Friend is absolutely right. In fact, I was just about to come on to that. Of the 22 countries that have already signed and ratified the convention, 11 have done so with reservations attached, and a further four have signed it stating they want reservations too. It is clearly a reasonable approach for Governments to take—it is in the convention that countries can do it, so it must be an accepted approach. It is clearly a reasonable approach, as all countries, Governments and legal systems are different, and it is important that that be recognised as much as possible so that provisions can be to the taste of particular countries. I hope, therefore, that the Government will make it clear where we are with these reservations and what implications there might be. If they are seeking the maximum number of reservations, as I would advise them to do, perhaps the Minister can confirm that she has no objection to new clause 19, which would simply make that clear in the Bill and put the matter beyond any doubt and further debate.

Mr Chope: Does my hon. Friend really think that Parliament should be prepared to contemplate having only non-criminal sanctions against stalking, for example?

Philip Davies: No, I do not. I was going to come to that later, but as my hon. Friend has raised it now, I should make it clear that I absolutely do not think that. In fact, colleagues will remember my hon. Friend the Member for Cheltenham (Alex Chalk) waging a fantastic

campaign trying to double the maximum sentence courts could impose on people convicted of stalking. I was a strong supporter of his 10-minute rule Bill that sought to do that, and I was pleased that the Government agreed to adopt that measure. That was fantastic.

I differ with my hon. Friend, however, in that I do not accept the premise that providing for reservations from the convention means that we necessarily always have to disagree with what is in those articles. It just means that we are free to do what we think is right, rather than having another body telling us its view of the matter. We can be trusted to do the right thing by victims of stalking, as the Government have already done. Not signing up to an article does not mean disagreeing with what is in it; it just means we want to retain sovereignty for our own country.

Mr Chope: Does my hon. Friend understand why, when the last Labour Government were negotiating the convention, they were prepared to allow other countries to have non-criminal sanctions in respect of stalking? Why were they prepared to allow a reservation of that nature, given that only a very limited number of reservations are allowed?

10.30 am

Philip Davies: That is a very good point. No doubt the Labour spokesman will be able to explain why Labour thinks it is absolutely fine for other countries to have non-criminal sanctions for stalking, and for psychological violence against women. The Labour Government obviously agreed to that being part of the convention, and people are happy for us to sign up to it on the basis that it is a gold standard for protecting women. Well, I hope people realise what is in this “gold standard for protecting women”. Those who campaign most vociferously seem to be the ones who have read the smallest amount of it. There is a direct correlation: the people who seem to be the most wound up about it are the ones who have read it the least. If some of them take the time to read it, they may be shocked to find what is in this “gold standard”.

I actually think that the UK can do a damn sight better than the Istanbul convention. I think that by signing up to it we will be levelling things downwards rather than levelling them upwards, which is what we should be seeking to do. If the Government want to do something useful around the world, they should be encouraging other countries to adopt the practices in which we engage in this country, rather than our agreeing to adopt their practices, which are much weaker when it comes to dealing with violent crime and, in particular, violence against women.

My hon. Friend is absolutely right: Labour Members have a great deal to answer for in this debate. Perhaps they will be able to explain why they think that stalking and psychological violence against women should be subject to non-criminal sanctions in other countries, and perhaps the Bill’s promoter will be able to explain why she would adopt that policy as well. I suspect that it is not something that she tells people about very often when talking about the Istanbul convention.

New clause 20 provides for a requirement to denounce the convention after five years. In effect, it is a sunset clause—I think that more Bills should contain sunset

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clauses—enabling us to review whether or not the Istanbul convention has been a force for good in the United Kingdom. If everyone is so confident that ratification will indeed be a force for good, they have nothing to fear from a sunset clause, because it will become apparent that the ratification has been a great triumph, and we can all agree to put the provision back on to the statute book in time for it to continue. If, of course, the ratification proves to be a turkey, the Bill will fall, and we shall be able to start from scratch. We shall be able to introduce legislation that is much more sensible and effective. I have no idea why anyone might not support a sunset clause. It seems a very good safeguard, because it requires us to continue to focus on what a Bill is designed to achieve, and to ensure that that is what it is achieving.

Those are my new clauses. I shall now deal with the amendments—14 of the 36—that are tabled in my name. Amendment 22 relates to the report that subsection (1) requires the Secretary of State to lay before Parliament on the timetable for ratification of the convention. The subsection states that the report “must be laid within four weeks of this Act receiving Royal Assent.”

What is required within four weeks is for the Secretary of State to set out

“the steps required to be taken to enable the United Kingdom to ratify the Istanbul Convention; and...the date by which the Secretary of State would expect the United Kingdom to be able to ratify the Convention.”

I think that is a rather unrealistic timetable. No doubt the Secretary of State could rustle something up to hit that arbitrary four-week target, but I think it would be much more sensible for the report to be meaningful and accurate. Surely we should be aiming for that, rather than sticking to an artificial timetable.

I should love to know why the Bill specifies four weeks. Perhaps its promoter will be able to tell us. Why four weeks? Why not six weeks, or two weeks? What is so special about four weeks? I suspect that there is nothing special about it at all. I suspect that someone said, “We shall have to put in a figure. What shall we put in? Let’s go for four weeks, shall we?” I do not think that that is a sensible way of drafting legislation.

Mr Chope: My hon. Friend is effectively supporting one of the Government amendments, but may I present an alternative point of view? The Government have had since 2014 to draw up a list of the legislative requirements that will enable the convention to be ratified. The Bill was published on 29 June last year, and we still have not heard from them any indication of what they believe must be done in order to enable the United Kingdom to ratify it.

Philip Davies: My hon. Friend seems to have made my point for me. I understand what he is saying: that the Government have had ample time in which to do this, and we should therefore be able to put to them a fixed time in the near future. My contrary point would be that, if after such a long time they still have not been able to do it, how on earth are we to expect them to do it all of a sudden within four weeks? That seems unrealistic to me. Surely the fact that the Government have not

managed to do it in all those months suggests that they will not be able to do it in four weeks. My point is that the timetable is unrealistic.

Mr Chope: But it is not just four weeks, is it? One of the Government amendments says that the Act should not come into force until two months after Royal Assent, which means, effectively, that after Royal Assent the Government would have three months on top of all the time that they have had up until now.

Philip Davies: My hon. Friend is clearly right. I cannot disagree with anything that he has said. The points that he has made about Royal Assent are factual. However, I am not entirely sure that that timetable is achievable either, given the delay that we have already seen. My point is that, rather than rushing to meet an artificial target that they are clearly finding it difficult to meet, the Government should be left to set out those steps at a reasonable time.

My amendment 22 would extend the timetable from four weeks to three years, and I should like to think that everyone would agree that it allows the Government ample time to get their ducks in a row and their house in order. I should like to think that the Government would have no excuse for not sticking to that particular timetable. However, my hon. Friend thinks that that would let the Government off the hook too much. My amendment 24 replaces the four weeks with “when reasonably practicable”.

Mr Nuttall: As my hon. Friend will know, I support his “three years” amendment. Would not the other option leave the position open-ended? “Reasonably practicable” may mean “never”.

Philip Davies: My hon. Friend is right, and I shall go into that in a bit more detail later. The Government really are selling people a pup. They, and the Scottish National party, are trying to get all the plaudits for putting their shoulders to the wheel to ensure that the Istanbul convention is ratified, but the “filleting” amendments are designed to do the exact opposite. My three-year amendment, as my hon. Friend puts it, may mean a long time in the waiting, but at least it will mean that there is a fixed deadline for the Government to meet. Amendment 24, which says that the report must be laid “when reasonably practicable”, mirrors the Government amendment. It is very similar. Obviously, great minds—mine and the Minister’s—think alike on the matter. However, I concede that the amendment allows for a never-ending timescale. Perhaps that is what the Government, and the SNP, have in mind. I do not know. I am perfectly relaxed about either measure—I will take soundings from colleagues as to which they think is the best. My general point is that the four-week target is never going to be achievable, particularly given all the other things that are going on for the Government at the moment.

Mr Chope: On the point about so much else going on, how does my hon. Friend define “as soon as reasonably practicable”?

Philip Davies: It seems to me that it is what it says on the tin: “as soon as reasonably practicable”.

It is when the Government are in a position to be able to do so. I know my hon. Friend has extensive experience of government, as a former Minister. That is a privilege that I do not have, and never will have, so it is not for me to say what it takes for the machinery of government to get itself into a position to do something, but I am sure that he trusts the Government to move as speedily as possible on these matters, given the Minister's stated commitment to these things. I am sure he has nothing to worry about on that provision. The Minister tabled a similar amendment to mine, which is a rare thing in itself. Presumably, she may be able to answer his question. She may be able to explain what she had in mind when she tabled her amendment to satisfy him.

Amendment 25 is about the annual report that is required in clause 3. The clause says that the Secretary of State shall lay a report "each year". I propose to change that to "biennially". Every two years is perfectly adequate for that report; we do not need an annual one. If my hon. Friend gets his way, it will not need to be laid annually or biennially because the Government will have this done and dusted in no time anyway. Therefore, I am not sure why we need an annual report, to be honest. However, Members can explain why, if these things have to be done quickly, we need an annual report saying what steps need to be taken and when we are expected to ratify the convention. Presumably, the whole point was to have it done and dusted in no time at all, so I am not sure I understand the need for that provision.

Amendment 26 would delete

"any alteration in the date by which the United Kingdom expects to be able to ratify the Convention and the reasons for the alteration".

I do not see any point in that provision. It seems to be superfluous to requirements.

I propose in amendments 27 and 28 to delete paragraphs (b) and (c) of clause 3, which are about pre-ratification reports. I cannot see the point of those provisions, including that on

"the administrative measures taken...to ratify the Istanbul Convention",

and those on what has been done in the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

10.45 am

There is all this verbiage in the Bill about the Government having to report on this, that and the other. It is all just bureaucracy for the sake of bureaucracy. In practice, none of the pre-ratification requirements will make a jot of difference to the victims of domestic violence and people suffering any kind of violence. It is a pen-pusher's dream to explain away why the Government are not doing anything, or why they have not done something. The Bill is all about looking as if you are doing something, rather than actually doing something that will make a difference to people's lives. The more we can get rid of all this unnecessary bureaucracy and crack on with measures that will help to reduce violent crime in the UK, the better—that would be much more worth while. I would prefer to see action taken, rather than reports of inaction.

Mr Chope: My hon. Friend has given me an idea. We should bring forward, perhaps in the next Session of Parliament, a private Member's Bill that would outlaw any legislation that is purely gesture politics.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I am sure, Mr Davies, you are not going to go down that route.

Philip Davies: My word, Mr Deputy Speaker! If we were to abolish Bills that were just about gesture politics, that would abolish private Member's Bill Fridays altogether. However, that is a debate for another day. I do not want to be sidetracked down that line today.

Amendment 29 would delete paragraph (d). The provision says that the Secretary of State shall lay before each House of Parliament a report on "the measures to be taken and legislation required to enable the United Kingdom to ratify the Istanbul Convention".

Surely it is clear what legislation is required to enable the UK to ratify the convention. Why on earth do we need an annual report for the Government to tell us what legislation is required to ratify the convention?

Mr Chope: It should be the Minister intervening on my hon. Friend because it is the Government's case that they do not know yet what legislation is required.

Philip Davies *rose*—

Mr Deputy Speaker: Order. I am a bit worried. Time is going by and I know that you, Mr Davies, will want to hear some of the other speeches. I am sure that you will want to get towards the end of your speech. Mr Chope is trying to distract you permanently. We have to worry about that.

Philip Davies: I will try not to be distracted by my hon. Friend too many times. As I think you will appreciate, Mr Deputy Speaker, I have been trying to crack on through my amendments, but there are 47 new clauses and amendments in this group and they take some wading through. However, I have been racing through them. I will leave the Minister to answer my hon. Friend's point when she speaks.

Amendment 49 is about a report—we are still laying a report—about the measures taken by the Government to comply with the Istanbul convention to "protect and assist victims of violence against women and domestic violence".

At the end of that, my amendment would insert "and produce a breakdown of government spending on victims of violence and domestic violence for both men and women."

I do not see why anyone would want to oppose the Government having to produce a breakdown of how much they are spending on victims of violence and domestic violence, broken down by men and women. Men are nearly twice as likely as women to be the victim of a violent crime—1.3% of women interviewed for the crime survey reported being victims of violence in 2014-15, compared with 2.4% of men. When it comes to the most serious cases, according to the crime survey for England and Wales, women accounted for 36% of recorded homicide victims in 2015-16, whereas men accounted for 64%, yet so far the provisions we have here apply only to women. Therefore, it is important that the

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Government make clear what provisions they have for the victims of violent crime, whether they be men or women. I hope that the Government will agree to publish that information, and, if not, explain why they object to it so much.

Amendment 50 addresses the next bit of clause 3, which is about the report showing what the Government are doing to

“promote international co-operation against these forms of violence”.

At the end of all that, I have inserted that they should also

“provide statistics showing international comparison on levels of violence against women and men”.

I do not intend to repeat myself, but I spoke earlier about the information I have managed to acquire from different ambassadors. If we ask the Government to show what they are doing and then to show what other countries who have ratified the convention are doing, that will give us a good idea of how we are doing compared with other countries. Surely that is a meaningful comparison that we would want to look at. At the moment, the Government can offer us no meaningful comparisons to show how we are doing in comparison with other countries. I do not know why they would be afraid of doing that; surely they would want to make sure they were doing better than other countries. My amendment would give them the opportunity to do that and to highlight their record against that of other countries. Perhaps that would level everybody's standards upwards, rather than them just being at the lowest possible common denominator.

Amendment 51 relates to the report on the measures the Government are taking in providing

“support and assistance to organisations and law enforcement agencies to co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.”

At the end of that, I have added

“and to include the names of these organisations”.

It is important that the Government should make it clear, as part of this reporting strategy, what support and assistance they are giving and to which organisations they are giving that support. Then we can scrutinise whether or not they are the right organisations.

It might well be that there are other organisations out there—perhaps small organisations in local communities that the Government have not come across—that we can champion and say, “You don't seem to be giving any money to these organisations. How about giving them a cut of the funding available?” I do not know what would be lost by the transparency of knowing which organisations the Government were funding.

Mr Nuttall: Does my hon. Friend see any irony in the fact that while he and I have proposed, in separate amendments, deleting clause 3(1)(a), (b), (c) and (d), the Government have proposed deleting paragraph (e), which is the most substantive of all the paragraphs to this clause?

Philip Davies: My hon. Friend is right, and what is happening here—if anybody bothers to notice—is that

I am strengthening paragraph (e); I am trying to give the Government more requirements for reporting what they are doing post-ratification.

I will come to the Government amendment a bit later, but my hon. Friend is right to say that while I am, through these amendments, strengthening paragraph (e) and making sure that the Government have to give more information, the Government, with the SNP's connivance, are making sure that there will be no reporting on any of these issues post-ratification of the Istanbul convention. Again, they will have to explain themselves on that, but I think that if we are going to ratify this convention, we should at least have some post-ratification knowledge of what on earth is happening and how well we are doing.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. If the hon. Gentleman does want to hear that, it might be helpful if he gets on and ends his speech, as I can then get some answers for him—and I would not want to distract him from hearing the answers.

Philip Davies: I am very grateful for that, Mr Deputy Speaker, and I will certainly be leaving plenty of time for the answers, but, as I have said, there are 47 new clauses and amendments here and I am going through them as quickly as possible.

Mr Deputy Speaker: You are taking a lot of interventions, too.

Philip Davies: As ever, you are absolutely right, Mr Deputy Speaker. There have been lots of interventions and I will try to resist the temptation to be as generous in taking them as I normally am—for a bit, at least.

Amendment 54 again addresses clause 3 and the reports on progress. The amendment says that the first annual report should be laid no later than 1 November 2017. That is interesting in itself, because what the Government are leaving in the Bill is all about before ratification, but I want to keep in post-ratification reports, and my amendments say that the first one should be from 2020 onwards—they should be done from 2020 and then every two years. That would be the effect of amendments 53 and 54.

Amendment 55 is my final amendment and it relates to when this Bill, when it becomes an Act, should come into force. The Bill says it should

“come into force on the day on which this Act receives Royal Assent”,

and the Government have amended that, but I suggest it should

“not come into force until 90% of the signatories to the Convention have ratified it and there has been a proven reduction in violence against women in 75% of the countries who have ratified the Convention.”

It seems to me to be perfectly clear that we would want to ratify the convention only if it is actually shown to work. As I made clear earlier, we do not have the evidence at the moment to support that.

Those are my amendments, and I will now touch briefly on the other ones in the group, which I can race through fairly quickly, I hope. All of the new clauses in the name of my hon. Friend the Member for Christchurch are about making sure that the Government do not apply any of the reservations. I have explained why I

think the Government should apply some reservations, however, and that is why I would reject new clauses 14, 15 and 16. If I might be so bold as to say so, I think my hon. Friend's best attempt here is new clause 18 on psychological violence and stalking. It is inconceivable that those things would not come with a criminal sanction in the UK, so in that sense we have nothing to fear from signing up to that. It might be my hon. Friend's argument that if we were to make it clear that we would sign up to that—that we would be happy to make sure they would always have a criminal sanction—it might encourage others to do the same. I do not know whether that would work, but I would not be averse to that, and if my hon. Friend were to push new clause 18 to a vote, I would be more sympathetic to that than I would be to his other new clauses, if that is helpful to him.

The Government amendments—which the SNP has endorsed, let us not forget that—are extraordinary. I have made it clear that I am opposed to this convention, but this cosy deal shows that they do not care too much about it either. They pretend—

Mr Chope: Will my hon. Friend give way?

Philip Davies: I am going to resist the temptation to give way to my hon. Friend for now, Mr Deputy Speaker, just to show that I always take notice of the Chair.

They are attempting to fillet this Bill without anybody noticing, claiming to be champions of the Istanbul convention while getting the Government off the hook of ever having to actually implement it. These amendments are all about making sure either that the Istanbul convention is never ratified or that its ratification is delayed as much as possible. Only SNP Members will know why on earth they have agreed to this. Only they will be able to explain that, or perhaps they are so embarrassed about it that they will not be willing to explain it at all. I hope they will have the guts to admit to what they have done.

Government new clause 1 would remove clause 1 and therefore would remove the ratification of the convention on violence against women, because clause 1 imposes a “duty” on the Government

“to take all reasonable steps as soon as reasonably practicable to enable the United Kingdom to become compliant with”

the Istanbul convention. The Government want to delete that. They want to leave out clause 1, yet clause 1 is the whole point of the Bill, in that it imposes a duty on the Government

“to take all reasonable steps as soon as reasonably practicable to enable the United Kingdom to become compliant”

with the convention. The Government want to remove that provision from the Bill, and the SNP is quite happy for them to do so. This is absolutely extraordinary stuff, Mr Deputy Speaker! You literally could not make it up.

11 am

The hon. Member for Coventry South (Mr Cunningham), who intervened on me earlier, referred to the words of the Prime Minister at Prime Minister's questions on Wednesday. What she said was very sensible, as usual. In answer to the leader of the SNP, she said:

“In many ways, the measures we have in place actually go further than the convention”.—[*Official Report*, 22 February 2017; Vol. 621, c. 1013.]

What on earth is the point of the UK ratifying the convention, when the Prime Minister herself says that we already have measures that go further than those in the convention? As my hon. Friend the Member for Christchurch says, this is gesture politics. The Prime Minister also made it clear that the amendments tabled by the Government were “mutually agreed” with the SNP.

Amendments 56 and 57, both tabled by my hon. Friend the Member for Christchurch—[*Interruption.*] I think that SNP Members are rather embarrassed about the fact that they have been cosy up to the Government on these amendments, and they are trying to mask anyone knowing anything about that. This is quite extraordinary, and it is a good job that some of us are on the ball. Amendments 56 and 57 relate to reservations, and I am sure that my hon. Friend will talk about them later.

Government amendment 2 is again one that I would support. It would amend clause 2 by replacing the words “date by” with “timescale within”. There is quite a big difference between the date by which something must be done and a timescale within which it is expected to be done. Again, this is watering down the provisions in the Bill and the SNP has agreed that the Government should do this. Government amendment 3 is very similar to my amendment 24. It proposes producing a report

“as soon as reasonably practicable after this Act comes into force”,

so we can leave that one there as I have already covered that in my amendment. I will obviously support that Government amendment.

