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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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HER MAJESTY'S GOVERNMENT

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§ *Members of the Government listed under more than one department*

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THE PARLIAMENTARY DEBATES

(HANSARD)

IN THE FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
COMMENCING ON THE SEVENTEENTH DAY OF DECEMBER IN THE
SIXTY-EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

FIFTH SERIES

VOLUME DCCCIX

NINTH VOLUME OF SESSION 2019-21

House of Lords

Tuesday 5 January 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Rochester.

Retirement of a Member: Lord Cavendish of Furness

Announcement

12.06 pm

The Lord Speaker (Lord Fowler): My Lords, I should like to notify the House of the retirement, with effect from 1 January, of the noble Lord, Lord Cavendish of Furness, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I thank the noble Lord for his much-valued service to the House.

Arrangement of Business

Announcement

12.06 pm

The Lord Speaker (Lord Fowler): My Lords, I wish noble Lords a happy new year. The Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, others are participating remotely, but all Members will be treated equally.

Oral Questions will now commence. I ask that those asking supplementary questions keep them short and confined to two points, and that Ministers' answers are also brief.

P&O Ferries

Question

12.07 pm

Asked by Lord Newby

To ask Her Majesty's Government whether they have held any discussions with P&O Ferries about the discontinuation of the Hull-Zeebrugge passenger ferry.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, I recognise the concern that the loss of the Hull to Zeebrugge route has caused. My colleague the Maritime Minister, Robert Courts, met P&O Ferries on 15 December, when he raised the closure of the route. This is a commercial matter for P&O and, although the local impacts are very regrettable, I am satisfied that our national freight resilience has not been compromised.

Lord Newby (LD): My Lords, it may be a commercial matter for P&O, but when it closed the route P&O said it was doing so in light of the Covid pandemic. Given that the Government are spending literally billions of pounds to run very large numbers of almost entirely empty trains up and down the country, do they not think they should be pressing P&O to keep this route open? This route is not a luxury but is crucial for the flow of tourism from France and elsewhere in Europe, which the north wishes to see reinstated as soon as possible when restrictions are eased.

Baroness Vere of Norbiton (Con): My Lords, although the loss of this route is regrettable, in present circumstances, with passenger traffic severely constrained, it would not be in the public interest, nor fair to other operators, to maintain empty capacity there at public expense. There continue to be services for both passengers and accompanied freight from Hull to north-west Europe through Rotterdam and freight services to Zeebrugge from the Humber.

Lord West of Spithead (Lab): My Lords, ferries are the lifeblood of many communities around the United Kingdom, and the Government have trumpeted a new shipbuilding strategy—at the moment, without any new ship orders. The noble Baroness has highlighted to me before in this House the Government’s push to reduce merchant ship emissions as part of the green revolution. To focus on just one of the many opportunities that I think there are to pull these threads together, I ask her to encourage the Government to replace the almost 50 year-old Scilly Islands ferry, which will soon not be able to run at all, with a new, green ship—I do not mean its colour, of course—to be built at Appledore, a very efficient and capable West Country shipyard with currently no work whatever, ensuring the continued future link between the mainland and the Scillies and killing three birds with one stone.

Baroness Vere of Norbiton (Con): I thank the noble Lord for his question, which is slightly beyond the remit of what we are discussing today—but never mind, I will take his suggestion back to the department. The department is very keen to make maritime more green and it is the case that the ferry service to the Isles of Scilly is a lifeline service. It is essential that it continues, and it should do so in the greenest ships possible.

Baroness Wheatcroft (CB) [V]: The Minister said that the local consequences of the decision to close this route were “very regrettable”. In Hull, they are more than very regrettable. Hull has the highest unemployment rate in the country, along with Blackpool, so can she say how much strategy is being put into deciding not just which jobs will be kept open but where jobs will be kept open? As part of the levelling-up agenda, Hull is clearly in need of help.

Baroness Vere of Norbiton (Con): I agree with the noble Baroness that it is very important that we make sure that job losses are kept to an absolute minimum, and I understand that that is indeed the case. The Government remain committed to Hull being one of our key ports within England; it is the 13th largest port in the country. It should be noted that there remain daily sailings to Rotterdam from Hull and that, in general, Hull will remain a very strong local economic area.

Baroness McIntosh of Pickering (Con) [V]: My Lords, will my noble friend give us a commitment today that the Government will do all they can to reinstate a ferry service that would be viable at the first available opportunity? Will she equally ensure that the spare capacity now in Hull will be used for freight, to increase freight capacity from the north and ease the bottleneck at Dover?

Baroness Vere of Norbiton (Con): My noble friend will be aware that there are currently 19 routes going from the east coast of England across the North Sea. Plenty of freight routes are already in existence and therefore I do not believe the loss of this route will have a significant impact on freight, as I have said. However, it is worth delving a little more deeply into the viability of this service. Tourists—cars and

passengers—have been declining on this service since 2014, and substituting that loss with freight did not compensate the business sufficiently. Also, the ships on this route are ageing and economically obsolete. I fear that this service was not in it for the long term in any event.

Baroness Randerson (LD) [V]: Quite recently, the Government were happy to fund a ferry-less ferry company, but now they seem unwilling to help a well-established service. The Minister has said that there are plenty of freight routes but, at the point when hauliers are grappling with the new post-Brexit bureaucracy, should not the Government be doing everything possible to broaden ferry options rather than reduce them?

Baroness Vere of Norbiton (Con): As I explained to the previous questioner, there are already several—indeed, 19—routes that freight can take across the North Sea, and those will continue. I therefore do not see that the concerns of the noble Baroness have any merit at all. The Government also have government-secured freight capacity; as she mentioned, these ferries are for category 1 goods and will be needed if there are any problems at the short straits.

Lord Rosser (Lab) [V]: It is clear from the Minister’s answers that the Government did nothing to try to persuade P&O’s owners in Dubai not to pull the plug on the long-standing Hull-Zeebrugge service. Will the Government take into account P&O’s decision to withdraw this service, and thus not back Britain and its employees at this critical time, when deciding in future whether to award any taxpayer-funded contracts or other financial support to P&O?

Baroness Vere of Norbiton (Con): The Government did not do nothing; they had conversations with P&O, which operates many ferry routes in the UK. It reached its decision based on the factors I have set out. However, when we were at the height of the pandemic for the first time round, the Government supported this route to see whether it could be viable in the long term, funding it to the tune of £1,272,000. Despite this funding, it has become clear that the medium-term viability of this route is simply not there.

The Lord Speaker (Lord Fowler): I call the noble Lord, Lord Loomba. Lord Loomba? No? I call the noble Lord, Lord Wallace of Saltaire.

Lord Wallace of Saltaire (LD) [V]: My Lords, the Government have said that taking back control is an important dimension to everything they believe in and that levelling up is their next major priority. I am sure that the Minister is aware that, in Yorkshire, tourism and food exports are fundamental to the economy and that over half its food exports go to the European continent. Is she really sure that we should leave decisions such as this to a company in the Gulf and that public interest does not require the Government to fulfil their commitment to levelling up the north by keeping links such as this going?

Baroness Vere of Norbiton (Con): I thank the noble Lord for allowing me to reconfirm, following the many times I have already done so, that the Government believe that there are freight and passenger services already operating from the east coast to the EU which will be able to support Yorkshire and the whole of the north.

Viscount Waverley (CB) [V]: My Lords, more generally, what measures can the Government advance to ensure that the UK's distribution arteries, both inbound and outbound, are not held hostage to the commercial vagaries of the private sector—and the public sector, for that matter—and that marketplaces and strategic destinations are not only kept open but added to, as necessities now dictate?

Baroness Vere of Norbiton (Con): The noble Viscount will know that the maritime sector is an extremely well-developed and highly competitive private sector. The Government work very closely with it; we endeavour to intervene when there are problems, but on the whole we do not. For example, we worked very closely with the ports recently when there was a 15% increase in year-on-year container capacity. That is now beginning to resolve itself. Furthermore, we also provided £200 million in one-off grants to support ports through the port infrastructure fund. There are things we can do, but in general the maritime sector remains a private sector.

The Lord Speaker (Lord Fowler): My Lords, the time allowed for this Question has elapsed.

Obesity Question

12.17 pm

Asked by **Baroness Walmsley**

To ask Her Majesty's Government what assessment they made of the report by the All-Party Parliamentary Group on Obesity *The Future of Obesity Services*, published on 25 November 2020.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, we welcome the ongoing work and support of the All-Party Parliamentary Group on Obesity and its report *The Future of Obesity Services*, which continues to make a valuable contribution to the debate. We published *Tackling Obesity: Empowering Adults and Children to Live Healthier Lives* last July, which demonstrates an overarching campaign to reduce obesity, takes forward actions from previous chapters of the childhood obesity plan and sets out measures to get the nation fit and healthy.

Baroness Walmsley (LD) [V]: I thank the Minister for his reply, but he will know that we have had several obesity strategies before. What steps are the Government taking to ensure that this latest strategy is implemented in full without delay? Can he provide an update on the timelines for implementation? One of the main concerns of our witnesses was that the full range of services should be provided everywhere in the country, with easier access at any stage of the pathway. Will the Government take this on board?

Lord Bethell (Con): I thank the noble Baroness very much for the recommendations of her report. Implementation is key. We have 13 workstreams, which is too much for me to go through in detail, but yesterday evening I tweeted a full list of each of them for her interest. Her point about implementation on the front line is extremely well made. I reassure her that the NHS plan makes it very clear that front-line services should provide obesity support in all the right cases.

Baroness Stuart of Edgbaston (Non-Affl): My Lords, the report quite rightly encourages the Government to continue their promotion of better health and to develop an obesity prevention strategy. Twenty years ago, food was moved largely out of the Ministry of Agriculture into the Department of Health. Obesity is a question of our relationship to food. Could I encourage the Minister, in the light of changes to the way we do agriculture, to focus also on health and how, locally, the relationship between health, agriculture and the provision of food can actually be deepened?

Lord Bethell (Con): The noble Baroness puts her point extremely well indeed. Undoubtedly, there is a movement in the country as a whole to relate more closely the production of food in this country and the way in which healthy eating relies on good, locally produced food, and I take on board her points entirely. We very much take obesity more seriously as a result of Covid. That has given our plans a huge amount of energy, and the sponsorship of the Prime Minister has been very vocal.

Lord Holmes of Richmond (Con): My Lords, would my noble friend agree that serious mental illness—SMI—must be a significant factor in the commissioning of and referrals within obesity services if those currently experiencing obesity and mental illness are to get the service, support and help they need?

Lord Bethell (Con): My Lords, not everyone who is obese has mental illness, but some people who are obese do have mental illness. That is why we announced measures on weight management in *Tackling Obesity: Empowering Adults and Children to Live Healthier Lives*, which makes clear proposals for how those who have obesity as part of their mental illness challenge can be supported and provided for.

Baroness Boycott (CB) [V]: My Lords, I obviously welcome the report from the APPG, but I feel that we have heard it before and that its problem is in its implementation. I would like to make the point that a lot of our emphasis on the prevention of obesity is about stopping the promotion of unhealthy foods, whereas we do very little to promote healthy foods and to make a healthy diet affordable. Children from the poorest households are, at the moment, the most likely to suffer from obesity, but they are also suffering from food poverty. Healthy food is currently twice as expensive per calorie as unhealthy food, so just having a policy of restricting access to unhealthy foods can actually risk pushing people more into hunger and making them end up eating cheaper food. So, in order to address the inequalities in obesity levels, it is vital that

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restrictions in promotions of unhealthy food must be balanced by an increase of healthy foods, plus a really good public health campaign that encourages people to eat more healthily and tells them how.

Lord Bethell (Con): The noble Baroness makes her point very fulsomely. We are doing a huge amount on advertising, promotions, front-of-pack nutritional labelling, out-of-home calorie labelling, alcohol calorie labelling and a whole range of stuff. The noble Baroness may well shake her head, but the truth is that this Government are doing more than any previous Government in this matter.

The Lord Speaker (Lord Fowler): Could we have short supplementaries, please? I call the noble Lord, Lord Brooke of Alverthorpe.

Lord Brooke of Alverthorpe (Lab) [V]: My Lords, I declare an interest as a member of the all-party parliamentary group involved with the report. We recommended that the Government should build on their Better Health campaign with a public information campaign. Picking up on the last point of the noble Baroness, Lady Boycott, and on the Minister's remark that he had tweeted about the 13 streams, is not the basic problem that the public are not aware that we are trying to run a campaign and that we need a clear relaunch? This is the opportune moment to do it, when we have such problems with Covid.

Lord Bethell (Con): The noble Lord rightly alluded to the Better Health campaign, and I remind him that we did relaunch it yesterday. That went extremely well and got a lot of coverage. But there is only so much that government advertising can do; I do not think that we can advertise our way out of this problem. It is up to individuals to make their own decisions, it is up to GPs to give the support that people need and it is up to us as a society to accept that the health of the nation is important to its resilience and to its long-term health. Until those decisions are made, we struggle to make progress in this area.

Baroness Jolly (LD) [V]: My Lords, what works in rural Cornwall may not work in metropolitan Camden. Could the Minister tell the House whether there is a plan to require local integrated care systems to develop a local obesity prevention and treatment strategy for their population, strengthening existing services and sharing good practice across the national network?

Lord Bethell (Con): Yes, I am glad to be able to reassure the noble Baroness that ICSs will be instructed to take obesity as part of one of their primary framework objectives. In fact, that is a very good example of how ICSs will make a big impact on complex issues such as obesity and how that impact will be felt in far-flung communities such as those in Cornwall.

Lord Vaizey of Didcot (Con): My Lords, there is much to commend in the Government's obesity strategy, but the restrictions on broadcast advertising are completely wrong-headed and based on no evidence whatever. In fact, I think that the Government's own impact assessment

says that it would reduce calorific intake by 1.7 calories—the calorie value of a Tic Tac. If the Government are determined to pursue this wrong-headed strategy, could the Minister assure me that they will not impose further restrictions on broadcast advertising until they level up and impose the same restrictions on online advertising?

Lord Bethell (Con): My Lords, I can give my noble friend no such assurance. The decrease in sugar in soft drinks, as he knows full well, between 2015 and 2019, was 43.7%, and the increase in soft drink sales during that time was 14.9%. With six out of 10 adults and more than one in three children between the ages of 10 and 11 technically obese, clearly more needs to be done.

Baroness Thornton (Lab) [V]: My Lords, I think that the noble Baroness, Lady Boycott, is quite correct, and I did appreciate the Minister's last answer to his noble colleague. But perhaps the Government need to consider healthy food where they can actually influence this, such as in hospitals, schools and care homes, and reinstate standards for healthy foods in those places.

Lord Bethell (Con): Yes, I entirely agree with the noble Baroness. There are parts of the Government's estate where more could and should be done in order to promote healthy foods. I pay tribute to the work of Prue Leith, who has done a lot to champion healthy food in hospitals. Progress has been made; I visited Southampton hospital with her earlier last year and saw her bringing healthy food direct to the patients, and the use of trolleys in order to ensure that warm food is delivered and that food does not have to come out of a plastic bag. More can be done, but I reassure the noble Baroness that we are working hard at it.