Government amendment 4 covers a matter that my hon. Friend the Member for Christchurch raised in a point of order at the start of our proceedings today. To be perfectly honest, I do not really understand this. There must be a reason for this proposal, and I hope that the Minister will explain what it is. The amendment proposes that it should be the Secretary of State, rather than Her Majesty's Government, who determines that the United Kingdom is compliant with the Istanbul convention. Surely the Secretary of State is the person within Her Majesty's Government who is responsible for this policy area, so I do not really see why this needs to be changed round. I hope that the Minister will be able to explain why that should be the Secretary of State's responsibility rather than that of the Government. There must be a point to that proposal, but it has passed me by.

Government amendment 5 seems to be consequential to Government amendment 4, so I think we can leave that there. I believe that Government amendment 6 is consequential to Government amendments 4 and 5, so we can leave them there too. Government amendment 7 represents another significant watering down of the Bill and of the convention. Clause 2, at present, provides that the Government must make a statement to each House of Parliament on

“the date by which the Convention will be ratified.”

Presumably the whole purpose of the Bill is to ratify the convention, and at the moment the Government are required to announce the date by which it will be ratified. However, the Government and the SNP want to water down that provision so that the Government would no longer have to tell Parliament the date by

which the convention will be ratified. Instead, they would simply have to say when

“the Secretary of State would expect the Convention to be”

ratified. Well, that could be any date at all. This is a significant watering down of the Bill that has not been well publicised until now—[*Interruption.*] I know it is very boring of me to point out that SNP Members are watering down their own Bill and cosying up to a Conservative Government in doing so. I know that they are embarrassed about doing that, but I am taking great pleasure in telling the people of Scotland what SNP Members do when they are down here.

Government amendment 8 deletes the requirement to produce a report “each year” and replaces it with a requirement to produce such a report only “until ratification”. Government amendment 9 firms up the watering down of the Bill. It refers to alterations in the timescale and the reasons for such alterations. It is a consequential amendment to those that water down the Bill, which the SNP has agreed to. Government amendment 10 is consequential to amendment 8, as is amendment 11. Government amendments 12 and 13 are again consequential to Government amendment 8 and have no real consequence.

Government amendment 14 is very significant, as per amendment 8. At the moment, the Bill requires the Government to produce an annual report setting out “the measures taken by Her Majesty’s Government to ensure that the United Kingdom is, and remains, compliant with the Istanbul Convention”.

Specifically, the report is to include measures to

“(i) protect women against violence, and prevent, prosecute and eliminate violence against women and domestic violence;

(ii) contribute to the elimination of discrimination against women, promote equality between women and men, and empower women;

(iii) protect and assist victims of violence against women and domestic violence;

(iv) promote international co-operation against these forms of violence; and

(v) provide support and assistance to organisations and law enforcement agencies to co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.”

Those are the aims of the convention, yet the Government are saying that they will not be required to report on any of those things. In effect, they are saying, “Once we have ratified the Istanbul convention, that will be job done. We don’t need to worry about these things any more. We don’t need to monitor what is happening and we don’t need to report on what is happening in this country because the job has been done.” Well, I am afraid that it has not been done, as we have seen from the results in other countries. We need to keep on top of these things to ensure that the Government are doing what they said they would do to ensure that violent crime is going down in the UK. It is quite extraordinary that the Government and the SNP do not want any reporting of anything at all after ratification of the Istanbul convention, and I hope that the will of the House will be tested on that matter.

Amendment 60, tabled by my hon. Friend the Member for Christchurch, is one that I very much support. He wants to retain clause 3(e), as I do, rather than delete it. He also wants to strengthen it by requiring the Government to make it clear what the costs to the Exchequer will be

of the measures set out in that subsection. It is quite right that the UK taxpayer should know how much is being spent on the measures in the Bill. That is a matter of transparency.

Government amendment 15 is yet another watering down of the Bill: instead of coming into effect on the day of Royal Assent, another two months will now have to pass before it comes into effect. I am happy to support the amendment, but people campaigning for the Bill should be rather worried about the motives for the amendment.

In many respects I have saved the best till last.

Angus Robertson (Moray) (SNP): Sit down, then.

Philip Davies: Do not worry, the House will hear it in all its glory. Government amendment 16—and, with it, Government amendment 17—is an absolute pearler. The Bill is so bad that not only are the Government taking out clause 1, which is the whole point of the Bill, but they are even changing the title because it is no longer applicable to what they are prepared to sign themselves up to—with SNP support.

The title says that this is:

“A Bill to require the United Kingdom to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention); and for connected purposes.”

Everyone outside this place thinks that that is what we are debating today. They think this is a Bill to require the United Kingdom to ratify the Istanbul convention. Well, not any more. The Government and the SNP have caved in on what the Bill was supposed to be about, because now they are changing the title. The requirement on the United Kingdom to ratify the convention will no longer be in the Bill’s title if the Government and the SNP get their way. The Bill will just:

“Make provision in connection with the ratification by the United Kingdom of”.

In other words, “Let’s kick this one into the long grass. We’ll just have a few things that need to be done before we actually ratify the convention.” The Bill will no longer require the Government to ratify the Istanbul convention, and even “and for connected purposes” will be removed. Nothing that might actually help to ratify the Istanbul convention will be included in the Bill.

There we have it: a whole range of amendments. Some of my amendments are about transparency, and some would strengthen the measures expected of the Bill—people would certainly know what has to be reported on so that we can see what is happening in other countries. On the other hand, we have the Government amendments, supported by the SNP, that water down the Bill and even remove the requirement to ratify the Istanbul convention. The public outside need to know that they are being conned by people who claim to support ratification and who claim to be on the campaign group. The public have been sold a pup. At least some of us are honest about not liking this convention, which has to be a better way to operate than this rather shabby deal between the Government and the SNP.

I hope that we can test the will of the House on the weakening of the Bill, and we will see how we get on.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): In considering this group of amendments it is useful to consider the related document, the sixth report of the Joint Committee on Human Rights, session 2014-15, on violence against women and girls, which was published in February 2015 and called on the Government to ratify the Istanbul convention.

I am delighted that my Bill is back before the House on Report. I am extremely grateful to colleagues on both sides of the House—from nine parties—who support the Bill, and especially to those who have given up a valuable constituency Friday. I am particularly grateful to those who have been up all night with the by-elections. I can see quite a few folk who are a bit bleary eyed this morning. I thank everyone for being here.

Preventing and combating violence against women and domestic violence is extremely relevant to people in every single constituency. We have a chance today to make a real difference to their lives and the lives of future generations. On Second Reading the Government intimated their intention to amend the Bill while supporting its intent and principles. Although the amendments were not forthcoming in Committee, they are before the House this morning, and I thank the Minister and her officials for working constructively with me and my staff to table amendments that meet the Government's need for unambiguous and watertight legislation without watering down the substance of the Bill.

11.15 am

Grown-up politics is about compromise and, frankly, we would all be much better off if there were less grandstanding on our hind legs in this place and more constructive discussion and real work. I will address the Government amendments in due course. However, as we have all heard ad nauseam this morning, there are screeds of further amendments before the House today, and all Members will be relieved that I do not intend to address them at great length. I plan to keep my remarks relatively concise and to the point, and I hope the substance of my comments will more than compensate for any brevity, but I need to respond to some of what we have heard this morning.

I am aware that the hon. Member for Shipley (Philip Davies) enjoys playing the pantomime villain in this very public theatre and that he genuinely opposes the principles of the Bill, but the way he has gone about tabling wrecking amendments and talking to them at mind-numbing length this morning does nothing to enhance his reputation or the reputation of our democratic process. The only embarrassment in this House today is the embarrassment of his Government and his Prime Minister at the way he has misrepresented their position. He lets himself down and he lets down thousands of his constituents who have experienced horrific sexual and domestic violence and whose lives have been irreparably blighted as a result.

Yesterday, along with other MPs, I received a copy of a letter from more than 130 of the hon. Gentleman's constituents, women and men from the Shipley area who are dismayed by his

"wilful misunderstanding and sabotage of the Bill".

They point out that:

"While this Bill is delayed, people (mostly women) are being maimed and killed by abusive partners. To see this legislation filibustered is soul destroying for those who really need the protection of such a Bill."

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Some seven women a month are killed in England and Wales alone. Does my hon. Friend agree that that deserves to be treated with the utmost urgency, as we would any other major cause of death?

Dr Whiteford: My hon. Friend is absolutely right. We also need to understand the dynamic of control and abuse that feeds those shocking statistics.

Dr Roberta Blackman-Woods (City of Durham) (Lab): I congratulate the hon. Lady on making such progress with this important and very necessary Bill. Does she agree that it is important that people have faith in parliamentarians to carry out their monitoring role once the convention is implemented and that the actions of the hon. Member for Shipley (Philip Davies) do not help?

Dr Whiteford: I absolutely agree with the hon. Lady. I will address scrutiny in a bit.

There are few issues that unite this House, but there is a compelling degree of unanimity on the need to ratify the Istanbul convention and the need to do more to prevent and combat gender-based violence, which is reflected in the cross-party support for the Bill and the willingness of Members from all parties to work together to achieve the progressive change that people in our communities want to see.

However, the hon. Member for Shipley has done me one favour with his amendments by giving me an opportunity that I might not otherwise have had on Report to clear up some fairly basic misunderstandings about the Istanbul convention—not least what it actually says and does—and some fundamental misconceptions about the gendered dynamics of sexual violence and domestic abuse.

First, clause 3 of article 4 of the Istanbul convention explicitly states that

"the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status."

It is unambiguous: the Istanbul convention provisions apply to women, men, trans and non-binary people alike, and regardless of any other characteristic. It is comprehensive and clear.

Interestingly, an organisation such as Stay Brave, which advocates specifically for male, trans and non-binary victims of sexual and domestic violence, and which would not have in the past claimed adherence to any feminist agenda, supports the Istanbul convention and wants to see it ratified, because it recognises that the convention will help all victims. As its chief executive said in a blog published yesterday, it recognises that:

"The focus on ending violence against women is important, because it recognises the global pandemic of injustice. Gender inequality...creates a world where power, money and strength become motivators for systemic violence."

The chief executive officer of another men's organisation, David Bartlett of the White Ribbon Campaign, yesterday also urged all MPs who care about ending violence and promoting gender equality to vote in favour of the Bill today.

[*Dr Eilidh Whiteford*]

That is why the hon. Member for Shipley is simply wrong to suggest that this can ever be understood as a gender-neutral issue, and why the points he has made in the past about men being left out and this not being about them cannot be taken seriously. All of us are agreed that all sexual violence and all domestic violence is serious, regardless of the gender of the victim or of the perpetrator, and regardless of any other characteristic—end of.

Philip Davies: Will the hon. Lady give way?

Dr Whiteford: No, I will not. The hon. Gentleman has more than enough air time. Everybody recognises that some men will experience gender violence and domestic violence, and that sometimes the perpetrator will be female, but in the real world in which we live the people who experience sexual and domestic violence are overwhelmingly female; women are disproportionately subjected to these forms of violence and abuses on a colossal scale—we cannot ignore that reality. The large majority of perpetrators, although by no means all, happen to be men; no credible, documented source of evidence anywhere in the world suggests otherwise. We do ourselves a huge disservice if we pretend that this is just another case of “the boys against the girls”—we are not in primary 4. It is a grave distortion of a terrible, systemic abuse of human rights to ignore the profound gender inequalities that drive and compound sexual violence and domestic abuse.

It is also important to say that some types of sexual violence are becoming more prevalent. Crime in Scotland is at a 40-year low, yet sexual offences are rising. That could be due to more people reporting what has happened to them, and in the wake of the exposure of the Savile review we know that there has certainly been a spike in the reporting of historic incidents. But I fear that this is also to do with a genuine increase in new types of gender-based violence, which are partly facilitated by this saturated world we live in of violent sexual imagery: the emergence of so-called “revenge porn”, which was not possible until the advent of smartphones; and things such as so-called “date rape” drugs being available. Those things were not problems 20 or 30 years ago but they have become prevalent problems now, and they are driving an increase in sexual assaults in particular. However, women’s inequality is still a key feature of every society in the world, and that is what is really underpinning gender-based violence.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The hon. Lady is making an excellent speech and an important point. I congratulate her on her ongoing work on this issue and I hope everyone will vote in support of the Bill today. We came into this Chamber with the horror of the Helen Bailey story in today’s papers, her partner having been jailed for 34 years for her murder. Does the hon. Lady agree that this highlights how the crime of domestic violence and violence against women hits? Age and background are not relevant, as this is a universal crime. Finding a way of raising awareness among young people will be the best gift we can give them in terms of prevention, and supporting the Bill today will be global Britain in action.

Dr Whiteford: The hon. Lady makes a series of salient points in her concise intervention, and of course our condolences go to the friends and family of Helen Bailey, whose dreadful murder made us all pause for thought and for breath. It was a truly horrific crime and I am glad her killer has been brought to justice.

The hon. Lady also anticipated the points I was just about to make on the universality of gender-based violence. I talked a lot on Second Reading about the differential experiences of gender-based violence, and in explaining why I will be opposing amendments that have been tabled, I will reiterate the points I made then. Although this is a universal crime that affects women right across the spectrum, we know that low-income women, disabled women and women under 30 are more likely to experience gender-based violence than others. We know that women from some ethnic and cultural minorities are exposed to greater risk of specific manifestations of violence, such as female genital mutilation or forced marriage. Sexual violence can happen to any of us—it affects people of all economic and social backgrounds and ages—but there are deep structural social inequalities reflected in our likelihood of experiencing sexual and domestic violence, and gender inequality is the cross-cutting factor that underpins and compounds them all.

If we are serious about ending these forms of abuse, we need to understand their manifestations and end the denial—the blind spot—about the far-reaching effects of wider gender inequality. Women may have secured equality before the law—*de jure* equality—but we are nowhere near achieving *de facto* equality, or equality in practice. We need just to look around Parliament or to listen to the amount of air time that people get in Parliament, including today, to see that. Until we get that equality in practice, women will continue to face life-threatening, life-changing abuse over the course of their lives.

I now want to turn to the amendments tabled by the Minister, all of which I am happy to accept. I am grateful for the way in which the Government, in proposing some significant changes, have worked to retain the principles, intention, integrity and spirit of the Bill. We are at our best as legislators when we use those areas where there is already a large degree of common ground and consensus to find compromises and push forward together where we are able to do so. Although these Government amendments were not tabled in time for the Committee, the Government were able in Committee to outline their intentions in some detail and to indicate the areas in which they planned to amend the Bill on Report.

Government amendment 1, which removes clause 1, is undoubtedly the amendment over which I still have some reservations, but I am prepared to take in good faith the Government’s commitment that they will move forward with all due haste to make the legislative changes they need to make to bring the UK into compliance with the Istanbul convention. I reject absolutely the assertion from those on the Tory Back Benches that the Government do not care about these issues. I urge anyone who takes that view to speak to some of the women on the Tory Benches, including those who have so courageously spoken about their own experiences of domestic abuse. Tory women are no more immune from gender-based violence than anyone else; all of us are

affected. I believe genuinely that there is a shared commitment on this, including a personal commitment from the Prime Minister.

Dr Tania Mathias (Twickenham) (Con): I greatly appreciate how the hon. Lady has acknowledged the cross-support on this issue and everything she has done in the Chamber and outside it. She has the full backing of female Conservative Back Benchers, but I also applaud my male colleagues, who are also behind her.

Dr Whiteford: I am grateful for that intervention. As I said on Second Reading, actions speak louder than words. We have heard a lot of warm words and verbal commitments in principle about the Istanbul convention for nearly five years now, but the process had clearly stalled. So I am delighted that a few days ago, ahead of this debate, the Prime Minister announced new legislation on domestic abuse and expressed her support for this Bill. I hope the Minister will be able to say more about that proposed legislation and will confirm whether the Government intend to use it to address the outstanding issues, particularly those relating to extra-territorial jurisdiction, which have been the last main barrier to the ratification of the convention. Will the Minister also say whether there are plans to strengthen compliance with the convention in areas in which we all know there is massive room for improvement, such as on coercive control and the way the family courts, and their equivalents, work in all our jurisdictions? Will she also set out how discussions are progressing with the devolved Administrations, which support the Istanbul convention but also have competencies and steps to take towards ratification in such areas?

11.30 am

The Prime Minister's personal commitment to and oversight of the process is really important, because it is the one way to ensure that crucial issues that will cut across more than one Government Department, such as extraterritorial jurisdiction, will not slip through the cracks. It has been too easy for sexual violence and domestic abuse to fall off the to-do list. All Members will be familiar with the tired old phrase, "When parliamentary time allows," which around here is code for, "Yeah well, whenever; maybe never." It has been trotted out too often in relation to the Istanbul convention. The primary aim of my Bill has been to shift the logjam and get the ratification process back on track, so the Prime Minister's intervention is a welcome signal that that is now happening. We should all applaud that progress and continue to work together to ensure that it becomes a vehicle for real and meaningful improvements for people affected by gender-based violence and is not just a token effort.

On Government amendments 2 and 3, which are on timescales, I hope the Minister will be able to assure us today that the Government will continue to pedal as hard as they can on this matter and keep up the momentum, although I appreciate that the machinery of Government can sometimes take time to turn.

It is important to highlight Government amendments 7 to 13, which relate to those parts of the Bill concerned with reporting back to Parliament as we progress towards ratification, and once the treaty is ratified. The convention itself commits the UK to substantial reporting requirements

and a process of ongoing monitoring and evaluation, through annual reports to the Council of Europe's expert group, GREVIO—the group of experts on action against violence against women and domestic violence. Those requirements are arguably the most useful mechanism in the treaty, in that they will enable the UK to benchmark and measure progress, not just in a UK context but against international comparators. They will enable us to learn from other people, and other people to learn from us. They will enable a more coherent, strategic and consistent approach to preventing and combating gender-based violence throughout the whole UK, and they can be used as a vehicle for ongoing improvements in policy and practice.

I know the Government were concerned that the post-ratification reporting requirements in the Bill might duplicate the annual report, but my intention has never been to create unnecessary extra work; it has been to improve parliamentary scrutiny and accountability. However, we all know only too well how easy it is for reports that are simply filed in the Library to become stoor gaitheerers that no one ever reads again. The whole point of the reports is that we pay heed to them and use them to inform future improvements in policy and services.

A new car will not get anyone anywhere if it is left parked in the garage, and the vehicle of the Istanbul convention will help us only if we use it. That is why the hon. Member for Rotherham (Sarah Champion) and I pressed the Minister in Committee for a commitment not only that the Government will lay their report to the Council of Europe before the House, but that Ministers will come to the Dispatch Box in Government time to make an annual statement on the report, so that we can better do our job of parliamentary scrutiny and prevent this issue from once again falling out of sight and out of mind. I very much hope that the Minister will reiterate that commitment today, particularly for those who did not hear it the first time around. I hope that Members will support the amended Bill, but oppose those amendments that are simply intended to scupper this vital piece of legislation.

The Parliamentary Under-Secretary of State for the Home Department (Sarah Newton): I thought I might assist the House by rising at this stage of the debate to explain Government amendments 1 to 17 and to address the valid concerns raised by my hon. Friend the Member for Shipley (Philip Davies).

I very much welcome the opportunity to discuss the Bill on Report and to continue to work with the hon. Member for Banff and Buchan (Dr Whiteford) on this important issue. As the Prime Minister made absolutely clear at Prime Minister questions on Wednesday, the Government share the hon. Lady's commitment to ensuring that the UK ratifies the Istanbul convention.

We signed the convention in 2012 to signal our aim that everyone, men and women, should live a life free from violence. The convention's key priorities already align with those of the UK. They are to continue to increase reporting, prosecutions and convictions, and, ultimately, to prevent these crimes from happening in the first place. The UK already complies with or goes further than the convention requires, including by delivering against its practical requirements such as ensuring the provision of helplines, referral centres and appropriate

[Sarah Newton]

shelters for victims, as well as by meeting its requirement to ensure we have robust legislation in place. However, before we are fully compliant with the convention, there remains one outstanding issue in relation to extraterritorial jurisdiction that we need to address.