Lord Singh of Wimbledon (CB) [V]: The Sikh community has for some years run lectures and health checks in gurdwaras to reduce the calorie-rich diet of those from rural communities to one more suitable for the more sedentary occupations in the UK. Would the Minister agree that, with a little support from the Government, our places of worship can be of real help in reducing an above-average incidence of obesity and associated health risks in those from the subcontinent?

Lord Bethell (Con): The noble Lord makes an incredibly important point, and he makes it very delicately. I am extremely grateful to him for bringing this to the Chamber. It is true that many people from rural communities in the subcontinent bring with them eating habits that are simply not appropriate for modern life. We have seen that in Covid, where some of the most challenging incidences of Covid ITU have been in communities with a high level of people from the subcontinent, whose eating habits have, frankly, left them in no good state to fight this horrible disease. Tackling that issue is extremely complex, and I am extremely grateful to the Sikh community for setting this good example.

The Lord Speaker (Lord Fowler): My Lords, the time allowed for this Question has elapsed. We now come to the third Oral Question.

Housing: Leasehold Question

12.28 pm

Asked by **Lord Truscott**

To ask Her Majesty's Government whether they plan to implement the recommendations in the report by the Law Commission *Leasehold home ownership: buying your freehold or extending your lease*, published on 21 July 2020; and if so, when.

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): My Lords, first of all I point out my residential and commercial property interests as set out in the register. The Government are committed to promoting fairness and transparency for homeowners and are taking forward a comprehensive programme of reform to end unfair practices in the leasehold market. Last year, the Law Commission published reports on enfranchisement, commonhold and right to manage. We will announce details of how the Government will take forward reform in this area as soon as possible.

Lord Truscott (Ind Lab) [V]: My Lords, I thank the Minister for that reply. I declare an interest as one of England's 4.3 million leaseholders. Owning a leasehold property can be a nightmare for many. The whole feudal system, unique to England and Wales, is designed to protect the interests of freeholders, and their professional acolytes, at the expense of leaseholders. Even appreciating the pressures of the current Covid crisis, will the Minister and Her Majesty's Government please get a move on and treat leasehold reform with the urgency it demands? No more delay, please.

Lord Greenhalgh (Con): I assure your Lordships that leasehold reform is coming. A lot has been announced and, subject to the vagaries of the Downing Street grid, more will be announced shortly.

Lord Young of Cookham (Con): My Lords, is the noble Lord, Lord Truscott, not right to say that leasehold as a form of tenure is a relic from a feudal age that exists nowhere else in the world? Instead of trying to patch it up, should we not be actively replacing it with commonhold for new developments and much easier enfranchisement for existing ones?

Lord Greenhalgh (Con): I thank my noble friend. There is no doubt that in this country we are unique in having leasehold. We need to focus on reform, which will take this forward to a position similar to that in Scotland or on the continent, where people are co-owners of their property.

The Lord Speaker (Lord Fowler): The noble Baroness, Lady Warwick of Undercliffe. No? I call the noble Lord, Lord Shipley.

Lord Shipley (LD) [V]: My Lords, five years ago the Leasehold Knowledge Partnership warned the Government of the pending ground rent and leasehold scandals. At the time, the Government promised legislation by the summer of 2018. It is now 2021. Why has it taken them so long to bring forward legislation?

Lord Greenhalgh (Con): All I can say is that there is a real commitment to drive forward reform. I am now the Minister responsible for leasehold, and the noble Lord will see action.

Lord Kennedy of Southwark (Lab Co-op): My Lords, does the noble Lord agree that any mechanism to enable leaseholders to acquire the freehold of their property should include all parts of the property, as recommended by the Law Commission, so that we do not end up in a situation where a leaseholder acquires the freehold of their flat and then another freeholder owns the communal staircase and the roof? In that case, you would have all sorts of problems in the future. If we are to have reform, we need to reform it properly.

Lord Greenhalgh (Con): My Lords, the noble Lord is a very wise man. I cannot give him any particular position on enfranchisement today, but it is important that we take these points into consideration before we adopt a formal policy position.

Lord Bourne of Aberystwyth (Con) [V]: My Lords, I declare my interests as set out in the register. I very much welcome the Government's commitment to acting in this area and I hope that it happens soon. As part of that action, will the Government also look at existing ground rent charges, some of which are set at unconscionable levels?

Lord Greenhalgh (Con): My Lords, I assure my noble friend that some of the "fleecehold" practices that we have seen around ground rent escalations are absolutely abhorrent. That is one of the things that the Competition and Markets Authority is looking at, and I take my noble friend's point very seriously indeed.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, can the Minister confirm two things: first, that reform of leasehold means moving towards commonhold, and secondly, that the reforms will exempt community land trusts, which use this system in a very productive way?

Lord Greenhalgh (Con): My Lords, I will not make such a statement today in the House but a statement will be made very shortly. Community land trusts are a separate policy matter. I agree with the noble Baroness that community land trusts are a way forward—not always the right way but one way to use land for the benefit of a particular community.

Lord Hain (Lab) [V]: What does the Minister's commitment to carry out reforms "as soon as possible" mean in time terms, and will the Government end the current system of ridiculously expensive lease extensions, escalating ground rents and absurd service charges?

Lord Greenhalgh (Con): My Lords, there is no doubt that you need to turn to lawyers to know how long it will take to turn these things round quickly. We need primary legislation. I have been told by Professor Hopkins, who was in charge of the Law Commission work, that the preparations to get primary legislation

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ready for consideration by noble Lords will take approximately one year, so we are probably talking about the third Session.

Baroness Scott of Needham Market (LD) [V]: My Lords, as the noble Lord, Lord Young, said, commonhold is often a much better option than the current leasehold system. However, despite that, many mortgage lenders are reluctant to lend on a commonhold basis. What discussions have taken place with mortgage lenders to try to unblock this?

Lord Greenhalgh (Con): Commonhold exists today but the noble Baroness is absolutely right that this will require change, which is always difficult. Never underestimate the power of the status quo. Discussions have happened and will continue to take place with interested parties such as the lenders, which are so important to making this a success.

Baroness Altmann (Con) [V]: My Lords, I am delighted that my noble friend has confirmed that the Government will act on these excellent reports, and the sooner the better—as far as I can glean, it may well be coming. Might my noble friend comment also on the Government's position on the “right to manage” elements of the various reports, which make it easier for tenants with difficult freeholders to manage their properties in their own interests?

Lord Greenhalgh (Con): My Lords, I have just looked at the index of things that we are working on. That policy is still in development, but it is important that we get it right—it is a tricky area.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have been asked—congratulations to all. We now move to the fourth Oral Question.

Education: Turing Scheme *Question*

12.36 pm

Asked by Baroness Garden of Frognal

To ask Her Majesty's Government when the Turing scheme will be open for applications.

Lord Parkinson of Whitley Bay (Con): My Lords, thousands of students will be able to study and undertake work placements across the world through the new Turing scheme, which is replacing the UK's participation in Erasmus+. The new scheme will provide funding for around 35,000 students in universities, colleges and schools to go on placements and exchanges overseas, starting in September this year. We are already engaging with educational institutions and expect applications to open in the coming weeks.

Baroness Garden of Frognal (LD): My Lords, that is all very well but we had assurances from the Prime Minister and government Ministers that after Brexit we would continue to be part of Erasmus—yet more broken promises from this shameless and incompetent

Government. How does the Minister see the Turing scheme replacing the life-changing opportunities afforded by Erasmus without reciprocity with our EU partners?

Lord Parkinson of Whitley Bay (Con): My Lords, the Government promised to negotiate with the European Union to seek continued participation. Unfortunately, the ideas that we advanced in the spirit of compromise to try to reach a deal that was good value for money fell on deaf ears. The Government see the Turing scheme as bigger, broader and global in outlook, allowing students to avail themselves of opportunities beyond 27 other countries.

Baroness Royall of Blaisdon (Lab) [V]: My Lords, the Government say that they want the opportunities provided by Turing to be open to all, so will they guarantee that all the costs will be covered, as they are under Erasmus? I note that in the noble Lord's Answer he spoke only of students at colleges and schools. How will the Government ensure that the opportunities are truly open to all, including apprentices, volunteers, jobseekers and the burgeoning number of financially disadvantaged young people, including students? Will the Minister therefore give a commitment that the modalities will be 100% covered for each and every one of these groups?

Lord Parkinson of Whitley Bay (Con): My Lords, we want to ensure that part of the new Turing scheme is a focus on disadvantaged students—those who may not have had the opportunity to benefit from programmes such as Erasmus+ in the past. We are working directly with educational institutions to make sure that people are able to take up those opportunities and we will provide additional funding for disadvantaged students to cover, for instance, the cost of passports or visas, or for students with disabilities to undertake preparatory visits to make sure that all the necessary accommodations can be made for them.

Baroness Harris of Richmond (LD) [V]: My Lords, students holding British passports studying in a Northern Ireland university are to be offered access to the Erasmus+ scheme, paid for by the generosity of the Irish Government. What happened to Michael Gove's promise, made just six months ago, as we have heard, that

“we will continue to seek membership of those programmes across the United Kingdom”?—[*Official Report*, Commons, 11/6/20; col. 383.]

Lord Parkinson of Whitley Bay (Con): My Lords, we certainly understand that the Republic of Ireland has unilaterally suggested that it might be possible for students in Northern Ireland to take part in Erasmus+. It is not clear how that would work in practice or what the European Commission's position on that would be, but I can say that UK-wide funding is available as part of the Turing scheme, and universities, colleges and schools across the whole of the UK will be eligible to bid for it, including those in Northern Ireland.

Lord Kirkhope of Harrogate (Con) [V]: My Lords, while I welcome anything that at least partially replicates the Erasmus and Erasmus+ schemes, which have been

very successful, the absence of two-way exchanges with Europe is to be regretted. I ask my noble friend how we intend to replace the elements of Erasmus which gave support not only to educational exchanges with Europe but to wider activities, with training, youth and volunteer activities, and the necessary administrative staff?

Lord Parkinson of Whitley Bay (Con): My noble friend is right to point out the inbound element, and the UK remains an attractive destination for international students, with nearly half a million studying at our world-class universities. On some of the other elements of Erasmus+, sport, for instance, represented a very small part of the programme, representing only 1.8% of the overall budget, but, through our own government schemes such as through Sport England, we have been investing more than £1.2 billion between 2016 and this year on grass-roots sport and physical activity programmes, so we are ensuring that attention is given to them.

Lord Broers (CB) [V]: My Lords, as has already been mentioned by the noble Baroness, Lady Royall, and the noble Lord, Lord Kirkhope, Erasmus is as much about students coming to the UK as it is about our students going overseas. Indeed, I believe we have been receiving twice the number of students that we have sent away, which is a tribute to our universities and effectively balances the cost of our students going abroad. Surely the Turing scheme or others must provide the means to continue that balanced exchange of students, their teachers and those involved in coming up with innovations needed to keep our economy competitive.

Lord Parkinson of Whitley Bay (Con): My Lords, the noble Lord is right. Erasmus was a scholar at the university of which the noble Lord was vice-chancellor. Inbound student participation is important as well. That is why we are pleased that there are nearly half a million international students studying in the UK and why the Government have an international education strategy to continue to build on that number. We have four of the world's top 10 universities and remain an attractive destination.

Lord Bassam of Brighton (Lab) [V]: My Lords, Monsieur Barnier said that pulling out of Erasmus was a choice the Government made. Why was that? If the Turing scheme to replace Erasmus is to succeed, it must reach a high bar. How will it genuinely encourage higher participation rates from disadvantaged students? How will it cover incoming students? Will participants have to pay extra fees at international student rates? And will the net gain to the UK economy be as high as it was under the Erasmus scheme?

Lord Parkinson of Whitley Bay (Con): My Lords, we were clear throughout the negotiations that we were willing to pay a fair price to continue participating in Erasmus+, but we could not justify a large net contribution such as the new programme was envisaging. We would have been paying in nearly £2 billion more than we got back, and we did not think that would represent value for money. We put forward a number of ideas in the spirit of compromise, but, unfortunately,

the EU was unwilling to consider any of them. That is why we are setting up our new Turing scheme, which, as the noble Lord says, will focus on people from disadvantaged backgrounds. As I said to the noble Baroness, Lady Royall of Blaisdon, we will be working directly with education establishments to ensure that people from around the whole UK, particularly from underrepresented backgrounds, can benefit from it.

Baroness Smith of Newnham (LD) [V]: My Lords, I am minded to ask what price one can put on life-changing opportunities such as those lost with the Erasmus scheme. I declare an interest as an academic involved in Erasmus+ programmes over the years. What thought are the Government giving to ensure that modern foreign language training remains and that students have the opportunity to become embedded in other cultures, because that is vital to ensure that we have important networks in future?

Lord Parkinson of Whitley Bay (Con): The noble Baroness is right to point out the life-changing opportunities that educational exchange provides. People had life-changing experiences taking part in Erasmus. Under the new Turing scheme, they will be able to do that globally, learning languages not just from the European continent but languages such as Japanese, Mandarin and Arabic, and representing the truly global outlook that we want for the UK.

Viscount Trenchard (Con): My Lords, the Turing scheme will be a welcome improvement for British students, because it will increase the choice of countries in which they may study, reflecting the wider international aspirations of global Britain, and because it will represent better value for the taxpayer. However, nearly one-third of the 480,000 international students who studied in the UK in the 2018-19 academic year were from EU countries. Does the Minister agree that it is important that we continue to attract significant numbers of students from Europe? How will the Government help British universities replace their connections with their European partners to achieve that, especially given that the number of incoming students from China may decline?

Lord Parkinson of Whitley Bay (Con): My noble friend is right to point to the increased choice and opportunity available to students under the new Turing scheme, and to the nearly half a million international students who already choose to come to study here in the UK. We are keen to extend that, as I said, through our international student strategy and the appointment of Sir Steve Smith as the Government's international education champion.

Lord Patel (CB) [V]: My Lords, what assessment have the Government made of the impact on universities of losing a significant amount of finance on inward-bound exchange schemes, because it will now cost money for them to set up exchanges?

Lord Parkinson of Whitley Bay (Con): We have been liaising with the higher education sector through groups such as the Russell Group and MillionPlus as the negotiations were ongoing and as we developed the Turing scheme, which is the back-up to it.

Lord Winston (Lab) [V]: After years of training, young musicians are often the most impoverished, but they are central to our cultural heritage. Music education offers much more than just music. Among other things, it promotes cognition and collaboration, which is essential to music and, indeed, to all education. What provision will be made under Turing now that we have left Erasmus?

Lord Parkinson of Whitley Bay (Con): The noble Lord is right to point to the advantages that educational exchange provides, whatever the subject people are studying, and I am sure that is being taken account of as the new Turing scheme is being introduced.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have been asked, and that marks the end of Question Time.

12.47 pm

Sitting suspended.

Arrangement of Business *Announcement*

1 pm

The Lord Speaker (Lord Fowler): My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

House of Lords Appointments Commission *Private Notice Question*

1 pm

Asked by Baroness Hayman

To ask Her Majesty's Government what plans they have to put (1) the remit, and (2) the independence, of the House of Lords Appointments Commission on a statutory footing.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, the House of Lords Appointments Commission is an independent, advisory, non-departmental public body. The Government have no plans to change the role and remit of the organisation.

Baroness Hayman (CB) [V]: Does the Minister not recognise the deep and widespread concern that has been expressed about the Prime Minister's approach to appointments to this already overpopulated House? He has now become the first Prime Minister ever to overturn the explicit advice of the Appointments Commission in relation to the propriety of an appointment. This is not an *ad hominem* issue; it is an issue of real principle. Will the Minister now accept that we need to rebuild public confidence in the process of appointments to this House by creating a commission whose remit and independence is protected by statute?

Lord True (Con): No, my Lords. The Government have no plans to change the position. The organisation's legal status would not affect its remit. The House of Lords needs refreshing and the Prime Minister, like other Prime Ministers, is entitled to do that.

Baroness Jay of Paddington (Lab) [V]: My Lords, I do not normally support political conspiracy theories but the Prime Minister's recent actions lend substance to the now widespread view that he is deliberately trying to undermine the credibility of this House and its institutions. I echo the noble Baroness, Lady Hayman, in asking what will be done to restore confidence. In particular, how will the Leader of the House, who, as the Minister knows, has a special responsibility to represent the whole House, ensure that our reputation and authority are protected at the centre of government?

Lord True (Con): My Lords, I cannot answer for the Leader of the House; I answer on behalf of the Government. The Government that the noble Baroness had the honour of serving nominated 354 Members to your Lordships' House. I think that getting too excited about my right honourable friend's record so far is probably not appropriate.

Lord Newby (LD): My Lords, recent appointments show that the Government have, in effect, torn up the Burns report. Do they have a strategy for the size of the Lords, or will this Prime Minister continue to dole out peerages to his chums and financial supporters at will?

Lord True (Con): My Lords, I repeat that the House of Lords needs refreshing from time to time; that has been the position of all Governments. I completely disagree with the noble Lord's analysis of the situation.

Lord Judge (CB) [V]: My Lords, as the Government have no plans to change the system for appointment to this House, can the Minister kindly clarify the principled justification—if any—for permitting the appointment of Members of the sovereign Parliament to continue to be vested in the unconstrained power of the Prime Minister of the day?

Lord True (Con): My Lords, the Prime Minister of the day is the monarch's principal adviser on the exercise of patronage, which is part of the royal prerogative.

Lord Howard of Rising (Con) [V]: Does my noble friend agree that the opposition of this House to the clearly expressed view of the British people on leaving the European Union means that there is a danger that if the House of Lords Appointments Commission—drawn largely from the same pool—has statutory powers, it could lead to appointments that divorce this House even further from the population of this country?

Lord True (Con): My Lords, I would not follow my noble friend entirely in the course of his question. It is certainly true that the reputation of this House rests not on who might come here soon but on those of us who are here and how we have conducted ourselves. In that, I agree with my noble friend.

Baroness Blackstone (Ind Lab): My Lords, I am not reassured by the Minister's answers to the questions that have so far been put to him. How long will this House have to endure the disgraceful behaviour of a Prime Minister who blatantly ignores the cross-party agreement to keep the size of this House from growing year on year and who ignored both the Court of

Appeal's judgment on Mr Cruddas's behaviour—it described it as “unacceptable, inappropriate and wrong”—and the independent advice of the Appointments Commission that this man is not a suitable candidate for a peerage?

Lord True (Con): My Lords, I am certainly not following the noble Baroness into what was described earlier as an ad hominem comment on any individual. On the Burns report numbers, which I think she refers to, neither this Prime Minister nor the previous one assented to any limit on numbers.

Lord Empey (UUP) [V]: Can my noble friend tell the House whether there have been any discussions with the chairman and members of the House of Lords Appointments Commission since the Prime Minister's latest decision? Does he accept that, as it appears that persons can effectively buy a position in this House—at least, that is the impression given—that brings us back to the days of the rotten boroughs? Does he not realise that all of us suffer, and the reputation of the House suffers, as a consequence?

Lord True (Con): My Lords, I do not agree with my noble friend. The question of the resourcing of political parties is a vexed one, as noble Lords know, and has affected all political parties. I cannot comment on contact between the Prime Minister and HOLAC but I can say that the chairman of HOLAC has written to the Public Accounts Committee on the matter—that is on the record—and the Prime Minister, with full transparency, has placed his own letter on the public record.

Baroness D'Souza (CB) [V]: My Lords, having long supported a statutory Appointments Commission, I accept that it may be difficult to define criteria such as propriety in precise legal terms. Certain financial transactions, for example, while reprehensible, may be entirely legal. So would the Minister agree that extending the remit of the independent commission to include a thorough assessment of the competence and/or appropriateness of a political nominee would be helpful to regain public confidence?

Lord True (Con): My Lords, again, I do not accept the charge of a lack of public confidence in this relation. The role of the House of Lords Appointments Commission is unchanged; it makes observations and gives advice. The commission's role is advisory, and the Prime Minister has said that he places great weight on its careful and considered advice and will continue to do so.

Lord McLoughlin (Con) [V]: Is it not right that the Prime Minister should have the ultimate say? He should of course consult the commission, which he has done, and he has come to a different view. That is wholly proper, and I very much welcome the Minister's declared intention not to change the system as presently constructed, which has served Prime Ministers of all parties, since its formation.

Lord True (Con): I am grateful for my noble friend's comments. There is a certain imbalance in some of the response to the Prime Minister's appointments. My

position is to welcome all those coming to your Lordships' House, including the person who has been unfairly attacked today.

Baroness Smith of Basildon (Lab) [V]: My Lords, I listened carefully to the Minister's answers and I do not think he has addressed the Question first put to him by the noble Baroness, Lady Hayman, who was the first Lord Speaker of this House, or that of the noble Baroness, Lady Jay, a former Leader of the House. They asked what he is going to do to restore public confidence. While the noble Lord, Lord McLoughlin, is right that the role of the commission has not changed, the attitude of the Prime Minister to its recommendations has changed. In three key areas—the size of the House and the Burns committee report, by-elections of hereditary Peers, and now the integrity of the appointments system—the Government are lagging behind the House of Lords. I take the Minister back to the original Question: what do he and the Government intend to do to restore and improve the reputation of the House, which has been damaged by ongoing appointments and an increase in size?

Lord True (Con): My Lords, I disagree that appointments are damaging the reputation of the House, as keeps being put. I am grateful that all noble Lords are, as I am, jealous of the reputation of the House, but if quantity of appointments were the issue, it would have been badly damaged under a previous Administration. The noble Baroness referred also to appointments of hereditary Peers. If we are talking of statutory matters, I suggest that the House of Lords looks at the statute on this matter.

The Lord Speaker (Lord Fowler): My Lords, the time allowed for this Private Notice Question has elapsed.

Viscount Younger of Leckie (Con): No.

The Lord Speaker (Lord Fowler): I beg your pardon. I am so sorry; I just got carried away. We will continue with the noble Lord, Lord Jay.

Lord Jay of Ewelme (CB) [V]: Thank you, Lord Speaker. I declare my interest as a former chairman of HOLAC. Its advice was accepted by all Prime Ministers, from Tony Blair to Theresa May. If its advice is discarded, the system pretty quickly falls into disrepute. Does the Minister agree that the Appointments Commission should be seen as a creature of this House and that its chairman and members should be chosen by this House?

Lord True (Con): My Lords, many will reflect on the matter that the noble Lord raises, but I think it is dangerous for this House to assert the right to decide who should or should not be its own Members. That is a constitutionally strange place for an unelected House to go. I repeat that the Prime Minister said in his published letter that he gave very careful consideration to the points raised in the advice of the House of Lords Appointments Commission in the case referred to today, and weighed them against other factors. The Prime Minister will always give close attention to the commission's careful and considered advice.

Baroness Noakes (Con): My Lords, it has been asserted that public confidence in your Lordships' House has been lost because of the number of Members, but does my noble friend agree that there is no evidence for that and that therefore there is no need to change any of our arrangements, which work extremely well on an advisory basis, for the appointment of Peers to this House?

Lord True (Con): Yes, I agree with my noble friend. I believe that the reputation of the House is weighed on many factors other than this. The behaviour of Members, including those recommended by the House of Lords Appointments Commission to sit on the Cross Benches, is one of the factors that the people who watch this House consider.

Lord Davies of Gower (Con) [V]: My Lords, while I welcome the Government's approach to this and my noble friend's answers today, does he agree with me that placing the House of Lords Appointments Commission on a statutory footing might avoid the current disproportionate allocation of membership to your Lordships' House, with the potential to allow a quicker, more efficient programme of work to be achieved?

Lord True (Con): My Lords, a large number of considerations were wrapped up in that beguiling question. There is an argument that, as this House is not elected, its reputation rests on its expertise and that therefore a considerable number of Members might be desirable, as they bring their expertise here. I simply rest on the point that we should not be carried away by, sadly, a political attack on a particular individual. All noble Lords should be prepared to welcome all our new colleagues, when they come to your Lordships' House.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have now been asked. I apologise for seeking to bring proceedings to a close a little prematurely.

1.16 pm

Sitting suspended.

Arrangement of Business

Announcement

2.15 pm

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing and remind Back-Bench speakers of the advisory time of four minutes.

Domestic Abuse Bill

Second Reading

2.16 pm

Moved by Baroness Williams of Trafford

Relevant documents: 21st and 28th Reports from the Delegated Powers Committee

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, I am pleased to be moving the Bill for two reasons: first, it is at last here in your Lordships' House and, secondly, from my point of view it is not often that I bring Bills to this House that are universally welcomed. For those reasons, it is a particular pleasure to be introducing this Second Reading.

I want to dedicate everything that we will achieve through the Bill to all victims and survivors of domestic abuse; to all those courageous people who have spoken out about their experiences, whether in Parliament or outside it; and to those who do not lack courage but are still too traumatised to speak about their experience, maybe even decades after it first happened. We should be their voice. It is important that we see the Bill as a start. Other Bills will follow, but the Bill today is a great start in dealing with this most awful of crimes. I say to noble Lords, and I know they understand, that we should not let the best be the enemy of the good.

A person's home should be a place of safety and security, and a person's relationship with their partner or other family member should be based on love, mutual respect and understanding, but for some 2.3 million people a year that is not the case. Many such people have to face physical or psychological abuse on a daily basis, which can make their lives insufferable. Some pay the ultimate price: on average, two people are killed each week at the hands of their current or former partner. It is only fitting that I pay tribute to Claire Throssell, who received an MBE in the New Year's honours list for her tireless work campaigning for children experiencing domestic abuse. She lost her own two sons, Jack and Paul, who were killed by her ex-partner.

We have seen that the Covid-19 pandemic has served to exacerbate the problem as victims have been trapped in their home with their abuser. Police-recorded crime data shows that incidents of domestic abuse increased 7% in the period of April to June last year compared with the same period in 2019. These are horrendous statistics and they mask many individual personal tragedies, lives ruined and children traumatised, many of them for life. If there was ever an issue deserving of our attention and needing decisive action, this is it.

Of course, legislation alone cannot solve society's ills, but it can play an important role in driving change and empowering those who need help, and I firmly believe that is the case with this Bill. I welcome the fact that the Bill comes before your Lordships' House having already been the subject of extensive scrutiny, a point well made by the Constitution Committee in its report on the Bill. A draft Bill, published in January 2019, underwent pre-legislative scrutiny by a Joint Committee of both Houses, and I pay tribute to the significant contributions to that process by my noble friends Lady Bertin, Lord Farmer, Lady Sanderson and Lady Chisholm—they are all sitting behind me, which is great—the noble Baronesses, Lady Armstrong and Lady Burt, and the noble Lords, Lord Ponsonby and Lord Blair. As a result of that invaluable pre-legislative scrutiny and the consideration given to the Bill in the House of Commons, I hope that I present to your Lordships' House today a much-strengthened Bill.

Let me turn to the detail of the Bill. The measures in it are best described around four objectives. They are: to promote awareness, putting domestic abuse at the top of everyone's agenda; to better protect and support victims of domestic abuse and their children; to transform the response of the criminal, civil and family justice systems to domestic abuse; and to improve performance across local and national agencies.

We cannot tackle domestic abuse effectively without first having a shared understanding of the nature of domestic abuse and its impact on victims. The new, all-purpose statutory definition of domestic abuse in Part 1 is directed to this end. Historically, domestic abuse has been associated with physical or sexual violence only, but such a narrow view is to misunderstand the very nature of this type of abuse. Domestic abuse can take many forms, including threatening, controlling or coercive behaviour, economic abuse and psychological or emotional abuse.

The statutory guidance provided for in Clause 73 will, among other things, expand further on the different types of abuse and the forms they can take. This will include types of abuse which are experienced by specific communities or groups, such as migrant victims or ethnic minorities. The guidance, which we have already printed in draft, will also recognise the disproportionate impact of domestic abuse on women.

The statutory definition of domestic abuse includes a minimum age of 16 years so that we do not confuse domestic abuse and child abuse. We fully recognise, however, that children growing up in a household where one adult is abusive towards another are as much victims of domestic abuse as the person being directly abused. Children affected by domestic abuse can live with those consequences for the rest of their lives; Clause 3 expressly recognises this and will help to ensure that such children receive the support they need.

The second aim of the Bill is to better protect and support victims of domestic abuse and their children. In affording protection, civil orders can play an important role. There is already a variety of such orders, principally domestic violence protection notices and orders, occupation orders, non-molestation orders and restraining orders. The fact that there are so many of these orders can be confusing to victims, and none of them is arguably fully up to the task.

In providing for a new domestic abuse protection notice and domestic abuse protection order in Part 3, we have adopted and built upon the strongest elements of the existing orders. The domestic abuse protection notice will provide immediate protection following a domestic abuse incident, while the domestic abuse protection order—or DAPO—will provide flexible, long-term protection for victims. The DAPO is designed to provide more comprehensive protection to victims than the existing civil orders. It will be available in the criminal, civil and family courts, and will give courts the flexibility to determine which prohibitions and positive requirements are required in each case. This might include, for example, prohibiting the perpetrator from going within a specified distance of the victim's home, or conditions compelling the perpetrator to attend a perpetrator programme or requiring them to wear an electronic tag.

Breach of a DAPO will be a criminal offence subject to a maximum penalty of five years' imprisonment or a fine, or both. We want to ensure that we get these new domestic abuse protection orders right so that they work for victims, the police, the courts and others who will have to operate them. We will therefore pilot DAPOs in a small number of areas before rolling them out nationally.

It is far preferable if we can prevent abuse happening in the first place rather than having to respond after the event. One important preventive tool which already exists is the domestic violence disclosure scheme, also known as Clare's law. There are two elements to the scheme: one is the "right to ask" and the other is the "right to know". Under the right to ask, someone can ask the police to check whether a current or ex-partner has a violent or abusive past. If records show that an individual may be at risk of domestic abuse from a partner or ex-partner, the police will consider disclosing the information. The right to know enables the police proactively to make that disclosure if they receive information about the violent or abusive behaviour of a person that might impact on the safety of that person's current or ex-partner. We know that Clare's law has not always operated as effectively and consistently as it should across the country, so the Bill puts on to a statutory footing the guidance to the police underpinning the scheme to help improve its operation and thereby better protect potential victims of abuse.