The UK already exercises ETJ over a number of serious offences, including forced marriage, female genital mutilation and sexual offences against children. However, there are some violence against women and girls offences over which we do not yet have ETJ, and primary legislation is required to introduce it. I am working closely with my colleagues in the Ministry of Justice to progress this issue and, as the Prime Minister has signalled, we will explore all options for bringing the necessary legislation forward.

I made it clear in Committee that the Government fully support the principles that underpin the Bill. The hon. Member for Banff and Buchan is seeking to ensure that we deliver on our commitment to ratify the convention, and I thoroughly commend that aim. However, as I indicated in Committee, some amendments are necessary to ensure that the Bill achieves that aim. I shall set out the rationale behind the Government amendments.

Government amendment 1 would remove clause 1, but I should make it absolutely clear that we fully support the motivation behind the clause, which would require the Government to take all reasonable steps required to ratify the convention as soon as reasonably practicable. As I have set out, though, both we and the devolved Administrations need to legislate to introduce ETJ before we can ratify the convention. Members will appreciate that that this means there is a danger the clause could be interpreted as imposing a duty on the Government to legislate; indeed, it could be interpreted as pre-empting the will of Parliament. I assure Members that we support the intention behind the clause, and the requirements in the remainder of the Bill will ensure that we deliver on its aims. I am absolutely clear that seeking to remove the clause in no way changes our absolute commitment to ratifying the convention.

Clause 2 would require the Government to lay a report setting out next steps to be taken to enable the UK to ratify, and the expected date for that, within four weeks of the Bill receiving Royal Assent. As I outlined in Committee, we fully support the motivation behind the clause but, as we need to legislate on ETJ before ratification, we need to ensure appropriate flexibility for the timing within which we need to lay the report. Such flexibility is also necessary because Northern Ireland and Scotland will need to legislate on ETJ. Amendment 2 would therefore replace the words “date by” with “timescale within”, and amendment 3 would replace the four-week timeframe with

“as soon as reasonably practicable after this Act comes into force”.

Clause 3(1)(e) would require the Government to lay annual reports on the measures taken to ensure that the UK remains compliant with the convention post-ratification. As with other Council of Europe treaties, once the UK has ratified the convention we will be required to submit regular compliance reports to the Council of Europe. Those reports will include detail on the policy and strategies in place to tackle VAWG and on the role of civil society organisations, particularly

women’s non-governmental organisations, as well as data on prosecutions and convictions. The reports will be scrutinised by GREVIO, the independent expert body responsible for monitoring the implementation of the convention. Based on the information received, GREVIO will prepare a final public report with recommendations. In addition, a selected panel of GREVIO members may visit the UK to carry out further assessment of the arrangements in place. I wish to confirm that, once we have ratified the convention, additional members of GREVIO will be appointed, and it will be possible for the UK to have representatives on GREVIO.

As Members will appreciate, we want to avoid duplicating our existing reporting requirements. Amendment 14 therefore removes paragraph (e) of clause 3(1). However, I hope that Members are reassured to hear that, after we ratify, there will be rigorous oversight to ensure that we continue to remain compliant with all the measures in the convention. Clause 4(2) would ensure that the provisions in the Bill come into force a day after Royal Assent. Amendment 15 reflects the usual two-month convention for any Bill receiving Royal Assent. I wish to reassure Members that this will not affect the timescale for any of the measures proposed in the Bill.

The remaining amendments 4 to 7, 9 to 13 and 16 and 17 are consequential on the Government amendments, and are technical to ensure that the Bill reflects usual drafting conventions.

Mr Nuttall: In respect of amendment 16, the explanatory notes say:

“This amendment is consequential on amendment 7.”

Will the Minister please explain exactly how the amendment is consequential on amendment 7?

Sarah Newton: It is related to the fact that we have already accepted everything that is within the convention, and that it is just a matter of verification. The details of what this House has agreed to have been set out very clearly. There is cross-party and cross-country support for every aspect of the convention.

Mr Nuttall: Will my hon. Friend give way?

Sarah Newton: I have made my point very clearly. I really want to respect the wishes of Mr Speaker, who has made it very clear to everyone that he is very keen to ensure that today, as on all days, Back Benchers have as much time as necessary to make their cases. I have very thoroughly addressed the issues raised in the amendments by my colleagues. I will now press on in the time that I have available.

I really want to emphasise that ending violence against women and girls is a top priority of this Government. Since publishing the original “A Call to End Violence Against Women and Girls” strategy in 2010, we have made great strides. In the past four years, we have strengthened the legislative framework and introduced a range of new measures including new offences on domestic abuse, forced marriage and stalking; tools such as domestic violence and FGM protection orders; and a range of guidance and support for professionals. Of course we know that there is more to do. I assure the House that we remain committed to driving forward at pace work to tackle violence against women and girls. That is why we recently announced the “Tackling child

sexual exploitation: progress report” supported by a £40 million package of measures to protect children and young people from sexual abuse, exploitation and trafficking, and to crack down on offenders.

Last week, the Prime Minister announced plans for a major new programme of work to transform the way we think about and tackle domestic abuse. That is being led by the Home Secretary and the Justice Secretary and it will look at all legislative and non-legislative options for improving support for victims, especially in terms of how the law and legal procedures currently work. It will work towards bringing forward a domestic violence and abuse Act, and the measures that come out of the work will raise public awareness of the problem as well as encouraging victims to report their abusers and see them brought to justice. The £15 million Home Office VAWG transformation fund is currently open for bids further to support local areas in promoting and embedding best practice.

I wish to turn my attention to the issues raised by the other amendments in this group. My hon. Friend the Member for Shipley has spoken about the importance of recognising that men and boys can also be victims of these crimes—he has spoken about that both on Second Reading and in many other parliamentary debates on VAWG and related issues.

11.45 am

Let me make it clear that this Government recognise, as does the convention, that men and boys can be victims of these crimes, and that they too deserve support and protection. That is why, for example, the Home Office funds the men’s advice line, which provides support to male victims of domestic violence, as well as Galop, which provides information and support to the lesbian, gay, bisexual and transgender community members who may be affected by violence and abuse.

I also want to be clear that the UK’s signing of the convention has both cross-party and cross-UK support. We signed up to the convention in 2012, and we stand by our commitment to delivering against everything it requires. All acts of gender-based violence need to be tackled. However, we cannot ignore the fact that women are still disproportionately affected by these crimes. The 2016 crime survey for England and Wales showed that women are around twice as likely to have experienced domestic abuse since the age of 16 as men, and that 19.9% of women, compared with 3.6% of men, have experienced sexual assault from the age of 16. Furthermore, other data show that women are much more likely than men to be the victims of high risk or severe domestic abuse. That is clearly demonstrated by the fact that a greater number of cases are going to the Multi Agency Risk Assessment Conference, and that more victims are accessing independent domestic violence advisers who deal with the most severe cases; more than 95% of these victims are female.

The Istanbul convention seeks to address that by promoting international co-operation on VAWG. Indeed, it is the first pan-European, legally binding instrument that provides a comprehensive set of standards to prevent and combat violence against women. It is the most far-reaching international treaty to tackle these violations of human rights and to promote greater equality between women and men. It is therefore in the UK’s interest that

we further co-ordinate our efforts internationally to eliminate all forms violence against women and girls, both at home and abroad.

Although I understand the concern of my hon. Friend the Member for Shipley that the measures that we take to address VAWG do not inadvertently discriminate against men and boys, and that men and boys are also supported, I must stress that this Bill, which is focused on progress toward ratifying a convention that we have already signed up to, simply does not do that.

I also want to reassure my hon. Friend and the House that once we are compliant, and before we ratify, we are required by the Constitutional Reform and Governance Act 2010 to lay the text of the convention and all accompanying explanatory memorandums before the House for scrutiny. I realise that I am being rather optimistic but I hope that he will seek to withdraw his amendments, because there is overwhelming support in this House today and across the country that this Bill be progressed.

Sarah Champion (Rotherham) (Lab): I will be incredibly brief because we have taken years to get to this point, and I do not want to slow this down any further. I congratulate the hon. Member for Banff and Buchan (Dr Whiteford) and her team on their hard work in ensuring that this private Member’s Bill made it this far. I know that she has gone to great lengths to ensure that we can be here today, and I congratulate her on that.

The convention provides a step change in the way in which we all—central Government, local authorities, charities, women’s services and even individuals—work to prevent violence against women and girls.

Dr Blackman-Woods: I congratulate my hon. Friend on the work she has done to support the Bill. Does she agree that it is important that we get the multi-agency and co-ordinated approach to tackling violence against women and girls that the Istanbul convention demands? Will she work with MPs across the House to check that this integrated approach and the support services are available throughout the country, as they are absent in some areas?

Sarah Champion: My hon. Friend raises an interesting point. The good thing about the Bill is that it encourages everyone to work collaboratively to prevent the crime and tackle the perpetrators, and then to provide support. She is absolutely right that there is a patchwork of provision across the country. This legislation will only go so far. We need scrutiny on the ground to ensure that everybody gets the service they deserve.

The successful passage of this Bill is hugely significant. The Government have given a commitment to ratify the convention but, with due respect, a commitment on the statute book will always count for more. I am grateful to the Minister for her endorsement of the Bill and for the truly collaborative way in which she has worked for the benefit of all women. I heard her speech and understand the reasons for tabling the amendments. I am also grateful that she has again made the commitment that the Government are fully intent on ratifying the convention. As such, we support all her amendments. However, I want to push her on two issues.

First, the Government last week announced plans for a programme of work that will lead to a domestic violence and abuse Act, which I fully welcome. Pushing

[Sarah Champion]

the Minister a little on the detail, will she confirm whether such a Bill will contain the primary legislative measures necessary to extend the extraterritorial jurisdiction to the remaining offences of violence against women and girls? If so, what is the Government's timetable for that Bill?

Secondly, I have repeatedly asked the Government to make assurances about continuing the grant funding for the revenge porn helpline, which ends shortly. Since the helpline opened in 2015, it has received more than 5,000 calls relating to more than 1,200 individual cases. The only answer I have received so far from the Government is that a decision on funding will be made "later in the year." Will the Minister tell us exactly when that will be?

I have worked closely with too many survivors of domestic violence over the time that I have served as the MP for Rotherham. These brave women show so much courage just by sharing their stories. We owe it to them, at the very least, to give clear and committed action to prevent violence against women and girls, and this Bill goes a long way towards achieving that.

Mr Chope: This is an extraordinary occasion. We are discussing a Bill, the long title of which—as put down on 29 June last year—was:

"To require the United Kingdom to ratify the...Istanbul Convention."

We have just heard the promoter of the Bill explaining why she now wishes that long title effectively not to require the United Kingdom to ratify the Istanbul convention. I congratulate the hon. Member for Banff and Buchan (Dr Whiteford) on the charming way in which she has been able to explain a complete volte-face in her approach to this important subject.

The Minister has spelt out all the wonderfully effective and good measures that the Government have introduced to address the really serious issues of violence against women and domestic violence. I commend her and the Government for the work they have already done and the work they will do. However, she has not addressed the questions implicit in the amendments I have tabled as to whether, when the Government ratify the convention, they will do so with any reservations. We have not had an answer to that. I would be grateful if the Minister would intervene to assure me that when the ratification occurs, it will be without any reservations.

Sarah Newton: I have made the position very clear: we have already signed the convention, so all we are looking to do now is to ratify it.

Mr Chope: With the greatest respect to my hon. Friend, that is not an answer to the question. The question is: when the Government ratify the convention, will they do so with or without reservations?

Sarah Newton: I appreciate the opportunity for further clarification. We have signed the convention without any reservations.

Mr Chope: Under the rules of the convention, reservations are not put in at the time of signature, but at the time of ratification. I will take the Minister's remarks as a commitment that there will be no reservations when it comes to ratification.

Philip Davies: The Minister asked whether I would be minded to withdraw my amendment. For the benefit of the House, I would like to make it clear, through my hon. Friend the Member for Christchurch (Mr Chope), that I will be very happy to withdraw my amendment and will not push any of my amendments to a vote.

Mr Chope: I am glad that my hon. Friend has been satisfied by the Minister's response.

One reason that I have been interested in the subject for a long time is that I was present at the Standing Committee of the Parliamentary Assembly of the Council of Europe when this convention was first discussed. I remember vividly the representations that were made to me and my hon. Friend, the then Member for North Dorset, explaining that the United Kingdom Government really wanted the Parliamentary Assembly of the Council of Europe to pass an amendment to the draft convention—as it then was—to enable a signatory party to the convention to have a reservation in respect of extraterritorial jurisdiction.

The Foreign Office representative who lobbied us in Paris on that occasion—unfortunately, only half an hour before the decisions were to be taken—expected us to persuade everybody to accept an amendment from the United Kingdom Government at very short notice. The Government, through their Foreign Office representative, were very concerned then about the extraterritorial application of the convention, which is why they wanted to allow a participant party to have a reservation. In the end, the convention went through without that power being granted. Everybody who is suspicious about the length of time it is taking for the Government to get their act together on the issue needs to bear in mind that background—that in 2011, on the basis of a convention that had been negotiated by the previous Labour Government, the Government were concerned about the issue of extraterritorial application. We have not heard, even at this very late stage, anything from the Government precisely about what measures need to be brought in to satisfy those requirements before the convention can be ratified. It seems to me that we are owed something from the Government on that because the hon. Member for Banff and Buchan and others have been pressing them to come up with a list of what is required.

Even the hon. Member for Rotherham (Sarah Champion), in her short contribution from the Opposition Front Bench, asked the Minister whether the forthcoming legislation on domestic violence, to which the Minister referred, would incorporate the necessary legislative requirements to enable the ratification of the Istanbul convention, but my hon. Friend—I do not think she is listening, which is a pity—was not even able to respond. That must surely cast doubt on how long it will be before the convention is actually ratified.

One of the Government amendments says that the Government do not want clause 2 implemented before clause 3. Therefore, no report may well have been made under clause 2 by the time we reach 1 November 2017 and the report on progress under clause 3. That seems to show an acceptance by the Government that they will not be in a position to ratify the convention for some considerable time. The strong feeling on both sides of the House is that people want the convention ratified, but the Government seem to be wriggling about when and how they will achieve that.

I have tabled a number of amendments and new clauses. I think I have a commitment from the Minister, in so far as one can tell, that when the convention is ratified, it will not be ratified with any reservations, and I am grateful to her for that. However, I still fear that the impression being given to the world outside is that we are passing today a Bill that will require the United Kingdom to ratify the Council of Europe convention, when, in fact, it does no such thing, and that needs to be made absolutely clear.

12 noon

Finally, I referred earlier to the explanation given by the Government for amendment 4, but my hon. Friend has not answered that point at all. Why is it necessary for the Secretary of State, rather than Her Majesty's Government, to determine that the United Kingdom is compliant with the Istanbul convention? I can understand why the Secretary of State should be required to make a statement to each House on the issue, but I do not understand why the Secretary of State, rather than the whole Government, should determine whether the United Kingdom is compliant with the convention. My hon. Friend has not responded to that point; if the Bill progresses to the other place, I hope the Government will respond to it at that stage, because the situation is most unsatisfactory. It is also most unsatisfactory that the explanatory note given by the Government in support of their amendment is inaccurate in such a major respect.

Sarah Newton: I am grateful to my hon. Friend for allowing me to intervene to address amendment 4—he is quite right that I did not address it in my few words. The replacement of “Her Majesty’s Government” with “the Secretary of State” is to ensure that the Bill reflects the usual drafting conventions. In no way does it alter the overall responsibilities of the Government.

Mr Chope: I hear what my hon. Friend says, and I am grateful to her for that intervention. I am sure that others will be able to check out the issue to see whether it will need further discussion when the Bill gets to the other place. However, having said that, and in light of her intervention, I am not going to speak to the new clauses and amendments that I have tabled, because I get the feeling that the House would like to move on to debate other issues.

Dr Mathias: Charming.

Mr Chope: Sometimes one despairs at one’s colleagues, but I will not do that in public.

Philip Davies: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Mike Weir (Angus) (SNP): On a point of order, Mr Speaker. I beg to move that the Question be now put.

Mr Speaker: There is not a Question before us to be put, because new clause 6 has been withdrawn, and therefore the correct procedure now is for me to move on to Government amendment 1.

Clause 1

RATIFICATION OF THE ISTANBUL CONVENTION ON VIOLENCE AGAINST WOMEN

Amendment proposed: 1, page 1, line 1, leave out clause 1.—(Sarah Newton.)

This amendment leaves out clause 1.

Question put, That the amendment be made.

The House divided: Ayes 137, Noes 3.

Division No. 167]

[12.4 pm

AYES

Abbott, rh Ms Diane	Grady, Patrick
Ahmed-Sheikh, Ms Tasmina	Grant, Peter
Alexander, Heidi	Gray, Neil
Arkless, Richard	Greenwood, Margaret
Baldwin, Harriett	Gummer, rh Ben
Bardell, Hannah	Haigh, Louise
Bebb, Guto	Hamilton, Fabian
Berry, James	Hands, rh Greg
Bingham, Andrew	Harris, Rebecca
Black, Mhairi	Hayes, Helen
Blackman, Bob	Heald, rh Sir Oliver
Blackman, Kirsty	Heaton-Harris, Chris
Blackman-Woods, Dr Roberta	Hendry, Drew
Boswell, Philip	Hoey, Kate
Brock, Deidre	Hollinrake, Kevin
Brokenshire, rh James	Hosie, Stewart
Brown, Alan	Hussain, Imran
Cameron, Dr Lisa	Johnson, Gareth
Campbell, rh Mr Alan	Jones, Andrew
Carmichael, rh Mr Alistair	Jones, Susan Elan
Cartlidge, James	Kane, Mike
Caulfield, Maria	Kerevan, George
Champion, Sarah	Kerr, Calum
Cherry, Joanna	Latham, Pauline
Coffey, Dr Thérèse	Law, Chris
Cooper, Julie	Long Bailey, Rebecca
Corbyn, rh Jeremy	MacNeil, Mr Angus Brendan
Cowan, Ronnie	Malhotra, Seema
Coyle, Neil	Mathias, Dr Tania
Crawley, Angela	Mc Nally, John
Creasy, Stella	McCaig, Callum
Cryer, John	McDonald, Andy
Cunningham, Mr Jim	McDonald, Stewart Malcolm
Davies, Mims	McDonald, Stuart C.
Day, Martyn	McDonnell, rh John
Dinenage, Caroline	McGarry, Natalie
Docherty-Hughes, Martin	McLaughlin, Anne
Donaldson, Stuart Blair	Monaghan, Carol
Doughty, Stephen	Mordaunt, Penny
Dowd, Jim	Mowat, David
Dowd, Peter	Mullin, Roger
Drummond, Mrs Flick	Newlands, Gavin
Duncan Smith, rh Mr Iain	Newton, Sarah
Efford, Clive	Nicolson, John
Ellison, Jane	Norman, Jesse
Eustice, George	O'Hara, Brendan
Fellows, Marion	Olney, Sarah
Ferrier, Margaret	Onwurah, Chi
Fitzpatrick, Jim	Osamor, Kate
Flint, rh Caroline	Oswald, Kirsten
Foster, Kevin	Paterson, Steven
Foxcroft, Vicky	Pearce, Teresa
Frazer, Lucy	Pennycook, Matthew
Gapes, Mike	Pound, Stephen
Gardiner, Barry	Prentis, Victoria
Ghani, Nusrat	Pursglove, Tom
Glen, John	Quin, Jeremy

Robertson, rh Angus
Salmond, rh Alex
Sharma, Alok
Smith, Henry
Smith, Nick
Solloway, Amanda
Spellar, rh Mr John
Stephens, Chris
Stewart, Rory
Stride, Mel
Swire, rh Sir Hugo
Syms, Mr Robert
Thewliss, Alison

Thomson, Michelle
Trevelyan, Mrs Anne-Marie
Turley, Anna
Vaz, Valerie
Weir, Mike
Whiteford, Dr Eilidh
Whitford, Dr Philippa
Wilson, Corri
Winterton, rh Dame Rosie
Wishart, Pete

Tellers for the Ayes:
Christopher Pincher and
Owen Thompson

NOES

Bone, Mr Peter
Davies, Philip
Hollobone, Mr Philip

Tellers for the Noes:
Mr Christopher Chope and
Mr David Nuttall

Question accordingly agreed to.