Victims of domestic abuse and their children also need the right support at the right time. For those in refuges or other safe accommodation, this means having access to, for example, counselling services and advocacy support to help them access NHS services, schooling or welfare benefits. This also includes tailored support for victims with disabilities, those with more complex needs, LGBTQ+ or black and minority ethnic victims. Part 4 introduces a new duty on tier 1 local authorities in England to ensure that such support is available in their area for victims of domestic abuse and their children within safe accommodation. Noble Lords will have seen that following the spending review, the Government have committed £125 million to fund this new duty in 2021 and 2022.

Those who are forced to flee their own home as a result of domestic abuse will also benefit from Clause 71, which will require local authorities to give priority need status to all victims who are homeless and eligible for assistance. Victims will therefore no longer need to prove they are vulnerable as a result of their abuse in order to access accommodation secured by the local authority.

Where victims of domestic abuse look to the justice system for protection, including for their children, to seek civil redress or to secure justice for criminal wrongdoing, we need to ensure that the criminal, civil and family courts deliver for them. All too often, victims have found the experience of giving evidence in court traumatising and an occasion for their abuser to perpetuate the abuse all over again. To help to address this, Part 5 includes two important reforms.

First is the prohibition on cross-examination in person, which already applies in the criminal courts. This will be extended to the family and civil courts. In cases where this prohibition applies the courts will,

[BARONESS WILLIAMS OF TRAFFORD]

where necessary, be able to appoint a publicly funded advocate to conduct the prohibited cross-examination. Secondly, Part 5 streamlines the rules governing eligibility for special measures for domestic abuse victims giving evidence in the criminal, civil and family courts. Victims of domestic abuse will no longer have to demonstrate that they are vulnerable. This will give victims the option of giving their evidence, for example, from behind a screen or via a video live-link. As now, it will be for the court to determine whether to make a special measures direction in any particular case, taking into account whether such a direction would improve the quality of the victim's evidence.

In criminal proceedings relating to domestic abuse it is imperative that justice is done, with perpetrators being appropriately convicted and punished for their crimes. As this Bill was going through the House of Commons the Government listened to concerns, voiced by Harriet Harman and Mark Garnier among others, that in too many cases domestic abuse perpetrators were arguing that their victim's death was the result of consensual "rough sex gone wrong". In the case of *R v Brown*, the former Appellate Committee of this House established in 1993 the principle that consent to serious harm for sexual gratification is not a defence and that, by extension, nor would consent apply where such sexual activity resulted in the victim's death. The Bill clarifies the law by enshrining this principle in statute.

Finally, Part 2 of the Bill, providing for the office of a domestic abuse commissioner in law, will help to level up the response to domestic abuse across local and national agencies. The designate commissioner, Nicole Jacobs, is already providing very strong leadership on domestic abuse issues and acting as a powerful voice for victims. The commissioner will play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. To facilitate this work, the Bill will arm the commissioner with appropriate powers; in particular, they will have the power to publish reports and lay them before Parliament. These reports will hold local commissioners of domestic abuse services, statutory agencies and government departments to account and make recommendations on how they can improve their responses. Specified public bodies will be under a duty to co-operate with the commissioner. They and government Ministers will be required to respond to each recommendation made to them within 56 days.

Domestic abuse gives rise to some of the gravest and most challenging crimes, including coercive control, serious assaults, rape and murder. We owe it to victims and survivors to treat domestic abuse with the seriousness it deserves and to help these people rebuild their lives. Protecting and supporting victims and their children and bringing perpetrators to justice lies at the heart of our approach. The measures in the Bill are directed to these ends and I commend it to the House.

2.32 pm

Lord Rosser (Lab) [V]: There are some 2.4 million adult victims of domestic abuse, in all its many forms, a year. We are told two-thirds of these are women and one-third men. That figure does not include those

victims aged 75 and over, for whom up to now there have been no available figures. Many query the basis of those ONS figures and the extent to which they reflect reality—the reality being that it is women, who are not specifically mentioned in the Bill, including in the definition of domestic abuse, who are far and away the ones who are most disproportionately affected by such abuse. Some 92% of defendants in domestic abuse cases that come to court are men.

It is emphatically not a minor crime. For women in particular, it is a crime that often savagely ends their life. For many more, it destroys their life, and for even more, it leaves both physical and emotional scars that can last for years, if not a lifetime. What the next annual victim figure will be, we do not know, but the available evidence to date indicates that, as a result of Covid-19 restrictions on movement and more working from home, domestic abuse in its many forms has risen sharply—not least because domestic abuse also works from home.

We welcome this Bill and the much-needed opportunity it provides for real, positive and meaningful change for the prevention of domestic abuse in all its forms and the provision of support for victims. We welcome the way the Government worked during the passage of the Bill through the Commons, many months ago. A number of changes improving the Bill were secured; for example, preventing "rough sex" being used as a defence for serious harm, and providing that domestic abuse victims will automatically be eligible for special measures in family court proceedings and for the statutory definition to recognise children who see, hear or experience the effects of domestic abuse as victims of domestic abuse.

We are grateful for the briefings and meetings that have been offered and taken place with organisations and stakeholders with expertise and first-hand, front-line knowledge in this field, which have highlighted how far there is still to go. I would also like to pay tribute to the Joint Committee of MPs and Peers who carried out pre-legislative scrutiny, not least to my noble friends Lady Armstrong of Hill Top and Lord Ponsonby of Shulbrede, who served on that committee—many of its recommendations were accepted in whole or in part by the Government. On Report in the Commons, we pursued a number of issues, which we will be raising again.

The Bill puts a duty on local authorities to provide support for victims in accommodation-based services. This is a major step forward, as long as the accommodation provided is appropriate and that small, specialist providers—particularly of services for black, Asian and minority-ethnic victims—are not overlooked in favour of larger providers. However, most victims—nearly 70%—access support services in the community rather than using refuges or other accommodation-based services. To address this reality, we also need a duty on public authorities to commission specialist services in the community for victims of abuse.

It is crucial that this Bill works for children affected by abuse and keeps them safe. We strongly welcome the change agreed to in the Commons to recognise children who witness and are affected by domestic abuse between adults as victims of that abuse. However, between 2006 and 2019, at least 21 children were killed

during contact with fathers who were perpetrators of domestic abuse. We believe there should be a change to the existing legal presumption of contact for parents with their children where there is evidence of domestic abuse. We also consider that unsupervised contact should be prohibited for a parent awaiting trial or on bail for such abuse offences, or where there are ongoing criminal proceedings for domestic abuse.

In our view, the Bill does not do enough to protect migrant women who suffer abuse. They are a particularly vulnerable group, whose abusers are able to use their immigration status—or rather lack of it—to prevent such victims reporting or escaping from their abuse. There should be recourse to public funds for these victims, and safe reporting by ensuring that the data of a victim who reports abuse cannot be shared to be used for immigration control purposes, and there should also be leave to remain. The system should help women when they need help and not see some as an immigration case first and victim second.

Currently, victims of domestic abuse who are on a spousal visa and who leave their abuser are granted three months' grace in which they can apply for leave to remain in the UK and access financial support. This period of time has often proved too tight. This protection should be extended to six months' grace and cover women on all visas, not just spousal ones.

We believe there should also be a non-discrimination clause that would specify that all victims, regardless of status, must be given equal protection and support, reflecting the language of Article 4 of the Istanbul convention, which provides that women must be protected equally, regardless, for example, of immigration status, disability, sexual orientation or religion.

There are many other issues that are likely to be raised during the consideration of the Bill and I am not going to even try to refer to all those of which I am already aware. However, one issue is that the new domestic abuse orders should be extended to cover the workplace. Other key issues include making non-fatal strangulation a specific stand-alone offence instead of it being covered, as has been argued, as a summary offence under the Offences against the Person Act 1861. We have surely moved on, in both attitude and approach to this crime, since 1861. There is also a need to ensure that disabled victims are protected by the Bill in relation to abuse in care relationships.

There is a need to look further at the welcome provision in the Serious Crime Act 2015 of the offence of controlling or coercive behaviour, but which currently applies only where the victim is still in an intimate relationship with, or still living with, the perpetrator. We want to look at extending the offence so that it covers coercive control that can often drag on for years after separation—through, for example, control of shared finances. While prevention is better than cure, we are nevertheless short of a detailed national strategy for perpetrators, which, among other things, would focus on changing perpetrators' behaviour and preventing further abuse. That deficiency should be addressed.

Finally, while the Bill rightly recognises that economic abuse is a key means used by perpetrators to coerce and control victims, we also need to provide a safety net for those victims who find themselves economically

powerless and unable to afford to escape abuse. Welfare reforms over recent years, such as universal credit and the two-child limit, have restricted the financial resources that women have access to, but need, to enable them to be independent of their abuser. All future welfare policies and policy changes should be specifically impact-assessed for their effect on domestic abuse survivors.

The Bill, with the further improvements we and others want to see included, will not deliver on its objectives unless the necessary resources, financial and human, are also provided. It is no good giving extra statutory powers and additional statutory responsibilities without all the necessary resources needed to deliver, since that simply results in having to make cuts to other, often crucial, complementary services. Ensuring that the needed resources to deliver on this Bill can be fully financed is the Government's responsibility, and we will want to be satisfied that it is a responsibility the Government accept and intend to meet in full.

To deliver, we also have to make sure that we have a criminal justice system that not only protects victims but provides justice in a way in which those who are victims of domestic abuse not only can have confidence but actually do. That means a culture, across the board, of zero tolerance of domestic abuse, with a determination that offences will be fully investigated, perpetrators brought before the courts, existing and new orders fully monitored and enforced, and the required resources to do all this made available. It also means that all necessary and effective support for all victims must be provided in practice and not just in theory—in other words, a culture in future on domestic abuse that, where it cannot be prevented, results in victims knowing, and perpetrators fearing, that justice will be done.

2.41 pm

Baroness Burt of Solihull (LD) [V]: My Lords, this has been a heck of a long time coming, and so many victims, particularly during the pandemic, have suffered in the meantime—but we finally have a Bill that will soon bring some relief to many victims of domestic abuse. Late or not, it is very welcome. We acknowledge and welcome all that the Government have done so far, but any Bill can always be improved, and I am grateful to the many organisations that have contacted our team with proposals. We have listened, and we hope that the Government will continue to fine-tune this Bill to make it even better.

I am afraid I have a bit of a shopping list to include, for which I apologise in advance. On the statutory definition, we very much welcome the inclusion of “Children as victims” and the concept of “Economic abuse”. However, there is a gap in the economic abuse provision in relation to post-separation economic abuse, which is a major tool of the perpetrator to retain control and prevent a victim moving on with their life. The Government can expect to see amendments to this effect.

We would also like to see child-on-parent abuse covered within the definition—and teen-on-teen abuse, introduced by my colleague Christine Jardine in the Commons. On the domestic abuse commissioner, we would like the reporting arrangements altered so that

[BARONESS BURT OF SOLIHULL]

the commissioner reports to the whole of Parliament, which would reinforce the total independence and power that the position should command.

To tackle abuse, particularly murder, effectively, the commissioner needs to be able to gather information from all bodies that report on domestic homicide and suicide, so the Minister should expect an amendment to place a duty on all those bodies producing reports to forward them to the commissioner. On enforcement, the introduction of domestic abuse protection notices and orders is very welcome, and other members of the Lib Dem team will be making comments on this.

Part 4 talks about the local authority response. Some 70% of services to victims are provided through local authorities. However, placing a statutory duty on local authorities to provide hostel accommodation is having the perverse result of other services being robbed of resources by cash-strapped councils to fulfil this duty. The duty must extend to more council services because hostels are the last resort. We hope that pressure on hostels can be relieved by a more holistic approach to all services, with education, health—especially mental health—housing, police, social care, independent advisers and counsellors et cetera all working together. However, to do this, they need communication systems and training; there will be amendments to ensure that they can receive it. Talking of training, I particularly mention perpetrator training programmes, provision of which is very sparse and patchy, but they are our big hope for ending these cycles of abuse.

We need to do away with the postcode lottery of services, which change in nature and extent from area to area. There should be a national needs assessment so that the true picture can be seen and addressed. One of the greatest injustices is the way the system works against the victim, who loses the family home, and not the perpetrator—so there will be an amendment to transfer tenancies to victims.

On courts, the introduction of special measures is very welcome. However, we ask the Government to have a look at the evidence test where abuse has to be proved before special measures are introduced. Proof is not always readily available where there have been some forms of coercive control, for example, and there is no material evidence, but the victim has nevertheless been intimidated. Charities would like to see a statutory declaration, rather than actual proof of abuse, used to trigger special measures.

I am sure the Minister expects amendments on presumption of parental involvement in the courts, particularly when the accused perpetrator enjoys unhampered visiting rights when they are awaiting trial in domestic abuse cases—I am sure the House will not disappoint her. We also welcome the abolition of the “rough sex” defence in Part 6. Apart from miscellaneous issues such as polygraph testing, which I personally cannot see any conclusive evidence for, that covers the Bill as it stands.

However, there are areas that have not been covered; for example, ensuring that the most vulnerable and often the most abused victims—migrant women—are protected. The “no recourse to public funds” rule

means they are unable to access the support that they need, and their stark choice is between the prospect of homelessness and destitution or staying with the abuser. If we believe that all individuals, regardless of who they are, deserve to be protected, we must ensure that these victims can access material help and support—so there will be amendments to extend the domestic violence rule and the destitution domestic violence concession to all migrant victims of domestic abuse.

The issue of police sharing information on migrant domestic abuse victims is reinforcing the threat used on victims to comply with their abusers. As such, we need safe reporting mechanisms to ensure that victims can come forward to authorities without fear of the information being leaked to immigration authorities. This was a strong recommendation of the cross-party consultative committee, and I am rather disappointed that it has not found its way into the Bill already.

Somewhere in this Bill, we need to recognise a new offence: non-fatal strangulation—a shocking and horrific means of abuse, designed to terrify and achieve compliance in victims. There are few external visible signs, except when the victim is actually killed, but it causes unconsciousness and many other nasty consequences including mild brain damage, fractured larynxes and even strokes. This must be recognised as a distinct offence in its own right so that it is treated sufficiently seriously by police and prosecutions and not just prosecuted as an assault. It is far more serious than that.

Another new offence must be the threat to use intimate images as a means of control by shaming the victim into compliance. Using images is illegal, but the threat to use them as a means of abuse and control is not.

A final issue concerns the role that employers can play. The principle of a duty of care is already enshrined in law. The amendment would require larger organisations to have in place a policy or framework to provide information and practical support around employee domestic abuse victims.

Before finishing, I want to give a shout-out to all those victims who need the protection of this Bill. As well as men, who comprise around a third of victims but for whom provision is extremely thin, there are disabled people, who face inordinate additional struggles to access the tiny amount of help available, and black and ethnic-minority people, who face particular difficulties. Victims can be elderly, but we do not even collect data on anyone over 74 because the reporting mechanism, an iPad, is presumed to be too difficult for them. That is the worst kind of exclusion—not even to be counted—and it is simply not good enough. Last but absolutely not least are LGBT victims, who are poorly catered for and often poorly looked after. We must respect their circumstances and do our absolute best to make a Bill which is inclusive of all victims of domestic abuse, no matter who they are. Above everything, this Bill must be inclusive: inclusive in deed as well as in spirit.

2.51 pm

Baroness Greengross (CB) [V]: My Lords, the Domestic Abuse Bill is welcome legislation and long overdue. I want to begin by thanking the Minister, the noble Baroness, Lady Williams, for her introduction and her

interest in this Bill, which she has demonstrated over some years. The overall thrust of the Bill is positive: it strengthens support for people who have suffered from domestic abuse and helps bring the perpetrators to justice.

However, there is one area of domestic abuse which has been completely omitted from the legislation and which your Lordships' House will need to address as a matter of extreme importance and urgency. The Domestic Abuse Bill is silent on the abuse of older people. Further, when the Bill was debated in the other place in the spring of last year, the abuse of older people was not mentioned once. However, we know that many older people are at risk of becoming victims of physical, financial, sexual or psychological abuse. Many others suffer abuse due to simple neglect. It is likely that, during the Covid-19 lockdown restrictions, the abuse of older people has increased, perhaps substantially.

A study by Hourglass, formerly Action on Elder Abuse, which I was proud to establish some years ago and of which I am a patron, found that 2.7 million people aged over 65 in the UK had experienced abuse. I am sure that all noble Members will agree that this is an outrageous figure—it is not a definite number but only an estimate; it is obviously short in that respect.

World Health Organization research from 2017 found that one in six people over 60 years of age had suffered from some kind of abuse—that means 141 million people every year globally. We know that at least that number are abused, but, historically, very few statistics have been collected on this issue, with most official statistics not even including adults over the age of 74, which is an absolute disgrace.

The Metropolitan Police has expressed concern at the underreporting of abuse against older people. Further, when such abuse is reported, figures from 2017 show that only 0.7% of those cases result in prosecution. This is an appalling figure. We know that many victims of elder abuse are reluctant to report abuse because it is by family members. In cases where parents are abused by their own children, they often feel that the abuse reflects on them as parents and that, in some way, they have failed. In some cases they may have done, but that does not make any difference to the fact that we are talking about very serious abuse very often.

If there is suspected abuse of a child, a senior social worker can be given powers of entry by a magistrate to investigate. In Scotland, where I know the system is different, this power of entry applies also in cases of suspected abuse against vulnerable adults of any age. It should also be the case for adults who are at risk in England. Although the system is different, they should have at least the same legal protection as their neighbours in Scotland. We must introduce that, even though we know that the differences in our legal systems make it complex, but it can be done.

Section 76 of the Serious Crime Act 2015 covers coercive or controlling behaviours by family members who live with their victims. This must be broadened to include perpetrators who reside—

Lord Parkinson of Whitley Bay (Con): I am sorry to interrupt, but could I remind noble Lords of the four-minute advisory speaking limit?

Baroness Greengross (CB) [V]: I am stopping, my Lords.

Local authorities carry out care needs assessments for people needing care; they also do financial assessments to see what assistance people need to cover the cost of their care. When they do such assessments, there needs to be a duty to report any suspected abuse, because it is a serious failure in our system which needs urgently to be addressed.

2.57 pm

Baroness Chisholm of Owlpen (Con): My Lords, this Bill brings us transformative legislation and gives us the opportunity to transform the response to domestic abuse. It has come not a moment too soon, at a crucial time when we know that calls to the NDA Helpline are up by at least 49%. Worryingly, calls seem to have been driven by third-party reporting, showing that there is significant underreporting by actual victims. Among other charities, the NSPCC helpline has received an increased number of calls with concerns about children. It is on children that I want to concentrate today.

Children are often the hidden victims of domestic abuse, which leads to a devastating impact on their lives. We see such children presenting with mental and physical problems. They have difficulty settling into a school environment, which in many cases leads to poor educational outcomes. Once they become adults, they are more likely to enter abusive relationships. Under the Bill, young people aged 16 and over can be considered as perpetrators and can be criminalised for sexual offences. Young people who harm are often victims themselves. They need to be recognised as children and given specialist help leading to a change in their behaviour which could have a positive impact on their lives. Can my noble friend the Minister reassure me on this point?

Statutory support for all children, wherever they are living, is vital. The Bill ensures that children in safe accommodation receive statutory support but leaves the majority who live at home or in the wider community without support. It is vital that the Bill is strengthened to include community-based services, a position supported by the Domestic Abuse Commissioner.

Community-based services provide a crucial lifeline of support to survivors of domestic abuse and their children. Around 70% receive support via community-based services, which provide court support, health services, housing advice and emotional support, helplines and perpetrator programmes, as well as local agencies offering drop-in services for children, among many more vital services of help and support. I fear that excluding community-based services could lead to unintended consequences; local authorities could feel it necessary to divert funding from community-based services to accommodation-based services to ensure that they meet their duty requirements. The Bill should be amended to provide a statutory underpinning to commission community-based services.

It is my understanding that the Government want to wait for the domestic abuse commissioner to complete the mapping research for all domestic abuse services,

[BARONESS CHISHOLM OF OWLPEN]

which is indeed important, but we know that there is already evidence on demand. So I ask the Minister to consider a commitment in the legislation to, if necessary, extend powers at a later stage.

There must be a holistic approach to domestic abuse; support must be provided to all victims and survivors, including children, no matter where they live and regardless of their status. Community and accommodation-based services, along with specialist services, would ensure that there was support for prevention along with early and late intervention.

I look forward to hearing from my noble friend, and I take this opportunity to thank her and the Bill team for dealing with queries ahead of today. I know that the Bill is in formidable hands as I have worked with the Bill team, led by Charles Goldie, and I have worked with my noble friend the Minister. I know that we have ample aid with my noble friend Lord Parkinson as well, and my honourable friend in the other place, Victoria Atkins.

3.01 pm

Baroness Armstrong of Hill Top (Lab) [V]: My Lords, I welcome the opportunity for the House to consider this Bill, which we now know is even more important than we thought before. We know that it has long-lasting impact, not only on the women who are the principal victims but on their children. The rise in domestic abuse during the pandemic is, quite honestly, frightening, and goes alongside the significant rise in sexual exploitation and abuse of women more widely. This pandemic has been a crisis in more ways than one for too many women and girls.

I welcome the Minister saying that there will be future legislative opportunities, but I do hope that we can make some improvements to this Bill while we have it, because the more improvements we can make, the more women we will be able to protect. I hope that, having now learned some of the difficult lessons of escalation of abuse during the lockdowns, the Government will be open to amendments. As the Minister said, I had the privilege of being a member of the pre-legislative scrutiny Joint Committee, which made recommendations that I think the Government for accepting—but there were some that they did not include, and I hope that they will now, for example, see the importance of strengthening the powers and accountability of the domestic abuse commissioner.

I have been involved in tackling domestic abuse for much of my working life—far too long—having helped to establish one of the very first refuges in the country in the late 1970s in Sunderland. Refuges for women are an important way of helping women who have no option but to flee from home, and I welcome the Government agreeing specifically to support them through the duty on local authorities. However, it is not sufficient. If government support through this additional duty remains the only remedy, it may end up being a perverse incentive. Changing Lives offers supported housing across the north-east of England for those who are unable to access refuges. They may be women with older children, people with substance misuse problems or offending histories, men or transgender people. Ironically, the problem is not one of finding

them individual accommodation in the north-east—it is in getting money for support and the capacity to provide that support. I can tell the Minister that the demand is huge and frightening again.

There is also the challenge of supporting women who are at risk of losing custody of their children, where the main need is identified as domestic abuse. The report of the commission that I chaired, *Breaking Down the Barriers*, looked at the experiences of women who had suffered violence and abuse. The women whom we worked with identified this as one of the main barriers to people looking for help. Changing Lives runs a project in Newcastle that offers supported accommodation for women and their children, and it is primarily for women with substance misuse problems which mean that their children are subject to child protection plans. For most of those women, their addiction started after domestic abuse. Some 60% of the families leave Ridley Villas together, having been taken off the child protection register, to live their lives free from addiction and abuse. Trevi House in Plymouth is another good example. So there are examples of the Government recognising that there needs to be significant support for community interventions, not just refuges—but we need to work on that in the Bill.

The other thing that I want to raise is an issue that I shall follow up with an amendment. The women we worked with—

Lord Parkinson of Whitley Bay (Con): Sorry, the noble Baroness has already taken four minutes.

Baroness Armstrong of Hill Top (Lab) [V]: I am really sorry. Basically, if we can make sure that everyone is trained who sees a woman with domestic abuse in a service, we will do a lot to make sure that they are helped.

3.06 pm

Lord Blunkett (Lab) [V]: I am very pleased indeed to follow my noble friend Lady Armstrong and commend the work that she has done over so many years in this important field. I want to reinforce one or two of the points that she has made. To start with, I will indicate my support for the words used both by the Minister in introducing this debate and by my noble friend Lord Rosser about those who have campaigned individually or in organisations to bring about change over the years.

I also make my own appeal to the Minister to fight within government to allow amendments that are being proposed by so many noble Lords contributing today to be taken on board. The reason for that is very simple. Back in 2003, when I was Home Secretary, we introduced what became the first Domestic Violence, Crime and Victims Act. Now, 18 years later, I see just how inadequate that Act was. It will, of course, be for future generations to build on this new Bill, and the measures taken in the Serious Crime Act 2015, but the more we can get this right now, the fewer victims there will be in future. The more good we can do now, the more we will protect people now and in the future. That is my first appeal.

My second is to commend what the Minister said about Claire Throssell and her terrible loss back in 2014, which took place in what is now the Sheffield

City Region, and the work of Independent Domestic Abuse Services in Yorkshire. So many of these organisations have, over many years, campaigned to get to where we are today, and I do hope that will be reflected in a willingness from government to listen and learn. I also commend the Minister for her own campaigning inside government to get to this place today.

My noble friend Lady Armstrong mentioned what has happened during lockdown. It is timely, albeit somewhat late, that we should debate this today at the beginning of yet another lockdown, when I suspect many people will be at more risk than they were back in April, May and June. Clare's law, which was mentioned by the Minister in introducing this debate, will be strengthened, and I welcome that. The right to ask and the right to know are absolutely crucial, but so are so many of the amendments that have been mentioned already.

I heard Nicole Jacobs this morning thankfully supporting the measures that many Members will be seeking to add to the Bill as well as to strengthen existing clauses. I heard one of the victims of non-fatal strangulation spelling out clearly what that meant. It was something that I had not been aware of before the noble Baroness, Lady Newlove—a campaigner of her own and to whom I am grateful—as Victims' Commissioner drew my attention to it. It is critical to ensure that we hear the voices of children and victims, and take the necessary actions now, not later, to make the Bill as effective as possible. I hope that there will be a response by all Members of the House to ensure that that happens.

3.10 pm

The Lord Bishop of Gloucester [V]: My Lords, I am glad to contribute to this vital debate and I draw attention to my interests as president of the Nelson Trust and as Anglican Bishop to Prisons.

I note three things. First, this is a landmark piece of legislation and reflects good progress. We must ensure that the Bill is as good as it can be for the sake of those at risk of abuse, its victims and survivors. Secondly, work on the task of ending domestic abuse does not end with this legislation. Thirdly, there are issues unresolved in the Bill regarding certain vulnerable groups, some of which have been mentioned. I will highlight just a few in the time I have.

We know that many women in the criminal justice system are both offenders and victims. In many cases, offending is linked to domestic abuse and coercive control. Almost 60% of women supervised in the community or in custody who have had an assessment have experienced domestic abuse. Many believe the true figure to be higher. English criminal law in its current form does not sufficiently recognise the need to protect survivors of domestic abuse who are driven to offend, whether in self-defence or with relatively minor offences, resulting in women being caught in the revolving door of imprisonment. I therefore support the call for a new statutory defence and an amendment to the law on self-defence to be added to the Bill for those whose offending is driven by their experience of domestic abuse.

Then there is the issue that not everyone who needs to escape an abusive relationship can currently access support. This is particularly true for women with insecure

immigration status, because of course that insecurity is exploited by an abuser. Migrant women who face abuse and violence in the UK continue to have no access to the welfare safety net, including refuge spaces and support services. That could be addressed by extending eligibility under the existing domestic violence rule and the destitution domestic violence concession to all migrant women experiencing abuse, and by extending the time period for the DDVC from three to six months.

The Bill needs to ensure access to community-based services for a range of people. The obligation on local authorities to house women in refuges is part of the solution but not the whole. A range of support services for survivors from a range of backgrounds is required, including painstaking preventive work and work with children who are themselves victims from what they witness and experience in their homes, as has been mentioned. Focusing on one part of the picture but not the whole will ultimately prevent the Bill from being successful.

My penultimate point is to note the work being done across government on a strategy regarding violence against women and girls. The guidance issued under the Bill should take that important work into account to ensure consistency of approach.

Finally, I want briefly to mention faith. We know that domestic abuse is an issue across all of society, including faith communities. Getting the right legislation is an essential step but changing culture will also be required. The Bill and the accompanying statutory guidance must reflect this. I know that there are people of faith who wish to play their part in being part of the solution, and indeed are already doing so. I look forward to progressing the Bill together in this House.

3.14 pm

Baroness Morgan of Cotes (Con) [V]: My Lords, I draw attention to my interest as an adviser to Grayling, which advises a well-known online dating organisation.

My noble friend the Minister said that it is good to see this important Bill now have its Second Reading in this House. It is worth remembering that it was a government manifesto commitment in 2019 to support all victims of domestic abuse and to pass the Bill. As other noble Lords have said, the fact that the Prime Minister last night specifically mentioned victims of domestic abuse as we face another lockdown shows the prevalence of this crime. We know that lockdown has exacerbated tensions between partners and in households.

As we have heard and will no doubt hear in the rest of the debate, many important issues are under consideration in the Bill. I want, in the time available, to focus on one of those. As we know, lockdown has massively increased the use of technology, as the House of Lords Covid-19 Committee, of which I am part—as is my noble friend Lady Chisolm—has said. We are examining the increase in the use of digital technology and how it has affected all aspects of our lives. Research by the charity Refuge this time last year showed that 72% of women accessing its services said that they had been subjected to technology-facilitated abuse. It is undoubtedly one way in which a perpetrator of domestic

[BARONESS MORGAN OF COTES]

abuse can exercise coercive control and continue that abuse, even after the perpetrator and victim have separated. That can be done by sharing, or threatening to share, intimate images taken during the relationship. Sharing intimate images was criminalised in the Criminal Justice and Courts Act 2015. Threats to share have been criminalised in Scotland and I hope that noble Lords will agree that in England and Wales it is now time to criminalise threats to share intimate images.