Clause 2

THE TIMETABLE FOR RATIFICATION OF THE ISTANBUL CONVENTION

Amendments made: 2, page 1, line 12, leave out “date by” and insert “timescale within”.

This amendment requires the Secretary of State to report on the timescale within which she expects the Istanbul Convention to be ratified, rather than the date.

Amendment 3, page 1, line 14, leave out “within four weeks of this Act receiving Royal Assent” and insert “as soon as reasonably practicable after this Act comes into force”.

This amendment changes the deadline for a report under clause 2 from four weeks from Royal Assent to as soon as reasonably practicable after commencement.

Amendment 4, page 1, line 16, leave out “Her Majesty’s Government” and insert “the Secretary of State”.

This amendment means the obligation to make a statement to Parliament will fall on the Secretary of State, rather than Her Majesty’s Government generally.

Amendment 5, page 1, line 17, leave out “it” and insert “the Secretary of State”.

This amendment is consequential on amendment 4.

Amendment 6, page 1, line 19, leave out “its” and insert “the”.

This amendment is consequential on amendment 4.

Amendment 7, page 1, line 20, leave out “the Convention will be” and insert

“the Secretary of State would expect the Convention to be”.—(*Sarah Newton.*)

This amendment means the Secretary of State will be required to make a statement detailing when she would expect the Istanbul Convention to be ratified, rather than when it will be so ratified.

Clause 3

REPORTS ON PROGRESS

Amendments made: 8, page 2, line 2, after “each year” insert “until ratification”.

This amendment makes clear that the government will only have to report on progress towards ratification until ratification has taken place (see amendment 14).

Amendment 9, page 2, line 4, leave out paragraph (a) and insert—

“(a) if a report has been laid under section 2(1), any alteration in the timescale specified in that report in accordance with subsection (1)(b) and the reasons for its alteration;”.

This amendment is designed to avoid the implication that a report under clause 2 will necessarily have been issued before a report is required under clause 3.

Amendment 10, page 2, line 7, leave out “(before ratification)”.

This amendment is consequential on amendment 8.

Amendment 11, page 2, line 10, leave out “(before ratification)”.

This amendment is consequential on amendment 8.

Amendment 12, page 2, line 11, leave out “to” and insert “in”.

This amendment changes a reference to legislative proposals being brought forward “to” the devolved legislatures to legislative proposals being brought forward “in” the devolved legislatures - which is the usual formulation.

Amendment 13, page 2, line 14, leave out “(before ratification)”.—(*Sarah Newton.*)

This amendment is consequential on amendment 8.

Amendment proposed: 14, page 2, line 16, leave out paragraph (e).—(*Sarah Newton.*)

This amendment removes the ongoing reporting obligation in clause 3(1)(e).

Question put, That the amendment be made.

The House divided: Ayes 135, Noes 3.

Division No. 168]

[12.18 pm

AYES

Abbott, rh Ms Diane
Ahmed-Sheikh, Ms Tasmina
Alexander, Heidi
Arkless, Richard
Baldwin, Harriett
Bardell, Hannah
Bebb, Guto
Berry, James
Bingham, Andrew
Black, Mhairi
Blackman, Bob
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Boswell, Philip
Brock, Deidre
Brokenshire, rh James
Brown, Alan
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carmichael, rh Mr Alistair
Cartlidge, James
Caulfield, Maria
Champion, Sarah
Cherry, Joanna
Coffey, Dr Thérèse
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creasy, Stella
Cryer, John
Cunningham, Mr Jim
Davies, Mims
Day, Martyn

Dinenage, Caroline
Docherty-Hughes, Martin
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Jim
Dowd, Peter
Drummond, Mrs Flick
Duncan Smith, rh Mr Iain
Efford, Clive
Ellison, Jane
Eustice, George
Fellows, Marion
Ferrier, Margaret
Fitzpatrick, Jim
Flint, rh Caroline
Foster, Kevin
Foxcroft, Vicky
Frazer, Lucy
Gapes, Mike
Gardiner, Barry
Ghani, Nusrat
Glen, John
Grady, Patrick
Grant, Peter
Gray, Neil
Greenwood, Margaret
Haigh, Louise
Hamilton, Fabian
Hancock, rh Matt
Hands, rh Greg
Harris, Rebecca
Hayes, Helen
Heald, rh Sir Oliver
Heaton-Harris, Chris

Hendry, Drew
 Hoey, Kate
 Hollinrake, Kevin
 Hosie, Stewart
 Hussain, Imran
 Johnson, Gareth
 Jones, Andrew
 Jones, Susan Elan
 Kane, Mike
 Kerevan, George
 Kerr, Calum
 Latham, Pauline
 Law, Chris
 Long Bailey, Rebecca
 MacNeil, Mr Angus Brendan
 Malhotra, Seema
 Mathias, Dr Tania
 Mc Nally, John
 McCaig, Callum
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Mordaunt, Penny
 Mowat, David
 Mullin, Roger
 Newlands, Gavin
 Newton, Sarah
 Nicolson, John
 Norman, Jesse
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi

Osamor, Kate
 Oswald, Kirsten
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Pound, Stephen
 Prentis, Victoria
 Pursglove, Tom
 Quin, Jeremy
 Robertson, rh Angus
 Salmond, rh Alex
 Sharma, Alok
 Smith, Henry
 Smith, Nick
 Solloway, Amanda
 Spellar, rh Mr John
 Stephens, Chris
 Stewart, Rory
 Stride, Mel
 Swire, rh Sir Hugo
 Syms, Mr Robert
 Thewliss, Alison
 Thomson, Michelle
 Trevelyan, Mrs Anne-Marie
 Turley, Anna
 Vaz, Valerie
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri
 Winterton, rh Dame Rosie
 Wishart, Pete

Tellers for the Ayes:
 Christopher Pincher and
 Owen Thompson

NOES

Bone, Mr Peter
 Hollobone, Mr Philip
 Nuttall, Mr David

Tellers for the Noes:
 Mr Christopher Chope and
 Philip Davies

Question accordingly agreed to.
Amendment 14 agreed to.

Clause 4

SHORT TITLE, COMMENCEMENT AND EXTENT

Amendment made: 15, in page 2, line 37, leave out
 “on the day on which this Act receives Royal Assent”
 and insert

“at the end of the period of 2 months beginning with the day on
 which this Act is passed”.—(*Sarah Newton.*)

*This amendment means the Act will be brought into force two
 months following Royal Assent, rather than immediately on Royal
 Assent.*

Title

Amendment proposed: 16, line 1, leave out
 “Require the United Kingdom to ratify”
 and insert
 “Make provision in connection with the ratification by the
 United Kingdom of”.—(*Sarah Newton.*)

This amendment is consequential on amendment 7.

Question put, That the amendment be made.

The House divided: Ayes 132, Noes 2.

Division No. 169]

[12.31 pm

AYES

Abbott, rh Ms Diane
 Ahmed-Sheikh, Ms Tasmina
 Alexander, Heidi
 Arkless, Richard
 Baldwin, Harriett
 Bardell, Hannah
 Bebb, Guto
 Berry, James
 Bingham, Andrew
 Black, Mhairi
 Blackman, Bob
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Boswell, Philip
 Brock, Deidre
 Brokenshire, rh James
 Brown, Alan
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Carmichael, rh Mr Alistair
 Cartlidge, James
 Caulfield, Maria
 Champion, Sarah
 Cherry, Joanna
 Coffey, Dr Thérèse
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cryer, John
 Cunningham, Mr Jim
 Davies, Mims
 Davies, Philip
 Day, Martyn
 Dinenage, Caroline
 Docherty-Hughes, Martin
 Donaldson, Stuart Blair
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Drummond, Mrs Flick
 Efford, Clive
 Ellison, Jane
 Eustice, George
 Fellows, Marion
 Ferrier, Margaret
 Fitzpatrick, Jim
 Flint, rh Caroline
 Foster, Kevin
 Foxcroft, Vicky
 Frazer, Lucy
 Gapes, Mike
 Gardiner, Barry
 Ghani, Nusrat
 Glen, John
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Greenwood, Margaret
 Haigh, Louise
 Hamilton, Fabian
 Hancock, rh Matt
 Hands, rh Greg
 Harris, Rebecca
 Hayes, Helen
 Heald, rh Sir Oliver
 Heaton-Harris, Chris
 Hendry, Drew

Hoey, Kate
 Hollinrake, Kevin
 Hosie, Stewart
 Hussain, Imran
 Johnson, Gareth
 Jones, Andrew
 Jones, Susan Elan
 Kane, Mike
 Kerevan, George
 Kerr, Calum
 Latham, Pauline
 Law, Chris
 Long Bailey, Rebecca
 MacNeil, Mr Angus Brendan
 Malhotra, Seema
 Mathias, Dr Tania
 Mc Nally, John
 McCaig, Callum
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Mordaunt, Penny
 Mowat, David
 Mullin, Roger
 Newlands, Gavin
 Newton, Sarah
 Nicolson, John
 Norman, Jesse
 O'Hara, Brendan
 Olney, Sarah
 Osamor, Kate
 Oswald, Kirsten
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Pound, Stephen
 Prentis, Victoria
 Pursglove, Tom
 Quin, Jeremy
 Robertson, rh Angus
 Salmond, rh Alex
 Sharma, Alok
 Smith, Henry
 Smith, Nick
 Solloway, Amanda
 Spellar, rh Mr John
 Stephens, Chris
 Stewart, Rory
 Stride, Mel
 Syms, Mr Robert
 Thewliss, Alison
 Thomson, Michelle
 Trevelyan, Mrs Anne-Marie
 Turley, Anna
 Vaz, Valerie
 Weir, Mike
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri
 Winterton, rh Dame Rosie
 Wishart, Pete

Tellers for the Ayes:
 Christopher Pincher and
 Owen Thompson

NOES

Chope, Mr Christopher
Hollobone, Mr Philip

Tellers for the Noes:
Mr Peter Bone and
Mr David Nuttall

Question accordingly agreed to.
Amendment 16 agreed to.

Amendment made: 17, line 3, leave out “; and for connected purposes”.—(*Sarah Newton.*)

Third Reading

12.43 pm

Dr Eilidh Whiteford: I beg to move, That the Bill be now read the Third time.

The Bill now before us sets us on a clear path towards ratification of the Istanbul convention, and I want to thank all Members who have attended and participated in the debates today and at other stages of its progress. In particular, I want to thank the hon. Member for Rotherham (Sarah Champion) and the Under-Secretary of State for the Home Department, the hon. Member for Truro and Falmouth (Sarah Newton), both of whom have shown real leadership from their respective Front Benches, today and throughout the passage of the Bill, in working towards a shared objective, even when we have not always agreed on the detail. I am sure that our gender is entirely coincidental to this outcome. Should the Bill pass today and progress to the Lords, it will be presented there by Baroness Gale, to whom I am also extremely grateful. I hope that it will have a smoother passage there than it has had here, but I guess time will tell.

The real credit for the progress that this Bill represents must go to the women across civil society who insisted on change and compelled Parliament to act. The women of the IC Change campaign, Women’s Aid in Scotland, England, Northern Ireland and Wales, and a host of other individuals and organisations—including the men who have stood with us in solidarity—have advised, supported and worked so hard over such a long time to make this happen.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): Will my hon. Friend give way?

Dr Whiteford: Of course I will give way to the chair of the all-party parliamentary group for the white ribbon campaign UK.

Gavin Newlands: I share in my hon. Friend’s praise of Becca, Rachel, Robyn and all at IC Change, and it has been a pleasure to work with them over the past year-and-a-half. It would be remiss of me if I did not take this opportunity to thank my hon. Friend herself on behalf of SNP Members for her professional and fantastic stewardship of the Bill.

Dr Whiteford: I am flattered by my hon. Friend’s remarks, but the real thanks go to the people, some of whom are here today, who led the way and made us listen. I know that the campaign will not end here. In many ways this is a beginning for substantive change.

I also thank Emma Watson, who took time out of her busy film promotion schedule to speak out in support of the Bill to an audience that politicians find hard to reach. These issues lie close to her heart.

On reflection, it strikes me powerfully that Parliament has frequently been left playing catch-up on progress for women: from those who campaigned for women’s suffrage for more than a century before it was achieved to those trade unionists who fought for equal pay for women years before the Equal Pay Act 1970 came into force and the women who, in the 1970s, set up refuges for women fleeing domestic abuse at a time when there was absolutely no support from the state or the authorities for women experiencing violence or coercive control from an intimate partner—a time when rape within marriage was not even a crime. Every step of the way, it is citizens who have driven progressive change. Sisters have had to do it for themselves.

Hannah Bardell (Livingston) (SNP): I offer my huge congratulations to my hon. Friend and all those involved. Does she agree with me and Emmeline Pankhurst, who famously said:

“We are here, not because we are law-breakers; we are here in our efforts to become law-makers”?

My hon. Friend is the absolute embodiment of those words.

Dr Whiteford: It is important that we remember our history and understand the historical process of change within which we live. I have been asked so many times over the past few months: why the Istanbul convention? Why these difficult, painful, controversial issues? Why this convoluted, complex multilateral process? The long answer is that it has the potential to make concrete improvements—at local, national and international level—to the lives of people affected by sexual and domestic violence.

In light of the Istanbul convention, and in direct response to the debates we have had in this place, I am pleased to say that my local authority, Aberdeenshire Council, is already considering how local provision might be strengthened and improved. That could and should be replicated by local authorities across the UK.

We have already seen at UK level and in the devolved Administrations a raft of new legislation, driven by the Istanbul convention, on issues such as stalking, forced marriage, human trafficking and modern slavery, all of which has taken us closer to compliance. Internationally, we can make the world a safer place for our own citizens and for others, but we now need to finish the job.

The short answer to my question—why the Istanbul convention?—is that change needs to come and change will come. Ultimately, this is about real people and real lives. I have been moved beyond measure by the truly inspirational courage of my constituent Sarah Scott, a woman from the small coastal community where I grew up. She was subjected to an exceptionally brutal rape, and she waived her right to anonymity in an attempt to prevent what happened to her from happening to anyone else.

Sarah is one of the desperately small minority of rape victims who has seen her attacker brought to justice and convicted, but during the course of the trial her medical history was used by the defence in an attempt to discredit her as a witness to her own experience. She has spoken publicly about that profound violation of her privacy and the re-traumatisation that those experiences invoked, and I can only begin to imagine the inner strength and bravery it took for her to speak out.

We have travelled some distance in this struggle, but we still have such a long way to go. We need to recognise that ratification of the Istanbul convention is a milestone in the journey to equality and justice for women, and not an end point.

Philip Boswell (Coatbridge, Chryston and Bellshill) (SNP): Will my hon. Friend give way?

Dr Whiteford: I will not give way.

So, Sarah, this Bill is for you and for every person who knows at first hand the brutal, life-shattering reality of sexual violence and has had the courage to claim justice and fight for it. Thank you for helping us all be a bit braver and stronger in the fight for equality and human rights, and more determined than ever to end this abuse, once and for all.

12.50 pm

Mr Nuttall: Unfortunately, I was not able to contribute on Second Reading, as the debate was terminated before I had the opportunity to try to persuade the House of the merits of my case against the Bill, but I am very grateful to my hon. Friend the Member for Shipley (Philip Davies) for at least putting several of the points that I wanted to make on the record then.

I congratulate the hon. Member for Banff and Buchan (Dr Whiteford) on the polite and efficient way she has brought the Bill before the House and steered it through to this Third Reading debate. No private Member's Bill is an easy thing to deal with and she has demonstrated great skill in being able to get this Bill to this stage. It is no secret that I oppose it. I am open about that, but I wish to start by putting on the record the fact that those of us who oppose it do so on the basis that the Istanbul convention will do nothing to achieve the aims that its supporters think it will. It will certainly do nothing to stop violence against men and boys, and I am just as concerned about that as I am about violence against women and girls, leaving aside for a moment the position of transgender individuals, which we have not considered at great length so far.

It is important to note that the views that my hon. Friend and I have espoused—we have yet to hear in depth from my hon. Friend the Member for Christchurch (Mr Chope)—are supported by a larger section of society than some in this House might think. After the Second Reading debate, even though I had not been able to contribute to it, I received emails from people from all over who were saying, “Good for standing up for our rights as men, because sometimes we feel that we are not getting a fair crack of the whip.”

This morning, we have seen something remarkable happen to this Bill, and I am grateful that we have had the opportunity to put certain matters to a vote. Anybody watching the proceedings may have wondered what was going on, but we have demonstrated this morning that those who support this Bill have actually gone through the Lobby to vote to weaken it. We have been given a bit of a clue; if ever a Bill has to have its title amended, the chances are that it has been seriously filleted. On this occasion, the fact that the whole of clause 1 has disappeared and the whole of clause 3(e) has disappeared demonstrates the extent to which this Bill has been chopped and changed, not in Committee, but on Report.

Incidentally, the Minister on Second Reading was my right hon. Friend the Member for Great Yarmouth (Brandon Lewis), rather than my hon. Friend the Member for Truro and Falmouth (Sarah Newton), who is here today. He said that amendments would be tabled in Committee, but we now know that none was, even though they must have been ready, because they were tabled on 1 February, when the Bill had its Committee stage, and they were online the next day. That was the first indication that something was amiss.

The series of Government amendments that have been accepted have had the effect of making the Bill very different from when it was introduced. The requirement for the UK to ratify the Istanbul convention has gone. Now, as reflected in the Bill's new long title, it only makes

“provision in connection with the ratification by the United Kingdom of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)”.

Even the words “and for connected purposes” have been removed.

The whole of clause 1 has been removed, and that was the crucial point of the Bill. We were told that the whole object of the exercise was to impose a duty on Her Majesty's Government

“to take all reasonable steps”—

so the Government were not expected to do everything in their power—

“as soon as reasonably practicable”.

It was a very modest clause to enable this country to become compliant with the convention, but that is all gone now.

For those who support the Bill and the campaign behind it, it is worth putting on record exactly what it now looks like and will do. Essentially, it now requires no more than that the Secretary of State lays a report before each House of Parliament to set out

“the steps required to be taken to enable the United Kingdom to ratify the Istanbul Convention”.

We all know what those steps are anyway, so there is going to be nothing new in it. It has been said many times that the only thing the Government still need to do is sort out how we are going to deal with extraterritorial jurisdiction. I accept that that is not an easy thing to do, but it has been done in respect of other offences, which leads me to think it would not have been that difficult, given how many years it has been since the convention was signed, to have worked out by now why primary legislation is not ready. We have still not heard whether primary legislation is going to be included in the next Queen's Speech, for example.

The timescale is crucial. As originally drafted, the Bill would have required the Government to set a specific date

“by which the Secretary of State would expect the United Kingdom to be able to ratify the Convention.”

That requirement is now gone, as we are talking only about a “timescale”, which could of course be anything: a day, a week, a month, a year, a decade—all are timescales.

Philip Boswell: The number of stories my staff shared about violence against women and the severity of the violence in them was staggering. The vast majority of

[Philip Boswell]

them ended with the victim deciding not to report the incident to the police due to social stigma, fear of retribution, concern that the authorities would not believe them and shame. Does the hon. Gentleman agree that it is time that we changed that by ratifying the Istanbul convention as soon as possible?

Mr Nuttall: To be quite honest, I entirely agree that anyone who has been the victim of domestic violence, or of violence outside the domestic setting, should be reporting that violence, and that applies to both men and women. Incidentally, the incidence of men reporting such violence because of fears that people might laugh at them is much lower than it is among women, particularly where domestic violence is concerned. How on earth anyone can think that just because the Government have ratified a convention, which most members of the public have never even heard of, will make one iota of difference to whether or not someone reports a crime is beyond me.

If the issue is whether I think that people should report domestic violence, then of course the answer is yes, but on whether I think that the figure will be changed as a result of the ratification of the convention, the answer is no, I do not. In countries where ratification has already taken place, the figures that have been provided by their ambassadors to my hon. Friend the Member for Shipley show that there is a very mixed picture—and that is putting it very modestly—of the effect that this convention has had in reducing the incidence of domestic violence. We all want to see violence against women, violence against men and domestic violence reduced—there is no issue about that—but this Bill is not about that.