Further research by Refuge shows that one in 14 adults—more than 4.4 million—has been a victim of such threats. For young women, that figure falls to one in seven. The Government are aware of this issue and I am grateful to the Minister for our conversation on it. They have asked the Law Commission to conduct a broader review of image-based offences and harmful online communications. However, the harm caused by the threat of sharing intimate images is happening now. It is devastating for victims' mental health and well-being, and can of course lead to both the fear of physical violence and, as Refuge's research has shown, where technology is involved, physical abuse too.

The College of Policing last year updated its guidance on revenge porn. It showed that the threat of sharing intimate images might be covered by a patchwork of various existing legislation and offences. As many victims have found, they are advised to wait until those images are shared before the police are able to take definitive action. The Bill provides an opportunity to tackle this form of abuse now. Such threats are used most often as a tool of coercion and domestic abuse, and that is why the Domestic Abuse Bill is the right place to make the change. I hope that the Government and the Minister will look favourably on an amendment to be tabled at the next stage of the Bill.

3.18 pm

Lord Paddick (LD) [V]: My Lords, we live in a patriarchal, male-dominated society where, on average, men are physically stronger and have higher incomes. On average, men are more able to physically abuse and economically dominate a relationship, but that does not mean that domestic abuse is exclusively or overwhelmingly perpetrated by men on women. Some women are physically stronger than some men. Some women are the main income earners, both in same-sex and in opposite-sex relationships. There is little evidence that men are psychologically stronger than women, stronger willed or more emotionally resilient, for example.

According to ONS data, although domestic abuse is prevalent, it is often hidden and therefore difficult to quantify. Although there is a reluctance to report all types of domestic abuse, half of male victims fail to tell anyone that they are a victim of domestic abuse, and male victims are almost three times less likely to tell anyone than female victims. Domestic abuse against men is likely to be even less visible than domestic abuse against women.

There also appears to be a reluctance on the part of victims to report same-sex domestic abuse. Male victims of domestic violence are more likely to report that the perpetrator was female than male: 61% compared with only 1%. Female victims are more likely to report that the perpetrator was male rather than female:

56% compared with 2%. But these figures need to be treated with caution. One third of male victims and 40% of female victims in these surveys stated that they did not know the sex of the perpetrator or did not wish to answer the question.

To use a personal example, I was earning eight times more than my abusive partner, but he was physically and psychologically stronger than me, enabling his coercive and controlling behaviour. I was a senior police officer at the time, but I did not tell anyone about the abuse for years, until it became physically dangerous. Even then, I did not report it to the police, despite being beaten up in the street. When I finally managed to leave, he threatened to kill me and said that he would get his revenge. Eighteen months later, he collaborated with a Sunday tabloid newspaper, making false criminal allegations and describing intimate details of our relationship in a kiss and tell story, which the newspaper eventually admitted was libellous. The threat of revenge and abuse after separation can continue for years.

Domestic abuse in all its forms can be perpetrated by both men and women on both men and women. The true picture of the levels of abuse is unclear, in part because of the pressure to conform to the traditional, socially accepted norm of male-dominated heterosexual relationships. According to ONS figures, one third of victims of domestic abuse are men, but only 4% of victims being supported by local domestic violence services are men. We must make it absolutely clear throughout this Bill, and throughout the statutory guidance, that the provisions apply equally to all victims of domestic abuse, and the services provided should be proportional to the needs of all victims, whatever their gender or sexuality. Domestic abuse is domestic abuse, whoever the perpetrator is and whoever the survivor is. Not feeling safe in your own home is one of the worst positions anyone can find themselves in. We have an opportunity here to help.

3.22 pm

Lord Young of Cookham (Con): My Lords, this Bill is an important milestone in Parliament's response to domestic abuse. I invite your Lordships to step back 46 years to 11 February 1975, at the beginning of that journey. On that date, the other place

“Ordered, ‘That a Select Committee be appointed to consider the extent, nature and causes of the problems of families where there is violence between the partners ... and to make recommendations.’”
—[*Official Report, Commons, 11/2/1975; col. 336.*]

Most of the 13 members of that committee are understandably no longer with us, but two are now safely ensconced in your Lordships' House and appeared on the Order Paper as Mrs Ann Taylor and Sir George Young.

In those days, there were no Select Committees as we now know them, taking evidence from Ministers. Our committee was technically a sub-committee of the Public Accounts Committee, and we broke fresh ground in summoning Ministers. This led our chairman, Willie Hamilton, to say:

“There was some indication of irritation by some Ministers that they had to be bothered to come before a Select Committee of proletariat Back Bench Members of Parliament. There was one occasion when a Minister—I shall not mention her name—came

before us dressed up for a social function and felt that she had to be away quickly because she had to go to some function at Lancaster House.”—[*Official Report*, Commons, 16/6/1978; col. 1408.]

More worrying was the attitude of the Home Office Minister responsible at the time. Willie Hamilton went on:

“I refer, first, to what my hon. Friend said in reply to Question No 1688: ‘I am very sceptical about whether this Committee, with all its wisdom, is going to be able to produce, after all this time, any new remedy.’”

It got worse.

“In his next answer, he said: ‘I am not sure there is anything this Committee or the Government can do about it. There is a solution; the solution is husbands ought to treat their wives better.’”

If that sounds like an old-fashioned Tory, I can tell you that it was a Labour Minister. His comment was rightly dismissed by our chairman:

“It is a pious hope that the problem will go away and leave Ministers to sleep peacefully on their portfolios.”—[*Official Report*, Commons, 16/6/1978; col. 1410.]

Paragraph 5 of our report reflected this attitude by the then Government:

“We have been disappointed and alarmed by the ignorance and apparent apathy of some Government Departments and individual Ministers towards the extent of marital violence. Hardly any worthwhile research into either causes or remedies has been financed by the Government.”

Since then, I am happy to say that all Governments have been more appreciative of the work of Select Committees, and Ministers’ comments on the issues have been more sensitively expressed, as we heard from my noble friend’s welcome introduction.

Undeterred by this lack of ministerial enthusiasm, we persevered with our task. We visited the world’s first domestic violence shelter in Chiswick, run by the formidable Erin Pizzey. We took evidence from victims and produced our report, recommending a number of new remedies and 28 recommendations—doubtless to the irritation of the then Minister. Many of them have subsequently been implemented; one, a statutory duty on local authorities to provide support, was fulfilled nearly half a century later, albeit narrowly defined.

One example of the many changes over 40 years has been the language used. Our report was entitled *Battered Wives*, as victims were referred to in those days, even though not all the victims were women, and of those who were, many were not wives. Nor did the emphasis on physical abuse do justice to the impact of coercive behaviour. The Bill before us puts that right, emphasising that domestic abuse is not just physical violence but can be emotional, coercive or controlling, and economic abuse.

In what remains of my four minutes, it is impossible to describe the real progress that has been made since that report, thanks to voluntary organisations such as Women’s Aid, which has campaigned tirelessly, and thanks to measures introduced by successive Governments. But the problem is still with us, and this Bill is a welcome progressive piece of social reform. It is capable of improvement, and I support suggestions such as those made by Crisis to improve access to housing. In the meantime, I welcome the Bill and believe that the time the noble Baroness, Lady Taylor of Bolton, and I spent back in 1975 producing our report was time well spent.

3.27 pm

Lord Alton of Liverpool (CB): My Lords, this Bill touches on many sensitive subjects and as the noble Lord, Lord Young of Cookham, has just said, the Minister displayed that sensitivity in a well-judged opening speech. I strongly echo what she had to say about the ruined lives that lie at the heart of this Bill. Legislation may not be a cure-all, but it is always indicative of how seriously we treat and take a subject.

Women are certainly the most at risk of domestic abuse, and I agree with what the noble Lord, Lord Rosser, said: that migrant women are especially vulnerable. I look forward to hearing what the Minister has to say about their plight when she comes to reply.

In advance of today’s debate, we received a great deal of thoughtful briefing material. In particular, I wonder whether the Minister has had a chance to look at the Bar Council’s material, which came yesterday, and the concerns it raises about the distorting consequences of not providing legal aid to both parties, which, *inter alia*, is related to the points that the noble Lord, Lord Paddick, brought before us a few moments ago.

Unspeaking violence directed at whatever gender is never acceptable, and the Bill rightly reflects that. As the noble Baroness, Lady Burt, reminded us, 35% of victims are men and boys. Some 75% of suicides are men, and it would be good to hear what work has been done to establish links between coercive acts, self-harm and, ultimately, suicide, which is now the biggest killer of men under the age of 45.

Many factors shape and drive unspeakable acts of violence and coercive control. I want to talk about one of them, which is related to something the noble Baroness, Lady Morgan of Cotes, said. In June 2019, the Joint Committee of both Houses of Parliament, reporting on the earlier draft domestic abuse Bill, said:

“It is clear that there is still a great deal of work to be done in changing perceptions of what is normal and acceptable behaviour ... The cost of domestic abuse to the health service is high. We believe that a campaign to raise awareness and challenge behaviour should be undertaken ... Such a campaign could be targeted particularly on online pornography sites.”

The 2018 Women and Equalities Committee inquiry in the other place concluded that there is significant research suggesting that

“there is a relationship between the consumption of pornography and sexist attitudes and sexually aggressive behaviours, including violence.”

The committee urged that:

“The Government should take a ... evidence-based approach to addressing the harms of pornography.”

Some 18 months ago the Government responded by commissioning a report that, six months back, they said would be published “soon”. I hope that the Minister will confirm that the Government will produce that report before Committee stage.

This is a pressing matter because last month the Government announced their plans for regulating online harms and dropped the bombshell that, having previously made a manifesto promise to protect children from accessing pornographic websites in the round, they would now seek to protect children only from user-generated pornography. Other commercial pornographic websites will be outside the scope of the online harms Bill.

[LORD ALTON OF LIVERPOOL]

This will fail to get to the root of this problem, and to cut off at source the root of a significant source of material that elevates the use of violence against other human beings.

Concerns about the links between domestic violence and pornography were raised when we debated the Digital Economy Bill back in 2017. Indeed, my noble and learned friend Lady Butler-Sloss was one of those who spoke in that debate—we will hear from her later—as was the noble Lord, Lord Paddick. I commend the debate to the Minister's attention. Were we to legislate in that area it would be one of the best ways to tackle and take action to challenge and curtail domestic violence, and to combat its malign effects on so many women, men and children.

3.31 pm

Baroness Bertin (Con): I once asked an experienced police officer with over 20 years of service on the front line: if he could eradicate one crime, what would it be? Without hesitation he replied “Domestic abuse”.

We have seen a shocking increase in abuse during this pandemic. It is worth repeating in this House what the Prime Minister said yesterday: if you are fleeing abuse, these restrictions do not apply to you. The only small silver lining in all this has been an increased empathy to those trapped in abusive relationships. Making effective laws is essential, but without sustained public awareness, meaningful change will take a lot longer.

It was an honour to sit on the joint scrutiny committee for this Bill. The evidence we heard will stay with me, especially when it came to a brave group of schoolchildren we spoke to in a closed session. For those children and thousands like them there is a particularly big responsibility on us in this House to get the Bill right.

The Government deserve credit for their constructive approach and commitment to this issue, and there is so much to support in this legislation. But to make it truly landmark we must still make further changes.

With the right intentions, as we have heard in prior speeches, the Government have introduced a statutory duty for local authorities to provide accommodation-based services, which I welcome. The reality, however, is that so many victims never step foot in a refuge and want to remain at home, relying on essential community-based services to recover. It is not difficult to see that over time, cash-strapped local authorities may be tempted to fulfil only their legal obligations, thus allowing other vital services to suffer. This must not be allowed to happen, and community services must be protected in the Bill in a deliverable and realistic way.

Ideally, the duty needs to be broadened to recognise that “solving” domestic abuse is about not just rehousing someone, but stopping the perpetrator continuing their abuse, and giving a full range of support to anyone affected by them. I would also like the Government to commit to a sustainable perpetrator strategy. Our approach must be about not only quality responses after abuse, but preventing it in the first place. Until we do, the cycle of abuse will go on and on.

Another area where change is needed is coercive control which, as it stands in the Serious Crime Act, does not extend to post separation. It is nonsensical to

have two different definitions of domestic abuse in two different parts of the law, one that applies to ex-partners and one that does not. Coercive control does not stop when you split up; indeed, it tends to intensify, especially if there are complicated financial arrangements to sort, as well as the immense challenges around access to children. We must use the Bill to amend the Serious Crime Act to correct this oversight.

Finally, I support the call of my noble friend Lady Newlove for non-fatal strangulation to be made a stand-alone offence. Being grabbed by your neck, not knowing whether you will live or die, is a terrible thing to endure. Thousands of people in abusive relationships regularly experience this trauma; it is a real theme of abusive relationships. Non-fatal strangulation is far more serious than common assault and is a genuine red flag to murder. It should never be trivialised or ignored. New Zealand has already introduced it as a stand-alone offence, which is beginning to make a difference in levels of charging and understanding among police, the wider justice system and medical teams. We should not miss this opportunity to follow suit.

Legislation cannot change things overnight, but it can fire the starting gun on a wholesale change of culture and attitude. Let us hope this Bill does exactly that.

3.35 pm

Baroness Lister of Burtersett (Lab) [V]: My Lords, I too welcome the Bill and pay tribute to all who have contributed to it, including organisations on the ground, whose experience and expertise must inform our debates. But these organisations are very clear that if the Bill is fully to achieve its aims, the Government have to make good its key omissions.

First, as noted already, the Bill must address the needs of migrant women, in particular those denied assistance because of the “no recourse to public funds” rule. While I applaud the Government's willingness to act on the criticisms of the draft prospectus for the support for migrant victims scheme, they should heed the consensus—including from the commissioner-designate—that we do not need additional information from a pilot. Therefore, the protection of migrant women and the non-discrimination principle, in accord with the Istanbul convention, should be written into the Bill.

Also important from the perspective of the convention is the failure to integrate the domestic abuse and VAWG strategies in recognition of domestic abuse's gendered nature, as acknowledged by the Government in their response to the Joint Committee's report. At the very least, the Bill should state explicitly that the statutory guidance must take account of the VAWG strategy. Failure to do so ignores the reality of women's experiences and threatens further to undermine specialist service provision, especially those led by and for black and minoritised women, which take an integrated approach to domestic violence and other forms of violence against women. Support for specialist services also needs strengthening and the welcome duty to assess need for accommodation-based services has to be complemented by a similar duty on community services, otherwise they will suffer, as the commissioner-designate has warned.

The inclusion of economic abuse in the definition of domestic abuse is welcome, but the failure to reform existing legislation on coercive control means that the Bill does nothing to address post-separation abuse, which all too often means that economic abuse continues or even escalates post separation, with devastating effects on survivors. In the Commons, the Minister acknowledged that this is

“a particularly potent and cruel weapon”—[*Official Report*, Commons, Domestic Abuse Bill Committee, 17/6/20; col. 392.]

but deflected an amendment with reference to a review of the coercive control legislation due to be completed by early autumn. That was in June. Nearly seven months later there is no sign of the review, despite an assurance in a Written Answer that the intention was to publish it in time to inform our debates. Can the Minister explain why it has not been published and when we can expect it? We will want to pursue this further in Committee.