Let me now return to the issue of the timescale, which is the main thrust of this Bill. The purpose is to try to tie down the Government to doing something and to stop this matter from drifting on. What do we have now? The words “the date by” have been replaced by “the timescale”. Previously, the report, which was to set out the date, had to be laid

“within four weeks of this Act receiving Royal Assent.”

That has been changed to

“as soon as reasonably practicable after this Act comes into force.”

There is a subtle change there. It is no longer after “this Act receiving Royal Assent”.

Another Government amendment changes the date on which the Act comes into force from being the date on which the Act receives Royal Assent to a period of two months beginning on the day on which the Act is passed. So, we have a two-month delay, and then an unlimited amount of time before the report has to be laid. Even when the report is laid, all it has to do is set out a “timescale”—there is no specific date. Frankly, we might as well say it is the 12th of never, because that is essentially what this Bill is saying. No specific date is given and there are no provisions in the Bill to tie down the Government. If Members want proof of that assertion, they should simply ask this question: on what date would it be possible for anyone to turn around and look at this Act—if it passes through this place and the House of Lords—and say, “Ah, the Government have

not complied with the Act.” I venture that it would be difficult to pick any day. The Bill is now so widely drafted that there would never be a date when it would not be possible for the Government to say, “We’re not quite there yet. We are dealing with things. It is not reasonably practicable at this stage to deliver the report.” Even if a report were delivered, we would still have to get over the hurdle of the timescale, which could be very vague indeed.

Mims Davies (Eastleigh) (Con): Much progress has been made under this Government, particularly when the Prime Minister was Home Secretary, with criminalising acts such as forced marriage, dealing with stalking, tackling female genital mutilation, and the domestic violence protection orders. I chair the all-party parliamentary group for women in Parliament. Does my hon. Friend agree that this global commitment is constructive in leading the way to continue the fight?

Mr Nuttall: My hon. Friend highlights some of the valuable work that the Government have already been doing without ratifying the convention. Other countries may well want to look at the work of this country to see whether they could improve their procedures and adopt some of the things we have been doing. It is interesting that my hon. Friend highlights those points because, of course, all that has happened without ratifying the Istanbul convention.

Philip Davies: Is there anything that the Government could not do to help victims of domestic violence or to deal with violence against women until they have waited to ratify the Istanbul convention?

Mr Nuttall: The short answer is no; I cannot think of anything. I would be very interested if anyone else present could come up with any measure that we are prevented from introducing because we have not yet ratified the convention. In fact, as the previous intervention demonstrated, the Government have quite happily brought forward lots of proposals to tackle these matters already, and quite rightly. I have my own ideas about what we could do to try to tackle domestic violence, and I am interested in whether Opposition Members would support me. For example, we could start by saying that those who are convicted of domestic violence and sent to prison are required to serve the full length of their sentence, rather than being let out halfway through. If we are talking about sending signals, let us send the good signal that if someone commits an act of domestic violence and is sent to prison, they would have to serve the full length of their sentence. There are things we could do that I would be very much willing to support.

It is not even the final step when the report is finally tabled by the Secretary of State—

“as soon as reasonably practicable”—

and sets out the timetable. The final step comes afterwards. Even when the Secretary of State has finally determined that the United Kingdom is compliant with the Istanbul convention, a date by which the convention will be ratified does not have to be set. Following the amendments made, the Bill simply states that

“the Secretary of State would expect the Convention to be ratified”,

so another small delay is built in there. But then what happens? What is the purpose of the Bill then?

Previously, the purpose of the Bill would have been to report on progress every year until ratification and then, after ratification, to report on how the Government were doing. All the reporting after ratification has now been removed, and reports will be prepared only until ratification. There is no mechanism under this Bill—I stress under this Bill—to measure the various things set out in it, which the promoter must have thought were important at the time it was drafted. Those include measures to

“protect women against violence, and prevent, prosecute and eliminate violence against women and domestic violence”—there is a long list.

Mr Peter Bone (Wellingborough) (Con): I have come along today to support the Bill, but it has been watered down so much that I am not entirely sure which way to vote on Third Reading. I am interested to hear what the Minister has to say before I make my mind up, but what would by hon. Friend’s advice be?

Mr Nuttall: I am grateful to my hon. Friend for that intervention, because he raises an interesting point. Many supporters of the Bill will, like him, look at what has happened this morning and at the changes that have been made and think, “What is the purpose of this Bill?” Even people who, like him, were sympathetic towards it could now look at it and think, “Actually, there’s no real purpose to the Bill anymore.” I hope my hon. Friend has been persuaded that any measures he may have in mind to reduce domestic violence against women and men could be taken regardless of whether the Bill goes through; it is merely virtue signalling—we are merely sending a message. The Bill does nothing of itself to reduce violence against women and girls or men and boys.

Understandably, the Government say they cannot ratify the treaty until they know they are compliant in every respect, although, of course, lots of other countries have managed to ratify it, and as we heard earlier, a lot of them have done so by making reservations.

I have worked through the text of the Bill, but I want now to touch on another reason why the Bill is not necessary. A procedure already exists in law to govern the way this House ratifies international treaties. The Constitutional Reform and Governance Act 2010 was passed by the coalition Government in 2010 and came into force on 11 November 2010. It gave this House and Parliament a new statutory role in the ratification of treaties. It did not go as far as giving Parliament the power to amend a treaty, and nor does this Bill give it the power to change anything about the Istanbul convention. However, part 2 of the Act did set out a very clear procedure, and I submit that that is one we now need to follow.

There is a general statutory requirement to publish a treaty that is subject to ratification or its equivalent. The Government must lay the treaty before Parliament for 21 sitting days. That provision put into statute what was previously known as the Ponsonby rule, which was named after Arthur Ponsonby, the Parliamentary Under-Secretary of State for Foreign Affairs in 1924, during the debate on the treaty of Lausanne, a peace treaty with Turkey. The 2010 Act allows both Houses the

opportunity to pass a resolution that a treaty should not be ratified during the 21 sitting days. If neither House does so, the Government are then able to proceed and ratify the treaty. If either this House or the other place votes against ratification, the Government cannot immediately ratify the treaty. Instead, the Government must lay a statement to explain why they wish to proceed with the ratification process.

Mike Weir claimed to move the closure (*Standing Order No. 36*).

Question put forthwith, That the Question be now put.

The House divided: Ayes 135, Noes 3.

Division No. 170]

[1.15 pm

AYES

- | | |
|----------------------------|---------------------------|
| Abbott, rh Ms Diane | Glen, John |
| Ahmed-Sheikh, Ms Tasmina | Grady, Patrick |
| Alexander, Heidi | Grant, Peter |
| Arkless, Richard | Gray, Neil |
| Baldwin, Harriett | Greenwood, Margaret |
| Bardell, Hannah | Haigh, Louise |
| Bebb, Guto | Hamilton, Fabian |
| Berry, James | Hancock, rh Matt |
| Bingham, Andrew | Hands, rh Greg |
| Blackman, Bob | Harman, rh Ms Harriet |
| Blackman, Kirsty | Harris, Rebecca |
| Blackman-Woods, Dr Roberta | Hayes, Helen |
| Boswell, Philip | Heald, rh Sir Oliver |
| Brock, Deidre | Heaton-Harris, Chris |
| Brokenshire, rh James | Hendry, Drew |
| Brown, Alan | Hoey, Kate |
| Cameron, Dr Lisa | Hollinrake, Kevin |
| Campbell, rh Mr Alan | Hosie, Stewart |
| Carmichael, rh Mr Alistair | Hussain, Imran |
| Cartlidge, James | Johnson, Gareth |
| Caulfield, Maria | Jones, Andrew |
| Champion, Sarah | Jones, Susan Elan |
| Cherry, Joanna | Kane, Mike |
| Coffey, Dr Thérèse | Kerevan, George |
| Cowan, Ronnie | Kerr, Calum |
| Coyle, Neil | Lammy, rh Mr David |
| Crawley, Angela | Latham, Pauline |
| Creasy, Stella | Law, Chris |
| Cryer, John | MacNeil, Mr Angus Brendan |
| Cunningham, Mr Jim | Malhotra, Seema |
| Davies, Mims | Mathias, Dr Tania |
| Day, Martyn | Mc Nally, John |
| Dinenage, Caroline | McCaig, Callum |
| Docherty-Hughes, Martin | McDonald, Andy |
| Donaldson, Stuart Blair | McDonald, Stewart Malcolm |
| Doughty, Stephen | McDonald, Stuart C. |
| Dowd, Jim | McGarry, Natalie |
| Dowd, Peter | McLaughlin, Anne |
| Drummond, Mrs Flick | Monaghan, Carol |
| Efford, Clive | Mordaunt, Penny |
| Ellison, Jane | Mowat, David |
| Eustice, George | Mullin, Roger |
| Fellows, Marion | Newlands, Gavin |
| Ferrier, Margaret | Newton, Sarah |
| Fitzpatrick, Jim | Nicolson, John |
| Flint, rh Caroline | Norman, Jesse |
| Foster, Kevin | O’Hara, Brendan |
| Foxcroft, Vicky | Olney, Sarah |
| Frazer, Lucy | Osamor, Kate |
| Gapes, Mike | Oswald, Kirsten |
| Gardiner, Barry | Paterson, Steven |
| Ghani, Nusrat | Pearce, Teresa |

Pennycook, Matthew
 Pound, Stephen
 Prentis, Victoria
 Pursglove, Tom
 Quin, Jeremy
 Rees, Christina
 Robertson, rh Angus
 Salmond, rh Alex
 Sharma, Alok
 Smith, Henry
 Smith, Nick
 Solloway, Amanda
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Stewart, Rory
 Streeting, Wes

Stride, Mel
 Syms, Mr Robert
 Thewliss, Alison
 Thomson, Michelle
 Trevelyan, Mrs Anne-Marie
 Turley, Anna
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri
 Winterton, rh Dame Rosie
 Wishart, Pete

Tellers for the Ayes:
Christopher Pincher and
Owen Thompson

NOES

Chope, Mr Christopher
 Davies, Philip
 Hollobone, Mr Philip

Tellers for the Noes:
Mr Peter Bone and
Mr David Nuttall

Question accordingly agreed to.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 138, Noes 1.

Division No. 171]

[1.27 pm

AYES

Abbott, rh Ms Diane
 Ahmed-Sheikh, Ms Tasmina
 Alexander, Heidi
 Arkless, Richard
 Baldwin, Harriett
 Bardell, Hannah
 Bebb, Guto
 Berry, James
 Bingham, Andrew
 Blackman, Bob
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Bone, Mr Peter
 Boswell, Philip
 Brock, Deidre
 Brokenshire, rh James
 Brown, Alan
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Carmichael, rh Mr Alistair
 Cartlidge, James
 Caulfield, Maria
 Champion, Sarah
 Cherry, Joanna

Chishty, Rehman
 Coffey, Dr Thérèse
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cryer, John
 Cunningham, Mr Jim
 Davies, Mims
 Day, Martyn
 Dinenage, Caroline
 Docherty-Hughes, Martin
 Donaldson, Stuart Blair
 Doughty, Stephen
 Dowd, Jim
 Dowd, Peter
 Drummond, Mrs Flick
 Efford, Clive
 Ellison, Jane
 Eustice, George
 Fellows, Marion
 Ferrier, Margaret
 Fitzpatrick, Jim
 Flint, rh Caroline

Foster, Kevin
 Foxcroft, Vicky
 Frazer, Lucy
 Gapes, Mike
 Gardiner, Barry
 Ghani, Nusrat
 Glen, John
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Greenwood, Margaret
 Haigh, Louise
 Hamilton, Fabian
 Hands, rh Greg
 Harman, rh Ms Harriet
 Harris, Rebecca
 Hayes, Helen
 Heald, rh Sir Oliver
 Heaton-Harris, Chris
 Hendry, Drew
 Hoey, Kate
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Hosie, Stewart
 Hussain, Imran
 Johnson, Gareth
 Jones, Andrew
 Jones, Susan Elan
 Kane, Mike
 Kerevan, George
 Kerr, Calum
 Lammy, rh Mr David
 Latham, Pauline
 Law, Chris
 MacNeil, Mr Angus Brendan
 Malhotra, Seema
 Mathias, Dr Tania
 Coyle, Neil
 Mc Nally, John
 McCaig, Callum
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McGarry, Natalie
 McLaughlin, Anne
 Monaghan, Carol
 Mordaunt, Penny
 Mowat, David

Mullin, Roger
 Newlands, Gavin
 Newton, Sarah
 Nicolson, John
 Norman, Jesse
 O'Hara, Brendan
 Olney, Sarah
 Osamor, Kate
 Oswald, Kirsten
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Pound, Stephen
 Prentis, Victoria
 Pursglove, Tom
 Quin, Jeremy
 Rees, Christina
 Robertson, rh Angus
 Salmond, rh Alex
 Sharma, Alok
 Smith, Henry
 Smith, Nick
 Solloway, Amanda
 Spellar, rh Mr John
 Starmer, Keir
 Stephens, Chris
 Stewart, Rory
 Streeting, Wes
 Stride, Mel
 Syms, Mr Robert
 Thewliss, Alison
 Thomson, Michelle
 Thornberry, rh Emily
 Trevelyan, Mrs Anne-Marie
 Turley, Anna
 Vaz, Valerie
 Weir, Mike
 West, Catherine
 Whiteford, Dr Eilidh
 Whitford, Dr Philippa
 Wilson, Corri
 Winterton, rh Dame Rosie
 Wishart, Pete

Tellers for the Ayes:
Christopher Pincher and
Owen Thompson

NOES

Davies, Philip

Tellers for the Noes:

Mr Christopher Chope and
Mr David Nuttall

Question accordingly agreed to.

Bill read the Third time and passed, with amendments.

Awards for Valour (Protection) Bill

Consideration of Bill, as amended in the Public Bill Committee

New Clause 1

OFFENCE OF WEARING AWARDS WITH INTENT TO DECEIVE TRIABLE SUMMARILY

“The offence of wearing awards with intent to deceive is triable only summarily.”—(*Philip Davies.*)

Brought up, and read the First time.

1.38 pm

Philip Davies (Shipley) (Con): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss the following:

New clause 2—*Wearing an award in a public house*—

“A person is not guilty of an offence under section 1(1) if they are wearing the ‘award’ in a public house.”

New clause 3—*Wearing an award in a place that is not public*—

“A person is not guilty of an offence under section 1(1) if they are not wearing the ‘award’ in a public place.”

New clause 4—*Wearing an award listed in the Schedule*—

“A person is not guilty of an offence under section 1(1) if they are entitled to wear any of the other awards listed in the Schedule.”

New clause 5—*Person serving in the Armed forces for more than 2 years*—

“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces for more than 2 years.”

New clause 6—*Person serving in the Armed forces diagnosed with Post Traumatic Stress Disorder*—

“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces and as a result of front line service have been medically diagnosed with Post Traumatic Stress Disorder.”

New clause 7—*Family member of the person awarded the medal*—

“(1) A person is not guilty of an offence under section 1(1) if they are a family member of the person given the award.

(2) For the purposes of subsection (1), someone is a family member of the person if—

- (a) he is the spouse or civil partner of that person, or he and that person live together as husband and wife or as if they were civil partners, or
- (b) he is that person’s parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.

(3) For the purpose of subsection (2)(b)—

- (a) a relationship by marriage or civil partnership shall be treated as a relationship by blood,
- (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
- (c) the stepchild or adopted child of a person shall be treated as his child, and
- (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.”

New clause 8—*Report on number of convictions*—

“The Government is required to place before each House of Parliament figures showing—

(a) the number of convictions and

(b) the sentences imposed

for the offence of wearing medals with intent to deceive each year following this Act coming into force on, or as near as possible, to the 12 month anniversary of that date.”

New clause 9—*Expiry of the Act*—

“(1) This Act shall expire at the end of 2022 unless an order is made under this section.

(2) An order under this section shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.”

Amendment 1, in clause 1, page 1, line 4, leave out paragraph (b).

Amendment 2, page 1, line 6, leave out “anything representing an award,”.

Amendment 3, page 1, line 6, leave out from second “award,” to end of the subsection.

Amendment 4, page 1, line 15, leave out

“imprisonment for a term not exceeding three months or”.

Amendment 6, page 1, line 15, leave out “3 months” and insert “1 day”.

Amendment 8, page 1, line 15, leave out “3 months” and insert “7 days”.

Amendment 10, page 1, line 15, leave out “3 months” and insert “14 days”.

Amendment 12, page 1, line 15, leave out “3 months” and insert “21 days”.

Amendment 14, page 1, line 15, leave out “3 months” and insert “28 days”.

Amendment 16, page 1, line 16, after “fine” insert “not exceeding level 1 on the standard scale”.

Amendment 18, page 1, line 16, after “fine” insert “not exceeding level 2 on the standard scale”.

Amendment 20, page 1, line 16, after “fine” insert “not exceeding level 3 on the standard scale”.

Amendment 22, page 1, line 16, after “fine” insert “not exceeding level 4 on the standard scale”.

Amendment 5, page 1, line 17, leave out

“imprisonment for a term not exceeding three months or”.

Amendment 7, page 1, line 18, leave out “3 months” and insert “1 day”.

Amendment 9, page 1, line 18, leave out “3 months” and insert “7 days”.

Amendment 11, page 1, line 18, leave out “3 months” and insert “14 days”.

Amendment 13, page 1, line 18, leave out “3 months” and insert “21 days”.

Amendment 15, page 1, line 18, leave out “3 months” and insert “28 days”.

Amendment 17, page 1, line 18, leave out “5” and insert “1”.

Amendment 19, page 1, line 18, leave out “5” and insert “2”.

Amendment 21, page 1, line 18, leave out “5” and insert “3”.

Amendment 23, page 1, line 18, leave out “5” and insert “4”.

Amendment 24, page 1, line 20, after “may” insert “not”.

[Mr Speaker]

Amendment 25, page 1, line 21, leave out paragraph (a).

Amendment 26, page 2, line 1, leave out paragraph (c).

Amendment 27, page 2, line 2, leave out subsection 5.

Amendment 28, page 2, line 6, leave out subparagraph (i).

Amendment 29, page 2, line 10, leave out subsection (7).

Amendment 31, page 2, line 17, in clause 2, leave out “two” and insert “four”.

Amendment 32, page 2, line 17, leave out “two” and insert “six”.

Amendment 33, page 2, line 17, leave out “two months” and insert “one year”.

Amendment 34, page 2, line 17, leave out “two months” and insert “two years”.

Philip Davies: As I said on Second Reading, I do not support the Bill. In fact, as I went through it with a view to amending it, what struck me was that, in many respects, I was trying to amend the unamendable. I cannot emphasise enough, however, how much I understand the sincere intentions of my hon. Friend the Member for Dartford (Gareth Johnson) in introducing the Bill, the effort he has put into it and his efforts to find a compromise that suits everyone. I commend him for his sincerity and for his attempt to find a way forward with which everyone agrees. I just cannot agree with him on this occasion. Should the Bill proceed, I hope that my amendments will be accepted, as I believe they will save it from having some unintended consequences and reduce the chances of criminalising people who may be unintentionally caught by it as it stands.

The Bill is considerably different from the one that appeared on Second Reading. That is very much to my hon. Friend's credit and shows how much effort he has made to find a workable solution. I am grateful to him for taking on board many of the points that I made in the Second Reading debate. However, I still feel that the Bill is deficient, so I will go through the amendments I have tabled. I hope that they may find favour.

New clause 1 would ensure that

“The offence of wearing awards with intent to deceive is triable only summarily.”

It implies that the offence must be dealt with in a magistrates court only. Some may think that the new clause is unnecessary, but it would mean that people had to think twice before amending the legislation to increase the sentence. That is the purpose of new clause 1: it is a safeguard in that respect. That was specifically mentioned by the Select Committee on Defence in its report on the Bill.

New clause 2 would ensure that

“A person is not guilty of an offence under section 1(1) if they are wearing the ‘award’ in a public house.”

The “intention to deceive” element of the offence could be committed in a variety of circumstances. Seeking to deceive for financial gain would already be covered by fraud legislation. This Bill is clearly supposed to include other types of deception. That could be the intention to deceive to gain respect or to impress a potential future partner. The new clause deals with people in a pub.