I also plan to pursue aspects of social security policy, such as the joint payment of universal credit, the repayment of advances made to mitigate the impact of the five-week or more wait and the benefit cap. As many organisations and parliamentary committees have warned, such policies can facilitate and aggravate economic abuse, thereby undermining the Government’s own laudable goals. Could the Minister tell us what discussions have taken place with the DWP to ensure that social security policy supports domestic abuse policy?

Finally, I welcome the inclusion of the provision from earlier legislation, on which the noble Lord, Lord Bourne of Aberystwyth, and I worked, to protect the lifetime tenancies of domestic abuse survivors, but note the need for training of all local authority housing officials, and issues raised around joint tenancies and the Government’s homelessness amendment.

We have the opportunity to turn a good Bill, as far as it goes, into a truly great Bill. I hope we will seize it.

3.39 pm

Lord Marks of Henley-on-Thames (LD): My Lords, this Bill offers hope and help to all those who face the soul-destroying horror of domestic abuse, often for years, and are afterwards left trying to piece together the fragments of broken lives. I make just a few discrete points for further consideration.

The first concerns special measures for protecting witnesses and victims. We know that we must make giving evidence less terrifying, make proceedings more humane and help victims summon up the courage to bring cases against their abusers. The Bill provides for automatic eligibility for special measures for victims in the family and criminal courts. I agree with Refuge that we should extend this to all relevant civil cases.

Secondly, the Bill outlaws direct cross-examination of victims by their alleged abusers in many—but not necessarily all—family proceedings, and, on a discretionary basis, in civil proceedings. Little could be more traumatic for a victim than being harangued by her abuser in intimidating and humiliating language, often crude and intimate, masquerading as cross-examination. This ban should extend to all family and civil cases involving domestic abuse. However, the Bill proposes that court-appointed qualified legal representatives should conduct

cross-examinations, but without being responsible to the parties they represent, which concerns me. Cross-examination must be acceptable questioning, sensitive to the witness, which should be achievable without losing the lawyer’s responsibility to the client. We should provide legal aid to both parties, as the noble Lord, Lord Alton, said, and as the Bar Council agrees.

I share the view of my noble friend Lady Burt that polygraph testing, on the present state of technology, has no place in our criminal justice system.

Along with Nicole Jacobs, the commissioner-designate, the noble Baroness, Lady Newlove, and Dame Vera Baird, the Victims’ Commissioner, my noble friend Lady Burt and others, I favour making non-fatal strangulation a specific offence. This horrible form of violence is appallingly common and devastating in its physical and psychological effects. Yet because the injuries are difficult to prove, prosecutions, where they happen, are often for common assault, or ABH at most, demonstrably understating the severity of the violence involved.

In 2015, when we criminalised revenge porn, many of us argued, as the noble Baroness, Lady Morgan, said, that threatening to share intimate images without consent should also be an offence. We did not succeed then, but the dreadful effect on the psyche of victims, often very young, threatened with such exposure, should now persuade the Government to follow Scotland’s lead in criminalising such threats. These new offences could sit comfortably in Part 6 of the Bill, dealing with offences of violent or abusive behaviour.

Finally, we welcome categorising controlling or coercive behaviour as domestic abuse. However, confining abuse to cases where abuser and abused are personally connected, as defined, is a mistake. In March we debated coercive control in psychotherapy and cases where, through the process of transference, sometimes stimulating false memories, therapists had effectively replaced clients’ parents or families, alienating clients from them, often for years and sometimes for life. I favour broadening the definition of “personal connection” to cover this and other relevant relationships.

3.43 pm

Lord Polak (Con): My Lords, while I welcome the important step that the Government took in July, ensuring that the Bill would recognise the children of victims of domestic abuse in the statutory definition, the Government can take a further important step to break the cycle of abuse by ensuring that all children, no matter where they live, can access support to help them recover.

Yesterday I spoke to Naomi Dickson, chief executive of Jewish Women’s Aid for the last seven years, to whom I pay tribute, although it is by no means only me paying tribute to her; a few weeks ago, she was named in the BBC’s list of 100 women of 2020, a list of the most inspiring women from around the world. Yesterday, she told me how the JWA helpline was over 30% busier since Covid began, and how she had found it necessary to initiate a welfare grant scheme, with small but vital grants being given to needy mothers and children for the most basic of requirements. However, the deserving recognition on the BBC’s list is a double-edged sword. On the one hand, the public recognition

[LORD POLAK]

of someone who has dedicated her professional life to supporting Jewish women and children who sadly have experienced domestic abuse is appropriate and fitting, but on the other, Naomi receiving this deserved recognition is a stark reminder of a real and urgent problem that must be addressed and tackled.

My daughter Natasha, an art therapist, co-founded a charity, Arts Therapies for Children. The demand for its services has grown enormously since its creation in 2016. It is currently experiencing the greatest demand due to Covid, as children are struggling more than ever with their mental well-being. I have also had the privilege of being briefed by practitioners and experts, and particularly thank Claire Stewart of Barnardo's. Clearly, for the Bill to achieve its stated aim of being a ground-breaking landmark Bill, more emphasis on commissioning specialist support and services for all those affected by domestic abuse is needed. I agree with the sound and wise words of my noble friend Lady Chisholm. There are hundreds of thousands of children suffering, and while I welcome the inclusion of children within the working definition, this needs to be reflected in service provision for these victims, or the Bill will be inadequate and the opportunity to stop the cycle of abuse continuing into adulthood will be missed.

I agree with the domestic abuse commissioner, Nicole Jacobs, who told the Bill Committee in another place that what is missing from the Bill is the inclusion of community-based services in the statutory duty. If there is a statutory duty for refuge-based or accommodation-based services, local authorities will prioritise that duty, so community-based services will be curtailed or possibly cut. Community-based services will become the poor relation. People will suffer. Children will suffer; they will not be educated to know what is and is not a healthy relationship, and could become the victims or the perpetrators of the future. There is an opportunity to stop this and make a difference. I urge my noble friend the Minister, who is empathetic, to find a way of ensuring that the Bill becomes that landmark Bill and includes community-based services in the statutory duty. Children are the group most at risk from domestic abuse and should be at the very heart of this vital legislation.

3.48 pm

Baroness Butler-Sloss (CB) [V]: My Lords, I declare my interests as set out in the register. We are discussing a very good Bill, most effectively introduced by the Minister. It has excellent features—for instance, the commissioner and protection orders. I also commend Clause 50, which gives powers to the family judge under Section 8 of the Children Act 1989. I recognise that, as the Minister said, excellence can be the enemy of the good, but good Bills can none the less usefully be improved, and this is one of them.

I want to highlight several issues. As we all know, domestic abuse is found across all society and in many different situations. Those in a forced marriage often suffer domestic abuse and are clearly within the existing definitions in the Bill, but it is essential to flag up the existence of this group of victims.

The word “domestic”, however, should not be interpreted as meaning solely spouses or partners but should include the wider family and those living within a family. I am delighted to see that “personally connected” in Clause 2 includes relatives, but it should also include guardians. Other groups, too, suffer abuse in a domestic setting. A senior police officer recently reminded me of victims of modern slavery who are in domestic servitude and subject to domestic abuse by the family in which they work and with whom they live. He had come across several such cases, but they are not related to the family and do not, at the moment, come within Clause 2, although they should.

There is a particular problem for women brought from abroad to marry in this country by a ceremony of marriage that is not registered and consequently is not, in English law, lawful. Such women are in a parlous state when they flee their husband. Their immigration status is, at best, uncertain. They may not obtain the protection of a DV rule and have no recourse to public funds. This is a serious injustice.

I am delighted by Clause 3 and the inclusion of children. I remember, as a family judge, hearing the saddest stories, one of which concerned two children sitting in the living room with the TV at full blast so that they could not hear their father hitting their mother in the kitchen. There are, however, other men who live in a household and abuse the women with whom they live. Very often there are children in the family unrelated to these men, as women have multiple, successive partners. Such a situation does not appear to be covered by Clause 3, but abuse takes place to the detriment of this group of children and the clause needs to include them.

It is essential that the domestic abuse commissioner is able to act independently of government. There is a need to have refuges for men who are victims of abuse; there are not sufficient. There also need to be suitable refuges for those fleeing forced marriages, particularly those under 18. As the EHRC points out in its excellent briefing, the proposed statutory duty on local authorities to provide accommodation-based domestic abuse services is too narrow and should include community services. As, indeed, the domestic abuse commissioner has advised that a review by her is not necessary, it is important that sufficient funding is given to local authorities for these services, otherwise other important services suffer.

The Government are to be congratulated on introducing the Bill and I hope that they will be open to listening to how it can be improved.

3.52 pm

Baroness Newlove (Con) [V]: My Lords, there have been many eloquent speeches this afternoon, and I, like others in your Lordships' House, welcome the Government's introduction of this Bill. However, I am disappointed that, with so many people listed to speak on such an important Bill, the time for our speeches has been shortened and we are not allowed a second day to inform the House in more detail. That being said, the Bill will provide much-needed support for victims of domestic abuse and will, I hope, contribute to a step change in attitudes in our country that makes domestic abuse unacceptable.

As the former Victims' Commissioner, I have spent many years and hours listening to what the victims of domestic abuse have had to endure. I pay tribute to each and every one of them for letting me into something so personal and yet so horrific. I also pay tribute to the many charities and campaigning organisations that support and care for victims of domestic violence. Like many in this House, I have been approached by them, and by victims and survivors themselves, to ask for further improvements to the Bill.

There is one area on which I intend to table an amendment when the Bill moves into Committee—that is, on non-fatal strangulation or suffocation. I have discussed this issue with the current Victims' Commissioner, Dame Vera Baird, and the designate domestic abuse commissioner, Nicole Jacobs, and we are all of the view that it would be an unforgivable missed opportunity if the Bill did not address this issue.

Currently, non-fatal strangulation—I include within this suffocation—does not get picked up adequately by the police. As attacks of this kind leave few or no marks, they are seen as less serious than other violence, yet this is a terrifying crime, and many victims testify that they genuinely felt as if their head was about to explode and that they were about to die during such a violent assault.

Victims of non-fatal strangulation are seven times more likely than other domestic abuse victims to go on to be killed. I will speak in more depth in Committee, but, for the Domestic Abuse Bill to be a landmark piece of legislation, it must address the important issue of non-fatal strangulation. More than half the victims of recurrent domestic abuse experience strangulation. It is estimated that 20,000 women per year—or 55 women every day—who have been assessed as high risk and suffer physical abuse have experienced strangulation or attempted strangulation.

Statistics show how strangulation and suffocation are highly gendered crimes. This is understandable, given the need to physically overpower a victim in order to commit these offences. Strangulation and asphyxiation are the second most common method of killing in female homicides, after stabbing. A woman or girl is violently killed in this way every 10 days. We must remember that these are not just statistics; in each case, it is a daughter or maybe a sister or mother who has been killed. Whether it is a Helen, an Aisha or a Zoe, it is someone whose violent end haunts their family and friends for ever.

Creating a stand-alone offence presents a unique opportunity for the Government to turn the tide on this shockingly high number of victims. Importantly for this Bill, strangulations and suffocations, both fatal and non-fatal, are concentrated within domestic abuse. Victims who survive strangulation do not just survive and get on with their lives.

I recognise that time is against me. To make this a stand-out Bill, and to make it what it should be, we need to change the law, as the lives of many people depend on us making this change.

3.57 pm

Lord Ponsonby of Shulbrede (Lab) [V]: My Lords, I welcome the Bill and the opportunity it gives to improve the position of victims of domestic abuse, both in the community and in the family court process.

I remind the House that I sit as a criminal and family magistrate in London, and I served on the pre-legislative Joint Committee for this Bill in 2019.

I wish to make one point, which I will be pursuing at later stages of the Bill. At Report in the other place, the Government introduced Clause 64 to Part 5 of the Bill. This provides new measures to support victims of domestic abuse during court proceedings. The clause provides the court with the power to appoint a publicly funded, qualified legal representative in the interest of the party who is prohibited from cross-examining in person, and that party is usually the father. The Bill gives specific instances where cross-examination should be prohibited—that is, where there are previous convictions or cautions for domestic abuse-related offences.

The Bill goes further than this in that it allows family courts the power to prevent a party to proceedings cross-examining another party or a witness where it would either diminish the quality of the evidence given or cause significant distress for the person being cross-examined. So there is a wide discretion in the Bill for the courts to decide that the conditions are met whereby domestic abuse victims do not have to be cross-examined by the alleged perpetrator. The proposed situation would be very similar to the current one in criminal courts, where there is already a power to appoint a lawyer for the purposes of a cross-examination if it is in the interests of justice.

Obviously, I welcome this move. It is a step in the right direction, but it does not go far enough. The structure of family proceedings differs significantly from that of criminal proceedings. In criminal proceedings, the complainant and defendant will come together only once, at the trial itself, whereas in family proceedings there will be a number of hearings where both parties are in the court before the cross-examination process.

Under the Bill as currently worded, a lawyer may be appointed for a relatively small proportion of the overall legal process. This raises two principal problems: first, whether the advocate can do their job effectively if they are playing only a small part in the process; and secondly, and perhaps even more significantly, whether a litigant in person can navigate the rest of the court process. In my experience, litigants in person find it difficult to follow the instructions of the court and frequently fail to comply with all the elements of a court order. There are plenty of potential flashpoints in the whole process, not just at the cross-examination. Surely it would be better to appoint a lawyer for a larger part of the legal process, if not the whole process. I realise that this is a question of resources but, at the very least, there needs to be active monitoring to see how enhanced legal support will smooth the legal process and result in better outcomes for the children. The outcomes need, of course, to be fair and to protect victims of domestic abuse, but the primary objective of a family court is to reach the best result for the children.

[LORD PONSONBY OF SHULBREDE]

I will support my noble friend Lord Rosser in other matters that he will raise, but I broadly support the wider aspirations of the Bill and I support other noble Lords who will be speaking on this as well.

4.02 pm

Baroness Featherstone (LD) [V]: My Lords, for all five years of the coalition, I was the Government's ministerial champion for tackling violence against women and girls overseas. That was concurrent with two and a half years as Equalities Minister and Home Office Minister, and then two years as a DfID Minister. In those years at DfID, I saw a level of domestic abuse against women that was off the scale. It is hard to pick examples, but a few have stayed in my mind. A woman approached me at a refuge run by Marie Stopes in Uganda. She held her baby with two different-length stumps of arms; they had been cut off above the elbow when her husband attacked her with a machete for being late with his dinner. In Mozambique, there was a post-violence counselling support group for couples where alcohol had been involved, as it often is. Male perpetrators were invited with their abused partners. If the men did not turn up, they were invited again. If they still did not turn up, the police would escort them to the meetings. We could take a leaf out of that book. I also talked to girls on a university campus in Ethiopia who were studying to be engineers and doctors; several of them had been assaulted. They had a police presence on that site but said that, if they reported assault, they were as likely to be raped by the police as helped by them.