We all know that pubs are places where all kinds of rubbish are talked at times by people—not just in pubs, I hasten to add, but particularly in pubs. To think that

someone could have a few too many, boast about something to which they have no right with a cheap replica medal bought off eBay or wherever and end up with a criminal conviction is rather over the top. The new clause would remove that possibility. When my hon. Friend conceived the Bill—again, I applaud his sincerity—it was about people who turn up at Remembrance Day parades and events such as that purporting to be someone they are not. Therefore, ensuring that the provision does not apply to people in a public house would help to get us back to the Bill's original intention.

New clause 3 would ensure that

“A person is not guilty of an offence under section 1(1) if they are not wearing the ‘award’ in a public place.”

Therefore, it would provide the defence of the offence taking place in private. It is important, given the Bill's intention, to limit the offence to a public place. If someone gets a medal out and uses it to impress someone in their own home or in private property—a private club or somewhere like that—I do not see why that should be an offence. I cannot believe that that is what people think of when they think of people with criminal convictions. If someone wants to argue that some private places should be covered, I would ask, what about the unintended consequences? Is it not time that we stopped ignoring the foreseeable consequences of legislation? Someone who boasts to a woman he has met in a pub that he has a medal, which turns out not to be his, is a copy or is something that looks like an award, could find himself in court with a criminal record for the first time. Some people might not care about that—they might think, “Well, they had that coming”—but I do care. I think we have enough people committing serious offences that we do not deal with properly, and to create offences for those who are likely to have issues anyway, probably including mental health ones, to be committed in the privacy of their home strikes me as being rather over the top.

New clause 4 would insert:

“A person is not guilty of an offence under section 1(1) if they are entitled to wear any of the other awards listed in the Schedule.”

The defence would be that they are entitled to wear a medal named in the long list at the end of the schedule, but they just happen to be wearing the wrong one. If someone is allowed to wear one medal but wears a different one—not an additional one, but just a different one—even if it is a case of enhanced valour, why should they be criminalised if they were entitled to wear a medal on the list? I do not think that that should be a criminal offence. It might not happen often, but it is certainly not impossible, and, assuming it did happen, would we really want to criminalise that person? Would it not be better to make it clear in the Bill that that person would not be criminalised?

New clause 5 would insert:

“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces for more than 2 years.”

As with the amendment on existing entitlement, I do not think people really had it in mind to criminalise former or current members of our armed forces for this offence. I return to the point about an intent to deceive to gain respect—added respect, I guess. Do we really want to go down that route? We should not want to risk criminalising someone who has risked their life serving our country just because they might have tried to embellish

their record in some way. This amendment would remove that possibility for those who have served for two years or more in the armed forces.

New clause 6 would insert:

“A person is not guilty of an offence under section 1(1) if they have served in the Armed Forces and as a result of front line service have been medically diagnosed with Post Traumatic Stress Disorder.”

In a similar vein to the amendments about serving or former members of the armed forces, this amendment would protect, in many respects, many of the most vulnerable people—those with diagnosed PTSD. Those who have been seriously affected by frontline service and who have this condition as a result could be more susceptible than those without to fall foul of this proposed legislation, and I would not want to see that person either intentionally or unintentionally caught out. I would rather make it abundantly clear in the Bill that they could not be caught by the legislation.

New clause 7 would insert:

“(1) A person is not guilty of an offence under section 1(1) if they are a family member of the person given the award.

(2) For the purposes of subsection (1), someone is a family member of the person if—

(a) he is the spouse or civil partner of that person, or he and that person live together as husband and wife or as if they were civil partners, or

(b) he is that person’s parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.

(3) For the purpose of subsection (2)(b)—

(a) a relationship by marriage or civil partnership shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood,

(c) the stepchild or adopted child of a person shall be treated as his child, and

(d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.”

Again, this amendment deals with family members of those given an award. My concern is that they might well have a medal, especially if the person in question has sadly died. Their chances of becoming susceptible to the provisions of the Bill must therefore be greater than for the average person, by definition.

Mr David Nuttall (Bury North) (Con): Does my hon. Friend think that this new clause would deal adequately with the points raised by the Royal Air Force Families Federation in its written evidence to the Defence Committee?

Philip Davies: My hon. Friend makes a pertinent point. I will come to that in a moment.

I know that it is not the intention of the Bill to create the outcome I have just described, but it remains a possibility. As my hon. Friend says, the Royal Air Force Families Federation said in its written evidence to the Defence Committee:

“Yes, there should most certainly be safeguards for family members. The key question is who ‘qualifies’! The definition we use is ‘anyone who is a blood relation’ but this may not be appropriate in these circumstances and can be difficult to prove on occasions. Interestingly, the MoD is struggling with its own definition of a family member but it may be sensible to align any definition for these circumstances with the MoD definition if and when they decide what it should be. Otherwise, it’s probably a matter for common sense.”

I know that the issue is dealt with differently now, but I believe that it is worth having a definition of “family” in the Bill, in its new sense.

As I mentioned on Second Reading, the Defence Committee’s report states:

“A number of our witnesses emphasised the importance of ensuring that relatives of deceased or incapacitated medal recipients can continue to wear their relations’ medals at commemoration events without risk of prosecution.”

The report also states:

“Mr Johnson indicated that family members would be doubly protected as they would lack the necessary intention to deceive, as well as being able to avail themselves of a specific defence that will be placed in the Bill.”

I agree that a specific defence should be included in the Bill, and that is the reason for this new clause. How we define “family” is an issue. Crucially, the report goes on:

“The term ‘family member’ must however be defined in terms of the proximity of the relations that it is seeking to include in the defence. It is not a legal term of art with a single definition. Acts of Parliament which use the term commonly carry a definition of ‘family’ within them to be used for the purposes of that Act. Mr Johnson suggested in oral evidence that he was minded that this defence should be quite narrow, so that for example a nephew deceitfully wearing medals could not rely on the defence by claiming that they were his uncle’s awards.”

It also states:

“The inclusion of a defence to ensure that family members representing deceased or incapacitated relations who are recipients of medals is vital, but ‘family member’ must be properly defined to ensure that there is no room for uncertainty or abuse. We suggest that the Bill include a definition of ‘family member’ in order to provide certainty over who will be covered by this category.”

That is what I am trying to do in the new clause. I have taken it as read that spouses should be included, as should blood relatives and step relatives. I have also included provision for those who are adopted into families, which slightly extends the basic definition of “family” according to section 113 of the Housing Act 1985. In reality, there will be only one actual award, so we can assume that the closest family member might have it, or that it would be shared by close family members, in which case it is unlikely that a distant relative would use the award.

The new clause would also prevent the situation from arising in which, for example, a son pinches his father’s medal for a bit of fun and goes around bragging that it is his. However unlikely or unbelievable that claim might be, the act of intending to deceive does not take account of the perception of others. They might well laugh out loud at the absurdity of a 17-year-old wearing a medal when everyone knows he has never been in the armed forces, but as the Bill stands that does not prevent the offence from being committed. I hope that the new clause will help with that.

Mr Christopher Chope (Christchurch) (Con): My hon. Friend has obviously done a lot of work on defining what he means by a family member for these purposes. Did I hear him correctly when he said that this was based on housing legislation?

Philip Davies: I took the basic definition of a family member from section 113 of the Housing Act 1985, although I am conscious that my definition is wider.

[Philip Davies]

The 1985 Act's definition was a starting point, but I would like to think that I have brought it a bit more up to date.

Mr Chope: In that case, I congratulate my hon. Friend on his innovative drafting.

Philip Davies: From someone as esteemed as my hon. Friend, that is high praise indeed.

New clause 8 would require the Government on, or as near as possible to, the 12-month anniversary of the Bill's enactment to place before each House of Parliament figures showing the number of convictions, and the sentences handed down, for the offence of wearing medals with the intent to deceive. That would ensure that we monitor the effect of the legislation, both in terms of the number of convictions and the sentences handed down for those convictions. As we have no figures now, we do not know the extent of the problem. When I asked my local police force and the Metropolitan police, they could not tell me of any incidents relating to the existing offences in relation to military uniforms, and so on.

The Defence Committee heard evidence from various sources, and no one could quantify the problem, although people gave anecdotal examples. The problem seems to be very small, from what I can glean from the evidence that the Committee heard, so the idea that we need a law seems like using a sledgehammer to crack a nut. If the Bill came into effect, new clause 8 would give us a clearer idea of the extent of the problem and the sentences being handed down.

Mr Chope: Under the Fraud Act 2006 it is still an offence to make, or to attempt to make, a financial gain by fraudulently wearing uniforms or medals. Does my hon. Friend have any information on how many times that provision has been applied in law?

Philip Davies: I apologise to my hon. Friend for not being well enough prepared to answer his question, but I do not have that information. I do not even know whether anyone has that information. Someone might have it, but I do not.

New clause 9 states:

“(1) This Act shall expire at the end of 2022 unless an order is made under this section.

(2) An order under this section shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.”

Basically, this is a sunset clause. If it became apparent that the Bill was not doing as intended, new clause 9 would be a nice way for the Bill to fall without any fanfare. Of course if the Bill were enacted and doing particularly well, someone would be able to rehash it.

Mr Nuttall: Does my hon. Friend agree that new clause 9 strengthens the case for accepting new clause 8? New clause 8 would make things far easier for those wanting to assess the success, or otherwise, of the Bill.

Philip Davies: My hon. Friend is absolutely right. New clauses 8 and 9, in many respects, go together. If we had a sunset clause, we would need to be able to measure the success, or otherwise, of the legislation, and the reporting set out in new clause 8 would help

with that task. He is right to draw attention to the fact that, in many respects, new clauses 8 and 9, though not reliant on each other, flow nicely from each other.

I appreciate that that was a quick canter around the course of new clauses.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I listened closely to the hon. Gentleman as he set out his new clauses, but I wonder whether he actually read the *Official Report* of the Public Bill Committee, where the Bill enjoyed strong support from Members on both sides of the Committee, including from former members of the armed forces. Many of the issues he raises have already been addressed, particularly those on mental health and family members wearing medals. Why is he continuing to frustrate this process?

Philip Davies: If the points had already been covered, my amendments and new clauses would not have been selected. They were selected because those points are not covered by the Bill. That is the whole point. I cannot table an amendment to do something that is already in the Bill, because it would not be an amendment. I am surprised that the hon. Gentleman has not grasped that basic point during his time in the House.

Let me now deal with my amendments. Amendment 1 seeks to remove clause 1(b). The Bill refers to “something which has the appearance of being an award”.

It is one thing to have an offence relating to people wearing actual medals, but it is quite another to extend this to something with the “appearance” of a medal. The whole Bill is rather over the top, but this takes it one stage further. If someone can be guilty of a criminal offence by wearing, in an attempt to deceive, something that looks like something else but is not that thing, I worry where we are going with our legislation.

2 pm

James Cartlidge (South Suffolk) (Con): Is my hon. Friend suggesting that if someone goes around wearing a fake Victoria Cross, they should not be covered by this legislation, and that they should be covered by it only if they have a genuine one that they have stolen?

Philip Davies: The Bill does not say, “If someone goes around with a fake Victoria Cross”; it refers to

“something which has the appearance of being an award”.

That is all-encompassing, and somebody would be committing a criminal offence by wearing something that somebody else perhaps thinks has the appearance of something. Who decides whether it had the appearance of something else? Presumably a court would have to decide whether it had such an appearance. Does the distance from which it was seen make a difference? If someone sees something from a long distance it may well have the appearance of a certain thing, but up close it may be obvious that it is not that thing. From what distance are we judging that something “has the appearance of”? We are introducing the law of the land here, and this is airy-fairy at best. It is certainly not precise enough to be tested in a court of law. Who is to decide this? Does someone go along and say, “It gave me the appearance of being an award”? Is that good enough? I really do not know where we are with that.

Mr Chope: The policy background to the Bill was set out in the explanatory notes, which state:

“Since 2009 it has not been an offence for an individual to wear medals or decorations that they were never awarded.”

It does not seem as though the law before 2009 covered the wearing of false medals. I cannot understand—I wonder whether my hon. Friend can—why we are seeking to extend the law beyond even what applied prior to 2009.

Philip Davies: I very much agree with my hon. Friend. The Bill goes over the top in making these things a criminal offence, potentially with a custodial sentence attached. That is bad enough in terms of going over the top, but when we are dealing with things that have “the appearance of being an award”, we are going way beyond what anybody has ever envisaged before, and we are going too far.

My amendment 3 proposes to delete the words “including in particular” from clause 2. That seems a strange phrase to have in legislation, as it is general and does not strike me as being a particularly helpful legal phrase. How do we define “including in particular”? Does that mean something else is included that we do not know about? I do not really know what definition we have in mind for “including in particular”. How on earth is anyone to know whether they are committing an offence if they are wearing something which is not mentioned “in particular”? It could be interpreted that they did break the law without having any idea that they were doing so because the provision just includes things “in particular”, but not exclusively those things. That is a strange phrase.

We can take amendments 4 and 6 to 15 together, as they all deal with the fact of this being an imprisonable offence. They would remove the custodial sentence for the offence in England and Wales.

As I have said, I do not think we should have this legislation. As I pointed out on Second Reading, the Defence Committee called its report on the Bill “Exposing Walter Mitty: The Awards for Valour (Protection) Bill”, but it would not expose Walter Mitty; it would criminalise him and potentially send him to prison for three months. If it was just about exposing Walter Mitty, probably none of us would have a problem with the Bill, but that is not what it would do.

Gareth Johnson (Dartford) (Con): I have deliberately not intervened on my hon. Friend until now because it is quite clear that he is trying to talk the Bill out, and it is absolutely clear that his amendments are wrecking amendments that are not based on logic. Does he accept that it is a great shame that there is support on both sides of the House—from Her Majesty’s Opposition, the Government, the Scottish National party—yet he seems hellbent on preventing it from becoming law?

Philip Davies: I am sorry that my hon. Friend takes that attitude. I have tabled some amendments that have been found to be in order by the Speaker. I do not know whether my hon. Friend is questioning the Speaker’s selection of amendments, but they are all in order, which is why they have been selected for debate. If they were not, they would not have been selected. I am going rather rapidly through each of them, which is what we are supposed to do on Report—we table amendments

and go through them to explain the purpose behind them, and then people can explain why they disagree. That takes as long as it takes. I do not think I have been dwelling unnecessarily on any particular amendment, so I am sorry that my hon. Friend takes that view. I do not set the timings for debates; if the debate could last longer, I would be happy for it to do so, but I do not set the rules. I am going to go through the amendments and explain why I have tabled them. I am sorry that he does not like people doing that with legislation in the House of Commons, but that is what the House is for.

James Cartledge: On a point of principle, does my hon. Friend think that people who deface war cemeteries should be subject to criminal sanction?

Philip Davies: As it happens, yes I do, but I think we are straying from the point. I do not want to test your patience by going off on a tangent, Madam Deputy Speaker; I am trying to stick to my amendments. As it happens, I agree with my hon. Friend, but unfortunately that is not what the Bill is about, and it certainly is not what my amendments are about.

The amendments would remove the custodial sentence for the offence in England and Wales. It is bizarre: as a member of the Justice Committee, I regularly listen to Justice questions, and I hear everyone—apart from me and a few other notable exceptions—seemingly agreeing that fewer people should be sent to prison. In fact, the Labour party recently proposed that we should let half the people out of prison—not too long ago, the shadow Attorney General in the Lords recommended that the prison population should be halved, although the Commons Front-Bench team distanced themselves from that suggestion. How on earth can we be desperately trying to get people out of prison who have been convicted of burglary, robbery, arson and all these things—

Mr Nuttall: And domestic violence.

Philip Davies: Indeed. People are desperate to get those people out of prison as quickly as possible, but at the same time they are supporting a Bill that would send somebody to prison for this offence. You literally could not make it up! How could anybody put those two things together? They think there are too many people in prison and that we should be letting them out, but that the people covered by the Bill should be sent to prison. How on earth can anyone make that argument?

Anna Turley (Redcar) (Lab/Co-op): I am pleased to hear that the hon. Gentleman takes prison and custodial sentences seriously. Will he therefore try to make a bit more progress so that we can discuss some of the other Bills—for example, mine, which would increase the maximum sentence for animal cruelty from the current paltry six months to five years?

Philip Davies: As it happens, I very much agree with the hon. Lady’s Bill, but it is seventh on the list, so she was a bit optimistic ever to have thought we would reach it. I cannot remember the last time we got to debate the seventh Bill on a Friday. She well knows that her Bill was never going to be reached for debate. I absolutely agree with her Bill, though, and she will get my wholehearted support if she persuades the Government

[Philip Davies]

to take up her proposal. Nevertheless, unfortunately the luck of the draw meant that we were never going to reach it today.

Madam Deputy Speaker (Natascha Engel): Order. We are starting to stray quite a lot now. We are now not only not talking about the amendment, but not talking about the Bill. I would be very grateful if the hon. Gentleman could restrict his comments to the amendments that he has tabled.

Philip Davies: I am trying to do that, Madam Deputy Speaker, but I keep getting distracted by Members wanting to raise all sorts of other matters. I will stick to my amendments, as I was trying to do in the first place.

Amendment 4 would remove the chance of anyone being sent to prison for such an act. Other countries have different positions, as was confirmed by the House of Commons Library before Second Reading. A range of offences is covered, and there is a distinction between wearing medals, wearing medals with an intent to deceive and wearing medals with a view to a financial gain. As my hon. Friend the Member for Christchurch (Mr Chope) said, fraud legislation already provides protection in this country when it comes to wearing an Army uniform, so we do have other legislation that covers this area, when other countries have no such legislation.

My amendments give a range of options: I have gone from no custodial sentence to custodial sentences of one day, seven days, 14 days, 21 days and 28 days, all of which are naturally better than three months. I prefer no custodial sentence at all, but I have tabled all those different amendments to give the House some kind of choice if it felt a different option was more appropriate.

Gareth Johnson: Does my hon. Friend agree that it is very sad that, come this Remembrance Sunday, any individual can parade in front of widows, veterans, families and loved ones wearing medals that they have not won themselves—they may not have even served—with the intent to deceive and to curry favour? The reason why they will be able to do so is that he has filibustered this Bill.

Philip Davies: I thought that my hon. Friend was going to make a sensible point, rather than bandying about more accusations. I am trying to improve his Bill. The fact is that, by his own admission, he brought forward a Bill that was a bit of a dog's breakfast, because he changed it radically in Committee. If he had had his way, his Bill would have gone through on the nod; no one would have said anything and it would have gone through in its original form, which he accepts was a dog's dinner of a Bill; it is now half a dog's dinner. I accept that he made some improvements in Committee, but just because he is on a tight timescale is no basis on which to pass legislation in this House. It cannot be appropriate to say, "Well, I know that it is not a very good Bill, that there are deficiencies in it and that there are lots of concerns with it, but, I tell you what, we are on a bit of a tight timescale so we will forget about all that, just nod it through and to hell with the consequences." Are we saying that, if someone gets sent to prison and gets a criminal record when no one in this House ever

intended that they should get a criminal record, then so be it—hard cheese? That might be the attitude that my hon. Friend takes, but it is not one that I take. We must take these provisions seriously.

Stephen Doughty *rose*—

Philip Davies: No, I will not give way. The hon. Gentleman has not yet made any sensible contributions. He seems to talk a load of old nonsense, so I will press on with the whole point of my amendments, which is to try to turn this Bill into something worth while. We still have other days on which to consider other private Members' Bills in this Session. I hope that we can conclude this if time allows.

Stephen Doughty *rose*—

Philip Davies: No, I will not give way to the hon. Gentleman.

Mr Chope *rose*—

Philip Davies: I will give way to my hon. Friend.

Mr Chope: It is disappointing that anyone should wish to try to use emotional blackmail against my hon. Friend and what he is proposing. In his last intervention, my hon. Friend the Member for Dartford (Gareth Johnson) referred to people who were wearing medals that they had not been awarded. He did not deal with the issue of them wearing things that had the appearance of being an award. I cannot understand why some of the amendments of my hon. Friend the Member for Shipley (Philip Davies) are not acceptable to the Bill's promoter.

Philip Davies: I agree with my hon. Friend. Perhaps if the Bill had been drawn as narrowly as my hon. Friend the Member for Dartford is now trying to draw it, it may well have been acceptable to all concerned. Unfortunately, he did not do so, and decided to go way over the top to include all sorts of people who were never envisaged to be included originally. That is why we must try to sort out some of these issues.

Stephen Doughty: Will the hon. Gentleman give way?

Philip Davies: No, I will not. I am going to crack on.

Stephen Doughty: You're scared.

Philip Davies: The idea that I am scared of the hon. Gentleman is bizarre, particularly given that he did not even understand what an amendment was in his first intervention. He has a lot of learning to do.

I have dealt with the custodial sentence part of the Bill. Now, I come to the part on fines. I am trying to reduce the level of fines because they are disproportionate. With the way the Bill is drafted, it seems that somebody could be given an unlimited fine by the courts for this offence. Again, I cannot honestly see how an unlimited fine is appropriate for committing this offence, but that is what it would be in England and Wales following the changes to fines a few years ago. It would be rather different in Scotland and Northern Ireland, with a

maximum of £5,000, which is still too high. Amendments 16 to 23 are about reducing the level of fine from unlimited to something more manageable. I have suggested a range of options. The lowest I have gone down to is £200, which is a level one fine in the courts, and I have gone up to a level four fine, which is £2,500. At least that sets a limit because an unlimited fine seems rather over the top.

Clause 1(4) provides that the Secretary of State may change the schedule of medals at any point. Amendment 24 would mean that the Secretary of State may not change the schedule of medals. When my hon. Friend the Member for Dartford introduced the Bill, he said that the challenge in drafting it was knowing where to stop. As I have said before, he may know where he wants to stop but, as with many things, where the legislation stops and where other people might want to stop are the most important. We should not encourage legislation giving the Secretary of State unlimited power to change the schedule willy-nilly. It obviously has the potential to apply to many more medals and other awards for non-armed forces personnel—and, in many cases, why not? But we should not be giving the Secretary of State that power. Amendments 25 to 27 are consequential amendments to that.

Clause 1(5)(b)(ii) states:

“The regulations may add an award to the Schedule only if it is awarded in respect of...a level of rigour significantly greater than might normally be expected in a non-operational environment.”

If the right to include medals in the future remains, it should only apply to those involving danger to life from enemy action, not

“a level of rigour significantly greater than might normally be expected in a non-operational environment.”

I am not sure who would be the ultimate judge of or who would determine the phrase

“greater than might normally be expected”.

Amendment 28 would deal with that issue.

Amendment 29 would delete the wide-ranging provisions regulations. Why do we need to hand over all these powers to make regulations that are in the Bill? Surely these things should be on the face of the Bill. Amendments 31 to 34 would delay the Act coming into force by two months, four months, 10 months or a year and 10 months respectively.

I have been through my amendments as quickly as I could. They would all make the Bill stronger and deal with some of the potential unintended consequences that were not envisaged when the Bill was conceived. I hoped that my hon. Friend the Member for Dartford would have taken them in the spirit in which they were intended. I could have gone on at greater length on every single one of those amendments, but I went through them all as quickly as I could. I hope they are helpful because I worry that if we are not careful, we will end up criminalising not the people who my hon. Friend wants to criminalise, but people who we never had any intention at all of criminalising. That is all I seek to avoid in this legislation, and that is a duty that we should take very seriously.

Giving someone a criminal offence is a serious matter; it is not something that should be taken lightly—it can have devastating consequences for people—and the same is true of sending people to prison. Yes, of course we want to expose Walter Mitty, but do we really want to

criminalise and imprison Walter Mitty? That is where I draw the line with this legislation. If we think we are sending too many burglars and robbers to prison, surely the solution cannot be to send these people to prison, too.

Gareth Johnson: The main purpose behind the Bill is to protect veterans. It is intended to ensure that when anybody sees someone wearing medals proudly at a remembrance service or in any other sphere, they can have confidence that that individual is the legitimate article. That has always been my intention.

I find it grotesque in the extreme that certain individuals—we have had numerous examples of them—can parade in front of others and cause deep upset, hurt and ridicule to those who have actually served and those who have lost loved ones. It is grotesque to see that bravery undermined by those who do not have the courage to put their own neck on the block for our country.

It is because of that that I put forward the Bill. Legislation has worked very successfully in many countries around the world, and it worked successfully in the United Kingdom; in fact, legislation was originally introduced by Winston Churchill after the first world war. He said that when anybody sees a person wearing medals, that should radiate an opportunity to say, “There is a man in whom we can all have confidence and pride.” That is exactly the motivation behind my Bill.

I leave it at that. There is very much more that I could say, but I hope that we can make it at least to Third Reading.

Stephen Doughty: I just want to add my voice in support of the Bill. The hon. Member for Dartford (Gareth Johnson) has gone about it on a very cross-party basis. It is something we all support. It was gone through at great length in Committee, when many of the aspects that have been raised today were dealt with. Fundamentally, what I cannot understand is why, if the Bill is supported by decorated veterans who have put their lives on the line for this country, and indeed by Members of this House who have put their lives on the line for this country, it should not go forward.

Mr Chope: I want to speak briefly to some of the amendments. It is sad that there is a falling-out among people on the detail of the Bill. I do not think anybody is against making it an offence for an individual to wear medals or decorations that were never awarded to them. The problem is that the way in which the Bill has been drafted goes much wider, and is in danger of having a whole lot of unintended consequences.

If the law prior to 2009 was as simple and straightforward as I have said, why do we have to make it so much more complicated in reintroducing one of its provisions? I am sure everybody thinks it is despicable for anybody to wear medals or decorations to which they are not entitled, and we condemn that behaviour without equivocation, but that is a very different proposition from bringing in a Bill with a whole lot of other technical measures designed to widen the offence far beyond what it was originally.

I cannot understand why my hon. Friend the Member for Dartford (Gareth Johnson), who is promoting the Bill, has not been able to reach an accommodation with

[Mr Chope]

my hon. Friend the Member for Shipley (Philip Davies) in the spirit of consensus. If we do not finish the debate on this group of amendments today, it may still be possible for an accommodation to be reached before the Bill comes back to be considered further. I still hope that that will be so, because we all feel very strongly—certainly I do—that, as the promoter of the Bill says, we must protect our veterans and ensure that there is confidence that people wearing medals on parade on Remembrance Day have in fact been duly awarded those medals. In my constituency, where we have some of the finest remembrance parades anywhere in the country, I do not think there has ever been an incident where somebody who was not entitled to a medal was wearing one.

We have to think about the proportionality of the issue when working out how we are going to address it, particularly if we are to do so through the criminal law going beyond what is already contained in the Fraud Act 2006. I suspect that the provisions that were previously in place on the wearing of medals or decorations that were not awarded were repealed in 2009 because it was thought that the offence was covered by the Fraud Act. Under that Act, it is an offence to make, or attempt to make, a financial gain by fraudulently wearing uniforms or medals or by pretending to be, or to have been, in the armed forces, with a maximum penalty of 10 years imprisonment. It is a very serious offence, and so it should be. My hon. Friend the Member for Dartford is trying, in a sense, to replicate part of that, and using emotional arguments in support of it, while not drawing the public's attention to the fact that these are already serious offences subject to a maximum penalty of 10 years' imprisonment. So why do we need this Bill? In particular, why do we need a Bill that goes unnecessarily wide in its sanctions and its interpretation of what would be the criminal behaviour?

That is why the amendments tabled by my hon. Friend the Member for Shipley are well worth considering. Of all his amendments, I cannot understand why anybody would be against amendment 1, because it would mean that clause 1 would read,

“A person commits an offence if, with intent to deceive, the person wears...an award specified in the Schedule”,
and would no longer include a reference to
“something which has the appearance of being an award specified in the Schedule.”

I cannot see why my hon. Friend the Member for Dartford is not prepared to accept that amendment. I hope that given a bit more time for reflection, he may be willing so to do.

Some of the other amendments tabled by my hon. Friend the Member for Shipley have a lot to commend them. It is sensible that the offence of wearing awards with intent to deceive should be triable summarily, bearing in mind that under the Fraud Act, as I said, there is a maximum of 10 years' imprisonment, and no summary trial, for much more serious offences. We do not want people to be criminalised for what is, in effect, frivolous conduct on their part. That is why the suggestion in new clause 3 that this should apply only to wearing awards in a public place is very sensible. My hon. Friend referred to what goes on in public houses, but I am not so sure that I am necessarily persuaded on that point.

Nor am I sure that he is necessarily very knowledgeable about what goes on in public houses, because he is teetotal. I might therefore be able to give him the excuse of not having fully comprehended that matter.

New clause 5 is well worth considering, as is the issue of post-traumatic stress disorder. One issue the whole debate raises is how we deal with private Members' Bills in Committee, because if they are completely changed in Committee—

2.30 pm

The Deputy Speaker interrupted the business (Standing Order No. 11(2)).

Bill to be further considered on Friday 24 March.

Business without Debate

MERCHANT SHIPPING (HOMOSEXUAL CONDUCT) BILL

Consideration of Bill, as amended in the Public Bill Committee

Hon. Members: Object.

Bill to be considered on Friday 24 March.

GUARDIANSHIP (MISSING PERSONS) BILL

Consideration of Bill, not amended in the Public Bill Committee

Hon. Members: Object.

Bill to be considered on Friday 24 March.

KEW GARDENS (LEASES) BILL

Consideration of Bill, not amended in the Public Bill Committee

Hon. Members: Object.

Bill to be considered on Friday 24 March.

WILD ANIMALS IN CIRCUSES (PROHIBITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

ANIMAL FIGHTING (SENTENCING) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

ANIMAL CRUELTY (SENTENCING) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

Mr John Spellar (Warley) (Lab): On a point of order, Madam Deputy Speaker. We have just had three excellent Bills with huge public support on animal welfare that have been blocked by Front-Bench and Back-Bench Conservative Members. Is there any way of putting this on the public record?

Madam Deputy Speaker (Natascha Engel): Yes. The right hon. Gentleman has just done so.

NATIONAL HEALTH SERVICE BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

ASSET FREEZING (COMPENSATION) BILL [LORDS]

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

James Cartledge (South Suffolk) (Con): On a point of order, Madam Deputy Speaker. You may be aware that throughout the IRA's reign of terror, much of the explosive they used to kill was supplied by Libya. The Bill has the support of victims of IRA terrorism. Are you able to give any advice to those of us who want to put on record the anger of those victims that the Bill has been objected to?

Madam Deputy Speaker: The hon. Gentleman has very cleverly just done so.

WORKERS' RIGHTS (MAINTENANCE OF EU STANDARDS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

VEHICLE NOISE LIMITS (ENFORCEMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

CHILDREN OF ARMED SERVICES PERSONNEL (SCHOOLS ADMISSION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

FAMILIES WITH CHILDREN AND YOUNG PEOPLE IN DEBT (RESPITE) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

DEFIBRILLATORS (AVAILABILITY) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

UNLAWFUL KILLING (RECOVERY OF REMAINS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

PROTECTION OF FAMILY HOMES (ENFORCEMENT AND PERMITTED DEVELOPMENT) BILL

Resumption of adjourned debate on Question (25 November), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 24 March.

BREAD AND FLOUR REGULATIONS (FOLIC ACID) BILL [LORDS]

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

HIV Awareness: PSHE Lessons

Motion made, and Question proposed, That this House do now adjourn.—(Mr Syms.)

2.35 pm

Mike Freer (Finchley and Golders Green) (Con): The issue that I wish to raise today with my hon. Friend the Minister is sex education in our schools. For once, however, I do not want to stray near the issue of statutory sex education; I wish to focus on HIV awareness in the teaching of health and sex education to pupils. Before I touch on the issue of how the subject is taught, I think it is important that we understand the ongoing public health issues that need to be addressed, in part through improved sex education.

As chair of the all-party group on HIV and AIDS, I am conscious of the work we still have to do to eradicate HIV/AIDS. Despite the groundbreaking public health initiatives of the 1980s—for which much credit must go to the leadership and tenacity of the then Secretary of State for Health and Social Security, Norman Fowler, who is now Lord Speaker—HIV/AIDS continues to be a health issue in the UK. There are now more people living with HIV in the UK than ever before. In 2015, an estimated 101,200 people in the UK were living with HIV, 13% of whom were unaware of their infection. Infections used to occur predominantly among men who have sex with men—MSM—but that has changed over the past 10 years. The majority now occur through heterosexual transmission: in 2015, 57% of new infections were among heterosexuals. Most telling is the fact that 90% of those new infections came through unprotected sex—sex without condoms.

We continue to have a public health issue and a problem with sexual behaviour. I believe that we must therefore redouble our efforts not just to change, but to ingrain behaviour. We need to ingrain the safe sex message at the time in people's lives when it can have the biggest impact—in our schools, with the 15-to-18 age group. I do not propose to touch on the arguments about statutory sex education—as I said, that is a debate for another day. Instead, I want to touch on why targeting 15 to 18-year-olds is important and, crucially, on why we need to look at a different approach to teaching this important topic.

Overall infection rates were on a steady downward trend until recently, but we have seen a slight increase in infection rates in the 15-to-24 cohort. There could be many factors behind that increase. HIV/AIDS is less visible in the media than it used to be; it receives less attention from celebrities, who have been invaluable in raising awareness. Major breakthroughs in treatments and in the accessibility of anti-retroviral drugs—ARVs—mean that HIV/AIDS is no longer life-threatening, although it is certainly life-changing. The fact that it is no longer deemed a terminal illness might be a factor in why people are becoming a little complacent: because living with HIV is manageable, people think that they can cope by just taking a daily pill.

You will remember, Madam Deputy Speaker, and so will other hon. Members, that when we were under the age of 24 we felt invincible—nothing could touch us. Now, when we drive past a club at 3 in the morning, it might be minus 6° outside, but under-24s are scantily clad because they think they are invincible. They think that nothing will happen to them, or that if it does they

do not have to worry, because there is a pill or because by the time it becomes a problem there will be a cure. Importantly, the safe sex message about the use of condoms has been lost or diluted. It is important to remember that condom use protects against not just HIV, but a range of other sexually transmitted infections.

How do our teenagers learn about sex? We know that access to the internet has changed how many teenagers view sex, and that online pornography can provide a distorted and unrealistic view of sex. The ability to find a date or sexual partner via phone apps has changed how teenagers learn to have sex and the frequency with which they can have it, but sadly online pornography and hook-up apps rarely teach or stress safe sex. Too many provide no sexual health messages at all.

That, of course, is not a matter for the Department for Education, but how we combat that distorted view of sex and address the lack of safe sex messages is a matter of education. We have to be honest and accept that few teachers relish delivering sex education, and it is probably true that few pupils relish discussing sex with a teacher. It is embarrassing for both. There is likely to be a credibility gap. Even a teacher in their 30s will be deemed old by teenagers in school and being taught about sex by them is likely to be viewed as being taught by their mum or dad. That is how cringe-worthy much sex education can become.

I believe, therefore, that we need to use people closer to the age range of the students, especially those I would call young advocates—those with personal experience of living with HIV or chlamydia, of having a cervical cancer test or of the implications of losing a parent to HIV/AIDS. If sex education is delivered by people closer to the age range of the audience, it becomes personally relevant and much more powerful in getting the audience to listen. Young advocates can explain sex beyond the mechanics without embarrassment—I realise it was a long time ago, but my sex education was very mechanical and quite rudimentary.

If we can update how we teach teenagers about sex, we can have a significant impact on their sexual health. We need to show how life-changing illnesses such as HIV can be, and that message is much more powerful if taught by somebody going through that experience. It is important to stress not just the implications of dealing with an infection or life-changing illness but—most importantly—how teenagers can protect themselves from HIV/AIDS and a range of other sexual health issues. Young advocates can deliver a more powerful and personal message—one that students can relate to and are more likely to take notice of. We need a radical change in how we approach sex education, especially HIV awareness.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I thank the chair of the all-party group on HIV and AIDS for giving way. As a vice chair of that group, I wholeheartedly agree with his comments. Will he join me in praising the work of people such as the Student Stop AIDS campaigners, who are raising awareness of the epidemic not only in this country but of its impact globally, and setting an example for their peers?

Mike Freer: The hon. Gentleman makes a very good point. The all-party group often invites young advocates and voices to come in and talk to parliamentarians and others, and we have seen at first hand the impact that a

young person can have talking about the impact of an HIV infection on their life and their family. It is much more powerful than middle-aged men or women talking to teenagers—not that he is a middle-aged man yet.

I shall provide just three examples of people and organisations that I would ask the Department to consider meeting and using. One of the most inspirational young men I have met is Robbie Lawlor. He is an HIV advocate based in Ireland and the UK. He was diagnosed as HIV positive at 21. He was taught little about sex in school, let alone safe sex. His diagnosis sent him into depression and he abandoned the university place he was about to take up, but he has now become an inspirational advocate for HIV awareness. He tours and speaks passionately about the need to talk more openly about sex and safe sex and about how to challenge stigmas and ensure that people are more aware of risky behaviour and the importance of testing. He says:

“If we can’t talk openly about sex with our friends and family, how are we going to negotiate safer sex with people we may potentially sleep with? Shame inhibits people from going to get tested, and prevents people from getting the information they need.”

Robbie has also advocated for people living with HIV to be at the heart of education on HIV to ensure that individual stories are heard and some of the most damaging misconceptions about what it is to live with HIV are confronted by people who know how their diagnosis has affected their day-to-day lives. I urge my hon. Friend the Minister to meet Robbie and hear at first hand how we need to change the way in which we approach HIV in sex education.

There is also a group called Positive Voices, whose speakers are fully trained to deliver sexual health presentations to diverse audiences in a range of settings including schools, colleges, faith-based groups and community organisations. They cover HIV prevention and safer sex messages, as well as sharing their own experiences of living with HIV. Those presentations are very powerful. They are tailored for young people and adults, and the speakers work with organisations in advance to ensure that they are both appropriate and engaging.

I recently came across the Elizabeth Taylor AIDS Foundation, which is now doing work in the UK. It has launched an initiative called the sex squad. I must say that I became rather excited by the idea of a sex squad: it is certainly a catchy title for a sexual health education initiative. Imagine the sex squad coming into your school! It would certainly catch the imagination of the pupils.

The sex squad initiative is part of an arts-activist movement to improve sexual health education. It started in Los Angeles, and, interestingly, in the very traditional, conservative southern states of the United States, and it involves a multiple-component presentation and peer education. It is a new model for community-based sexual health education, which targets young people in communities that are at risk of HIV and other sexually transmitted infections. As well as organising live and digital interventions, it is inspiring the creation of youth-led high school sex squads at four state high schools in Los Angeles. It harnesses the power of humour and story-telling to create performances for teens that are memorable, inclusive, and fun. I can only recommend the work done by the foundation, which is driven by Elizabeth Taylor’s grandchildren. They are still heavily involved, which is to their enormous credit.

HIV continues to be a problem in the 15-to-24 age group, accounting for 11% of new infections, while 33% of new infections are in the 25-to-34 age range. It therefore accounts for 44% of new infections in people under 34. We need to reach people when they are most susceptible to behaviour change. We need to stop the conveyor belt towards inappropriate behaviour that puts their health at risk. We need to change the way we deliver sex education, especially HIV education, so that we can protect the next generation. The current sex education system is not ingraining the message on safe sex. It is time for a more innovative approach. It is time to introduce youth ambassadors where they will be listened to, and where we stand the best chance of changing behaviour and changing lives. Let us change the teaching, and let us change our approach.

2.47 pm

The Parliamentary Under-Secretary of State for Women and Equalities (Caroline Dinenage): I thank my hon. Friend the Member for Finchley and Golders Green (Mike Freer) for raising this important issue, and I congratulate him on his ongoing work as chair of the all-party parliamentary group on HIV and AIDS, which I know is making a huge difference. The dedication and tenacity that he and his group show are to be applauded.

HIV/AIDS is a serious public health concern that affects the lives of many, both in the United Kingdom and internationally. Stopping the spread of HIV is still a priority in the UK, as is supporting people living with it so that they can lead full and healthy lives. I believe that if we look at our efforts to tackle the HIV epidemic in this country, we can be very proud of our record so far. The United Nations’ 90:90:90 ambition to eliminate HIV-related mortality and transmission by 2020 calls for 90% of people living with HIV to be diagnosed, 90% of those diagnosed to receive treatment, and 90% of those treated to be virally suppressed. We are responding to that challenge. The UK has already met the second and third components of the 90:90:90 targets, with 96% of those diagnosed receiving antiretroviral treatment and 95% of those treated being virally suppressed.

Of course, there is still much more to do. In 2013, an estimated 13% of individuals with HIV were undiagnosed. Awareness of HIV status is important not only because it enables people to get treatment and allows them to live long and healthy lives, but because it can prevent the infection from being passed to others. That is why the work to improve testing is critical to the public health response to HIV. Local authority services funded through the public health grant do a vital job in that regard, but we need to go further and faster in making testing routine.

I agree with my hon. Friend that it is crucial that we ingrain the safe sex message, particularly in young people. Schools have an important role in preparing young people for the challenges they face in modern life. That includes building their knowledge and raising awareness of HIV and other sexually transmitted infections.

Education can help to improve young people’s ability to make safer, healthier choices as they progress through life, in a sensitive and age-appropriate way. HIV is part of both the science curriculum and sex and relationship education, which is frequently taught as part of personal, social, health and economic education. The national

[*Caroline Dinenage*]

curriculum and the new combined science and biology GCSE stipulate that pupils be taught about HIV within the context of communicable diseases during key stage 4. They are also taught about how HIV is spread.

HIV awareness is also taught as part of sex and relationship education, which is mandatory in all maintained secondary schools. Academies are encouraged to teach sex and relationship education as part of their requirement to teach a broad and balanced curriculum. Primary schools are free to teach the subject if they wish to.

When teaching sex education, all maintained schools and academies have a statutory requirement to have due regard to the Secretary of State's sex and relationship education guidance. The guidance makes it clear that all sex education should be age appropriate and that schools should ensure that young people develop positive values and a moral framework that will guide their decisions, judgments and behaviour. We want all young people to feel that SRE is relevant to them and sensitive to their needs. The guidance is clear that teaching should help pupils to clarify their knowledge about HIV and AIDS, to understand risky behaviour and to become effective users of services that can prevent and treat STIs and HIV.

Teaching sexual health is a key part of SRE. Effective SRE does not encourage early sexual experimentation, but teaches young people to understand human sexuality and respect for themselves and others. It enables young people to be mature, to build their self-confidence and self-esteem and to understand the reasons for delaying sexual activity. It equips young people to tackle the many different and conflicting pressures they experience today.

To teach young people about HIV effectively, teachers need accurate and up-to-date knowledge. The Government are funding the network of science learning partnerships to provide continuing professional development for science teachers. That includes providing support to teach the new science curriculum and GCSEs. A number of resources to support teaching about HIV are also available on the National STEM Learning Centre's website.

I agree with my hon. Friend that innovative, engaging ways of delivering sex and relationship education are important in supporting young people. Schools are free to develop peer education models to complement SRE and I would encourage them to do so. As a mother of teenagers, I know how anyone over the age of 25 is regarded as old and anyone over the age of 40 is regarded as practically prehistoric. Therefore, having young role models—I have seen some great examples up and down the country in schools I have visited—is helpful and a powerful tool. The guidance identifies that as good practice, stating:

“Secondary schools should...use young people as peer educators”.

I am grateful to my hon. Friend for highlighting organisations working in that field, including Robbie Lawlor, Positive Voices and the intriguingly and quite excitingly named sex squad. I would be delighted to meet them and hear more about the work that they are doing.

Of course, young people are an important target group. Schools play an important role in ensuring all young people are equipped to develop safe, healthy relationships. We know that young people get information

about this from a wide variety of channels and we want to ensure that they are accessing factually accurate information.

That is why I am pleased that Public Health England has developed “Rise Above” specifically for young people. “Rise Above” is a digital platform, with engaging interactive content, which aims to prevent or delay young people between 11 and 16 from engaging in exploratory behaviours, and that includes risky sexual practices. It is also developing a schools programme for launch at the end of March 2017.

Public Health England also funds the “Worth Talking About” free helpline for young people providing information about all aspects of sexual and reproductive health. We also continue to fund the Terrence Higgins Trust to deliver social marketing and digital media messages to groups at increased HIV risk and to promote National HIV Testing Week.

I agree with my hon. Friend that the age-appropriate teaching of safer sex in line with guidance is very important. The guidance makes it clear that “young people need factual information about safer sex and skills to enable them to negotiate safer sex.”

Schools that deliver this effectively do so in partnership with parents and reflecting the needs of their community, but we can do more both in PSHE and SRE.

According to the HIV Stigma Index UK, the stigma sometimes experienced by those living with HIV can, unfortunately, lead to low self-esteem and a reluctance to access specialist services, thus preventing individuals from receiving the best treatment available. Raising awareness of HIV in schools can help young people overcome prejudice and understand that it can affect anyone.

Overall, I believe that schools make a considerable contribution through the core science curriculum to providing young people with the knowledge they need to have an informed understanding of HIV, AIDS and sexually transmitted infections. But this is about much more than just knowing the facts. As I said earlier, SRE is often taught as part of PSHE, and effective PSHE teaching makes a critical contribution to a broad and balanced curriculum in schools that promotes pupils' spiritual, moral, cultural, social, mental and physical development.

PSHE is a non-statutory subject, but we know that many schools and teachers already recognise the importance of good PSHE education, and know that healthy, resilient, confident pupils are better placed to achieve academically and be stretched further. We want to help all schools to deliver high quality PSHE and SRE so that all young people are equipped to have healthy and respectful intimate relationships at the appropriate age, and leave school with the knowledge, skills and attributes to prepare them for life and work in modern Britain.

That is why we are committed to exploring all the options to improve the delivery of SRE and PSHE. My boss, the Secretary of State, has committed to update Parliament further on the Government's plans during the passage of the Children and Social Work Bill, and I would very much value the input of my hon. Friend the Member for Finchley and Golders Green on this very important issue as we move forward.

Question put and agreed to.

2.57 pm

House adjourned.

Written Statements

Friday 24 February 2017

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

EU Energy Council

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jesse Norman): There will be a meeting of the Energy Council in Brussels on 27 February.

The Council will begin with an initial exchange of views on the Commission's "clean energy for all Europeans" package published on 30 November 2016. This will include discussion of the electricity market design proposals consisting of the recast of the regulation on the internal electricity market, the recast of the directive on common rules for the internal electricity market, a regulation on risk preparedness in the electricity sector and the recast of the regulation establishing a European Union Agency for the Co-operation of Energy Regulators (ACER). The discussion will also cover the proposals for the recasts of the directives on the promotion of the use of energy from renewable sources, energy efficiency and energy performance of buildings, and the new proposal for a regulation on governance of the Energy Union.

The Commission will then present the second state of the energy union report which was published on 1 February. The report highlights progress in 2016 taking forward the aims and objectives of the energy union and considers trends since the first state of the energy union report was published in 2015.

The presidency will provide an update on the "state of play" on a number of legislative dossiers currently under negotiation. Both the regulation concerning measures to safeguard the security of gas supply and the regulation setting a framework for energy efficiency labelling are currently the subject of trilogues with the Commission and European Parliament. Negotiation has recently commenced on the proposed legislation to amend the energy efficiency directive and that to amend the energy performance of buildings directive.

The Commission will also make a presentation on the ocean energy forum, which in November 2016 published a strategic roadmap building on European leadership in ocean energy, and the development of technologies that could meet a significant amount of Europe's future power demand.

Finally, the Czech delegation will look ahead to the European nuclear energy forum in May 2017, an annual event hosted alternately by the Czech Republic and Slovakia bringing together all relevant stakeholders in the nuclear field, to discuss issues of mutual interest.

[HCWS498]

Avian Influenza

The Secretary of State for Environment, Food and Rural Affairs (Andrea Leadsom): High pathogenicity H5N8 avian influenza has been circulating in Europe

since the autumn. There have been nine confirmed cases in poultry in the UK and several findings in wild birds across England. Public Health England advises that the risk to public health from H5N8 is very low and the Food Standards Agency has said there is no food safety risk for UK consumers.

In response to the threat from H5N8 to poultry, my Department has taken robust precautionary action. This has included an indefinite ban on poultry gatherings, enhanced wild birds surveillance and an avian influenza prevention zone across England. The zone was put in place on 6 December and amongst other things requires the compulsory housing of poultry and captive birds or where this is not possible, their separation from wild birds.

Where H5N8 has been detected in poultry or captive birds, this has been dealt with effectively by the Animal and Plant Health Agency, and I am grateful for all involved in this considerable effort to control and stamp out this disease.

On 28 February, the avian influenza prevention zone will have been in place for 12 weeks. This is the maximum allowable period that poultry can be housed for disease control purposes and retain free range marketing status.

The risk of H5N8 in wild birds across the UK remains high. As a result, from 28 February, my Department will put in place a new avian influenza prevention zone. This will continue to require that all keepers of poultry and captive birds observe heightened biosecurity requirements regardless of their location. Subject to these measures being put in place, housing will no longer be required for the vast majority of keepers.

Within England, there are some areas that are at higher risk of H5N8 due to their proximity to substantial inland or coastal bodies of water where wild waterfowl collect. In these higher risk areas, which will cover around 25% of poultry premises, mandatory housing or fully netting outside areas will be required. This may temporarily result in the loss of free range status for keepers in these areas unless they apply netting of range, rather than housing.

The higher risk areas are based on expert advice on the latest veterinary and ornithological data and have been reviewed by leading experts.

I am very mindful of the impact that temporary loss of free range status will have on affected businesses. During this unprecedented period of high risk, I have taken this decision based on the best scientific and veterinary advice in order to control disease and protect our poultry industry. Effective disease control will always be our priority: disease outbreaks cause birds to suffer, damage businesses and cost the UK taxpayer millions. We do not anticipate any significant disruption to the supply of free range eggs after 28 February.

These measures will be put in place in the first instance until the end of April, but will be kept under constant review with the aim of lifting the targeted measures within higher risk areas as soon as risk levels allow it.

[HCWS496]

ENVIRONMENT, FOOD AND RURAL AFFAIRS**EU Environment Council**

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I will attend the Environment Council that takes place on 28 February in Brussels alongside the Minister for Climate Change and Industry, my hon. Friend Member for Ruislip, Northwood and Pinner (Mr Hurd).

Following the adoption of the agenda, the list of “A” items will be approved.

Under legislative deliberations, Council will debate a proposal to amend the directive on cost-effective emission reductions and low-carbon investments (that is, the EU emissions trading system) with a view to reaching an agreed Council position or “general approach”.

Under non-legislative activities, Council will exchange views on implementation of the 2030 agenda for sustainable development; and the links between greening the European semester and the recently published EU environment implementation review.

The following items will be discussed under ‘any other business’:

- a) Emissions Trading System (ETS)—aviation.
- b) EU action plan for the circular economy.
- c) Natura 2000 in the European solidarity corps.
- d) Scientific conference on “Sustainable development and climate changes in the light of the encyclical letter of Holy Father Francis, entitled *Laudato Si*” (Warsaw, 15 October 2016).
- e) Luxembourg circular economy hotspot (Luxembourg, 20-22 June 2017).
- f) Paris agreement: international developments.
- g) Environmental concerns regarding a Belarus nuclear power plant.

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

[HCWS497]

FOREIGN AND COMMONWEALTH OFFICE**Hong Kong (Sino/British Joint Declaration)**

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): The latest six-monthly report on the implementation of the Sino-British joint declaration on Hong Kong was published today, and is attached. It covers the period from 1 July to 31 December 2016. The report has been placed in the Library of the House. A copy is also available on the Foreign and Commonwealth Office website (www.gov.uk/government/organisations/foreign-commonwealth-office). I commend the report to the House.

It can also be viewed online at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-02-24/HCWS499/>.

[HCWS499]

HOME DEPARTMENT**Use and Retention of Custody Images**

The Secretary of State for the Home Department (Amber Rudd): I am pleased to announce that today I am publishing the “Report on the Review of the Use and Retention of Custody Images”, copies of which are available in the House Library and online at www.gov.uk. These are the images taken when people are arrested.

This review has found that the police make extensive use of custody images and that they are a standard feature of everyday policing. It sets out the Government’s view of the framework for the use and retention of custody images by the police.

The review acknowledges the important role that custody images and facial searching plays in the detection and prevention of crime. However, it recognises the need to strike a careful balance between protecting individual privacy and giving the police the tools they need to keep us safe.

Accordingly, following consultation with key partners, the principal recommendation is to allow “unconvicted persons” to apply for deletion of their custody image, with a presumption that this will be deleted unless retention is necessary for a policing purpose, and there is an exceptional reason to retain it. In practice, this will mean that people could apply to chief officers for their image to be deleted where they have not been convicted of the offence in relation to which their image was taken.

Further, the review recommends that there should be an even stronger presumption of deletion upon application for unconvicted persons whose image was taken when they were under 18 years old and that such images should be retained only where there are exceptional reasons to do so.

Where the image of an unconvicted person is not deleted, or where no application is received, the review recommends that it should be reviewed in accordance with the periods set out in the College of Policing’s authorised professional practice guidance (the APP), with a presumption of deletion at the next review unless there is an exceptional reason to retain the image (a strong presumption of deletion and highly exceptional reasons in the case of a person whose image was taken when they were under 18).

The review also recommends that persons who are convicted of the offence in relation to which their image was taken should have a limited right to apply for deletion of their image. Forces would only be required to consider such applications for deletion six or 10 years after conviction or release from custody where the person was sentenced to a term of imprisonment or detention for the offence in question or another offence, depending on the APP group that the offence falls into.

There would be no presumption of deletion at the point of review, other than where the image was taken when the individual was under 18. In all cases the police will be able to retain the image if this is necessary for a policing purpose and proportionate to the level and type of risk the individual poses.

Where the image of a person convicted of a recordable offence is not deleted, or where no application is received, the review recommends that its retention should be reviewed in accordance with the periods set out in the College of Policing's authorised professional practice guidance (the APP), with no presumption in favour unless it relates to an image taken when they were under 18.

A person convicted for a "non-recordable" offence (which are broadly less serious than recordable offences), would be able to apply for deletion of their image six years after conviction. If the image was taken when the person was an adult, there would be a presumption in favour of deletion; if the image was taken when the person was under 18, there would be a strong presumption in favour of deletion.

Where the image of a person convicted of a non-recordable offence is not deleted, or where no application is received, the review recommends that its retention should be reviewed six years from conviction (or release from custody) and every five years thereafter, with a presumption in favour of deletion and a strong presumption if it relates to an image taken when they were under 18.

The core recommendations will be implemented through changes to the APP.

[HCWS500]

JUSTICE

Justice Update

The Minister for Courts and Justice (Sir Oliver Heald): Today the Government have published their response to the consultation on proposals to reform fees for grants of probate. The consultation opened on 18 February and closed on 1 April 2016.

The Government are committed to providing a modern, world-leading justice system which is proportionate and accessible. In 2015-16, the courts and tribunals system cost £1.9 billion to run and we recovered only £700 million of that through fees and other income.

The best way to protect access to justice in the long term is with a properly funded justice system. The income fees generate is necessary for an effective courts and tribunals system that supports victims and vulnerable people, and is easy for people to use.

The Government will therefore, subject to approval from Parliament:

- implement the fee structure as consulted on;
- raise the threshold under which no probate fee is payable from £5,000 to £50,000; and
- remove the grant of probate fee from the fee remissions scheme. We will retain the Lord Chancellor's power to remit fees in exceptional circumstances.

This means we are abolishing flat fees and replacing them with a banded structure, related to the value of the estate. This includes raising the fee threshold from £5,000 to £50,000 and lifting 25,000 estates out of fees altogether. Overall, 58% of estates will pay no fee at all and 92% will pay £1,000 or less for this service.

We are confident through our engagement with organisations like the British Banking Association and Building Societies' Association that executors will have a range of options to finance the payment.

The new fee structure will generate around £300 million per year in additional fee income, which will all be reinvested back into Her Majesty's Courts and Tribunals Service.

Full details of how the Government intend to take forward these proposals is set out in the consultation response document which has been published on the gov.uk website.

[HCWS501]

Youth Justice

The Lord Chancellor and Secretary of State for Justice (Elizabeth Truss): In December 2016, we set out our plans to reform our approach to youth justice, which will help drive forward improved outcomes for young offenders both in custody and in the community.

We are today announcing the next steps of our reforms with a package of measures which will create stronger, clearer governance for the youth justice system.

I have appointed Charlie Taylor as the new chair of the youth justice board. He is uniquely well placed to take on this role: he has led changes in Government policy on the education of children who have been excluded from school, is a former head teacher of an outstanding school for children with complex behavioural, emotional and social difficulties, and his youth justice review set out a compelling vision for reform. As the chair of the board, it is this vision that he will work with my Department to drive forward.

We will create a new Youth Custody Service as a distinct arm of HM Prison and Probation Service, with a dedicated director accountable directly to the chief executive and working closely with the chair of the youth justice board. The director will have operational responsibility for the day-to-day running of the youth estate, will keep a firm grip on performance, and will be a board-level member of HM Prison and Probation Service. The Youth Custody Service will have its own workforce separately recruited and trained to work in the youth estate, and we will create distinct career pathways for those wanting to work with children and young people in the secure estate, including a new youth justice specialist worker role.

We will bring responsibility and accountability for commissioning youth custody services into the Ministry of Justice. Working closely with the chair of the youth justice board, the Department will be responsible for setting clear standards for the provision of youth justice and will be responsible for intervening decisively to address poor performance.

These changes will enable the youth justice board to build on its strong track-record and focus on its statutory function of providing vital independent advice on, and scrutiny of, the whole system, advising the Government on what standards to set for the youth justice system and monitoring delivery of those standards. It will continue to work closely with youth offending teams to promote early intervention in the community and share best practice across the system.

The youth justice system covers England and Wales and the majority of services for children and young people in Wales are devolved. We will continue our collaborative approach with the youth justice board Cymru and the Welsh Government under these new arrangements.

We are very grateful to Lord McNally, whose term as chair ends shortly, for his dedicated leadership of the youth justice board over the past three years, and thank him for the drive and passion he has shown.

Charlie Taylor will become the new chair of the youth justice board when Lord McNally's term ends. Under the Governance Code on Public Appointments, which came into effect on 1 January this year, Ministers can, in exceptional circumstances, make an appointment without a competition. I have decided to appoint Charlie

Taylor as the new chair of the youth justice board on these terms and, in accordance with the Code, have consulted the Commissioner for Public Appointments who has accepted the decision.

We are also publishing today the findings and recommendations of the youth custody improvement board. The board was set up to explore and report on the current state of the youth custodial estate and recommend how the system could be improved, particularly focusing on any current risks to safety and well-being. We are very grateful to its members for their work. The board's report underlines the importance of reforming the youth custody system. Many of their recommendations are reflected in our plans, and we will consider all their recommendations as we implement our reforms.

[HCWS502]

Petition

Friday 24 February 2017

OBSERVATIONS

JUSTICE

Exoneration of persons convicted of gross indecency and related “homosexual offences”

The petition of citizens of the UK,

Declares that there are many people who were convicted of gross indecency and related “homosexual offences” prior to the Sexual Offences Act 2003; further that these offences were decriminalised by that Act and would not now be an offence; and further that any person (alive or deceased) convicted of any such offence should be exonerated.

The petitioners therefore request that the House of Commons urges the Government to exonerate automatically any persons alive or deceased who were convicted of gross indecency and related “homosexual offences” prior to the Sexual Offences Act 2003 in cases where their offences were decriminalised by that Act.

And the petitioners remain, etc. —[Presented by Diana Johnson, *Official Report*, 15 December 2016; Vol. 618, c. 1062.]

[P001998]

Observations from the Parliamentary Under-Secretary of State for Justice (Dr Phillip Lee):

The Government believe it is hugely important that people convicted of historical sexual offences who would be innocent of any crime today are pardoned.

Through provisions of the Policing and Crime Act 2017, which became law on 31 January, we met our manifesto commitment to build on the pardon granted to Alan Turing by HM the Queen (in December 2013) by implementing a pardon for deceased men convicted of historical sexual offences who would be innocent of any crime today.

Also under this legislation, everyone living who has obtained or obtains a disregard for a historical sexual offence, under the Protection of Freedoms Act 2012 (meaning they are treated as if they had never committed the offence), will also be pardoned.

The Government are satisfied that this new legislation is the best way of righting these historical wrongs.

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PETITION

Friday 24 February 2017

	<i>Col. No.</i>
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**not later than
Friday 3 March 2017**

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Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