At DfID, I launched the biggest funding initiative in the world to tackle FGM—female genital mutilation—working with Nimco Ali, activists and campaigning groups in Africa, introducing and spearheading the government work, supported by brilliant, committed civil servants at DfID and by the British media, particularly the *Evening Standard*. I am delighted that, subsequently, the Government have continued with and raised those funds. There is no greater symbol of man's inhumanity to woman than FGM—and further inhumanity in the psychology of women who carry out the act. It was the same in each country that I visited.

I talk about foreign lands but, sadly, there is nowhere in the world where women are not oppressed, suppressed and brutalised, including here in the United Kingdom. While it may be subtler and better-hidden in this country, it is endemic and still an outrage and an absolute abomination. That power and that control over women and girls are evident here in our country, just as so many have described. Violence, coercion and control come in many forms. When I was at the Home Office, I saw a volume and depth of everyday violence and abuse, mostly against women, which was sometimes dramatic, sometimes hidden, sometimes subtle, but always shocking and unacceptable in a so-called civilised society and a first-world country. There are so many examples. I visited a school in London where girls in gangs were forced to give oral sex to a line of boys. I visited refuges where stories of cruelty and abuse abounded and where women could not move on with their lives because there was no housing to move on to.

I hugely welcome this Bill. I want the Government to adopt all the proposed amendments; I am particularly impressed by and supportive of the amendment proposed by the noble Baroness, Lady Newlove. However, I also want men to change and be changed—to end the belief that some men have in their birthright to order women's lives, punish them, damage them and control them. There are many good men out there; this is not fair on them either. There are also men who are abused by women. No one has any right to abuse anyone else. Domestic abuse goes to the heart of how we treat each other; it is about behaviour and what we accept as a society. So let us also work for prevention and, alongside this excellent Bill, have a concerted programme for early intervention and teaching from nursery upwards. Change must come.

4.06 pm

Baroness Watkins of Tavistock (CB) [V]: My Lords, I draw attention to my interests as outlined in the register. I welcome this Bill, which has a great deal to recommend it and was subject to some excellent development and changes in the other House. I particularly value the recognition of children as victims of abuse when they see, hear or experience the effects of abuse on others in the household where they live. The effects are usually long-term and severe on both the mental and physical health of young people, yet there is no mention in the Bill of a requirement to provide a whole-health model response for both children and adults experiencing domestic abuse. Can the Minister explain this apparent omission and, in particular, whether this is because such a statutory requirement would demand substantial investment and involve accountability through central government, as the Department of Health and Social Care would be responsible?

I will support any amendment brought in Committee by the noble Baroness, Lady Newlove, concerning the separate recognition of the offence of non-fatal strangulation. She outlined the terror experienced by those women, and occasionally men, who are held round their necks, often resulting in their experiencing gasping for breath, temporary blackouts due to oxygen depletion and the fear that they are about to die. Having worked in an accident and emergency unit, I have seen some of these victims, yet their perpetrators are so skilled at this kind of abuse that they leave no physical marks, such as bruising, for others to witness or to confirm that the events took place. However, 20,000 people report being abused in this manner each year and there is a sevenfold increase in the risk of death from non-fatal strangulation in comparison to other forms of domestic abuse.

Not surprisingly, the mental health challenges experienced by victims of this form of abuse are usually long-lasting and severe. I welcome the inclusion of increased support for victims enshrined in the Bill, particularly in Clause 71, which will amend the Housing Act 1996 so that victims who become homeless as a result of fleeing domestic abuse will be given priority-need status for accommodation secured by local authorities, without needing to fulfil the vulnerability test.

I recently visited a large refuge where, for example, one woman was living in two rooms with five children, waiting for further housing. Safe housing is essential

to promote well-being and rehabilitation for victims of domestic abuse and their children. Clause 72, which encourages local authorities to grant new lifetime secure tenancies to victims in certain circumstances, will promote feelings of safety and security for some of the most vulnerable victims. There is concern, however, expressed in many of the excellent briefings provided by a range of charities and stakeholders ahead of today's Second Reading, that local authorities may divert funds from community-based support services to housing if the former are not also made statutory. Will the Government consider amending the Bill to contain a duty on local authorities to provide community-based services for victims of abuse in the way so successfully outlined for housing?

4.10 pm

Baroness Eaton (Con) [V]: My Lords, I declare my interest as a vice-president of the Local Government Association. In four minutes, it is barely possible to scratch the surface of this most welcome Domestic Abuse Bill. It introduces important measures that will help raise awareness of domestic abuse, provide additional support for victims and help challenge perpetrators' behaviour. Part 4, Clauses 55 to 59, includes important provisions around victims' support and housing. The Bill proposes a new statutory duty on local authorities to deliver accommodation-based support to victims of domestic abuse. Like previous speakers, I welcome the Government's commitment to fund this type of support, as safe accommodation clearly plays a critical role in how we respond to domestic abuse.

As welcome as the money is, we should of course remember that those victims of domestic abuse benefit from a wide range of community-based programmes. Some within local government have expressed concern that a legal duty on local authorities to provide domestic abuse accommodation-based services may come at the expense of other domestic abuse initiatives, or create a perverse incentive to enter accommodation-based services if that is the main route to accessing support. Put simply, it is vital that there is a co-ordinated and comprehensive approach taken by the whole of government, through the Domestic Abuse Bill, rather than a piecemeal approach focusing on specific aspects of the response.

It is also vital that new legislation such as this Bill helps prevent domestic abuse in the first place. The Government should provide long-term investment on early intervention and prevention programmes and wider community-based support. I associate myself with what was said by the noble Lord, Lord Alton, about the need for the implementation of Part 3 of the Digital Economy Act in order to protect young people from believing that rough sex practices are acceptable. The LGA is calling for a national domestic abuse perpetrator strategy. I agree that this would be helpful, and something worth further consideration as the Bill passes through the House.

Will the Minister comment on the LSE's suggestion that current methods of predicting repeat incidents of domestic violence, which are based on form-filling systems, are failing victims, and that an active machine-learning system would improve data? We must also recognise that this legislation comes at a time when

councils are already facing unprecedented demands. The situation is particularly challenging for children's services. The spending review announcement of £125 million funding to help enable local authorities deliver the new duty to provide accommodation to domestic abuse victims is very welcome, but I would be grateful if the Minister could expand on how that figure was calculated and clarify whether it will meet the full cost of the proposed new duty.

Keeping communities safe and well is at the heart of what local councils do, and I take this opportunity to pay tribute to the crucial work councils have done throughout this pandemic to keep our communities safe. The Bill is very welcome.

4.15 pm

Lord Morrow (DUP) [V]: My Lords, I commend the Government for bringing forward this Bill and for tabling what is now Clause 65 as an amendment in the other place so that the ability of men to claim a defence of consent in situations where women have been killed or injured as a result of sexual violence will end. I am, however, very perplexed at the lack of joined-up policy-making, since the Government have not introduced the age-verification regime to protect children and young people from online pornography. This would include blocking illegal content to prevent children and young people being exposed to material that effectively normalises expectations of rough sex.

Last month, the Government set out new plans for how they will regulate access to online pornography, and I very much agree with the comment of the noble Lord, Lord Clement-Jones, that these proposals constitute

"a much watered-down proposal"—[*Official Report*, 16/12/20; col. 1711.]

than the legislation Parliament rightly sanctioned in Part 3 of the Digital Economy Act but which, inexplicably, the Government have not implemented. Unlike the legislation we have already passed, the proposals will cover only user-generated content, not all commercial pornographic websites. I cannot understand the logic of that differentiation. Savanta ComRes polled 2,049 men in Great Britain between 7 and 10 February last year for Radio 5 Live and BBC Radio Scotland. It asked the following question about rough sex:

"Thinking specifically of times you performed slapping, choking, gagging or spitting during consensual sexual activity, to what extent do you think pornography influenced your desire to do so?"

Some 57% of those questioned said it did to some extent, of whom 20% said it influenced their acting in that way "a great deal".

Last January, the British Board of Film Classification reported its findings on young people's use of pornography. It said:

"Beyond creating unrealistic expectations of sex, some young people felt pornography had actually affected their expectations of, and behaviour during, sex, particularly in the copying of 'rough' or 'forceful' sex seen in pornography."

In the light of this comment, do the Government have evidence that there is no rough sex on commercial pornographic websites? I urge the Government to adopt joined-up thinking in their approach to domestic

[LORD MORROW]

violence and the impact of pornography on children, young people and adults. Just as I did on 16 December, I again

“urge the Government to adjust their course and ensure that the protections in their online harms Bill are just as robust as those in Part 3 of the Digital Economy Act, and to implement Part 3 in the interim so that children can be protected while we wait for the online harms Act”—[*Official Report*, 16/12/20; col. 1718.]

I also find that there is a gap in the Domestic Abuse Bill. A coalition of organisations that provide support for victims has highlighted the lack of provision to support community-based services, where 70% of victims receive their support. I am thinking of SafeLives, Barnardo’s, Action for Children, the NSPCC and others which provide an excellent service in this field. I contend that more independent domestic violence and abuse advisers are urgently required. It is they who “enable people to survive when they are feeling very alone”, to quote one victim.

4.19 pm

Baroness Gale (Lab) [V]: My Lords, I am pleased that this Bill is finally before us. Although I welcome the Bill, as it stands there are gaps, which many noble Lords have mentioned today and which will become evident when we come to Committee.

The Minister said that, once this Bill becomes law, the Government will be able to ratify the Istanbul convention. Bearing in mind that the full title of the Istanbul convention is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the words “women” and “girls” do not appear in the Bill. The Istanbul convention is all about women and girls, and the majority of domestic abuse victims are women, yet there is no mention of them in the Bill. I hope this will be changed.

Is the Minister certain that this Bill will comply with the convention, as the charity Refuge says that the measures contained in it are not compliant with the Istanbul convention, which states that

“provisions of this Convention by the Parties ... measures to protect the rights of victims, shall be secured without discrimination on any ground such as ... national or social origin ... migrant or refugee status”?

As such, the Bill leaves women with insecure immigration status, including asylum-seeking women and those who are appeal-rights exhausted, without the protection required by the convention. This should be a Bill for all survivors of domestic abuse, regardless of their immigration status. All migrant survivors should be able to access financial support and other benefits, regardless of immigration status or visa type. Women with no recourse to public funds must be able to access the specialist support they need.

The Government’s report of October 2020 on progress to ratify the convention states on page 8 support for a migrant victims pilot scheme that

“will help to obtain the evidence needed to develop sustainable solutions for all migrant victims of domestic abuse over the longer-term.”

However, it also records that Articles 4 and 59 are under review. This is crucial to the ratification of the convention, so does the Minister know when the review will be complete?

I trust that the Minister will take the opportunity to ensure that this Bill will give full compliance to the convention, to provide greater protection for women with insecure immigration status, including asylum-seeking women. Organisations working with migrant survivors of domestic abuse have shown for many years how the current system excludes these women from life-saving services and how its interaction with immigration enforcement inevitably leads to survivors avoiding asking for support.

The Domestic Abuse Bill is an historic opportunity to ensure that Britain’s domestic abuse services are available to all survivors. Without these changes, migrant survivors will continue to suffer violence and abuse without being able to access support. The Government should recognise this and ensure that all survivors are treated equally. Only then will the UK be able to ratify the Istanbul convention. So will the Minister do all she can to ensure that the United Kingdom complies with the convention in order for it to be ratified?

4.23 pm

Lord Dholakia (LD): My Lords, I welcome any legislation which is designed to increase awareness of domestic abuse and provides strengthened support for victims with an effective justice system. The problem is more acute now, during the lockdown, as demonstrated by repeated Questions in your Lordships’ House—and we must add to this the online-facilitated child sexual abuse and exploitation that is an ugly feature of life in our society.

The problem is further supplemented by the recent disclosure about crime statistics in our police forces. I will quote some figures. We were shocked to hear that in the past 12-month period reviewed by inspectors, the Manchester police force had recorded 77.7% of reported crimes, a drop of 11.3% from 2018. The report further stated that about one in five of all crimes and one in four violent crimes were not recorded. In real terms, England’s largest force failed to record 80,000 crimes in a year. This must be shocking.

Public confidence is shaped by the quality of service we provide in our community. This is a matter of serious concern. If there is a gross non-recording of crime in one police force, what is happening in the other forces? Will the Minister investigate practices in the remaining forces around the underreporting of crimes? How can we put any faith in crime statistics when we are told that crime is down?

One idea behind setting up the Crown Prosecution Service was to determine whether it was in the public interest to prosecute. Was the CPS brought into discussions or was this a unilateral action by the police not to record? We have repeatedly commented on the low levels of prosecution for crimes such as rape and violence; it is obvious that such cases never reached the stage where courts could determine innocence or guilt. We are aware that the chief constable has stepped down, but we must question the role of police and crime commissioners. Surely, they must have taken their eyes off this unacceptable practice. We must accept that victims of violence have often missed counselling and support services because their complaint was not recorded. How can we put any faith in British crime statistics if this is how matters are being dealt with?

My plea at this stage is to recognise that domestic violence is often perpetrated in communities with different cultural practices. Britain is a multicultural, multiracial and multireligious society. We took some time to recognise that Covid has impacted rather harshly on our BAME communities. We need to ensure that local authorities and other agencies are aware of specific and special issues affecting some members of our communities.

I am aware of the impact of alcohol and gambling on some families, which is a root cause of violence against family members. Very few such problems are reflected publicly and individuals suffer in silence.

There is also the question of marriages which lack legal status in this country. Authorities must be aware of the need for public education in such matters. This is vital. Let us hope that probation and social services are adequately staffed and trained to recognise such practices in our communities.

4.27 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Dholakia, who made some excellent points, not least in referring to the accentuated nature of the problems during the pandemic. I thank my noble friend Lady Williams, who I know is very committed and dedicated to this legislation, which augurs well for making even more improvements to it as it goes through your Lordships' House.

We have been contacted, as has been mentioned, by many organisations during the passage of this legislation and before Second Reading. That is an indication of its importance and shows what an exciting but humbling opportunity we have to improve it. It is already a good Bill, but there is an opportunity, as other noble Lords have mentioned, to make it a great Act as it passes into law.

I thank those organisations, as well as the domestic abuse commissioner designate, Nicole Jacobs, Dame Vera Baird and my noble friend Lady Newlove, for the work they have been doing on this legislation. There is a compelling need for us to adopt a thoroughgoing review of the law, which will of necessity take us into many areas—housing, welfare, the courts system, the workplace and criminal law, to name but some.

I am pleased that we have a broad definition of domestic abuse. I am also pleased that children are provided for; that is crucial. Only one in five domestic abuse victims report it. We need effective mechanisms to help them to report. We also need additional resources; currently, there are not enough refuge spaces. As has been mentioned, we also need to provide for many special areas, such as black, Asian and minority-ethnic communities, deaf, disabled and blind communities, migrant women—certainly—LGBT survivors and older victims. We should recognise the gendered nature of domestic abuse, as has been mentioned. We also need to recognise that there are many male victims; they must also be provided for in this system.

I want briefly to touch on two points to indicate my view of their importance. The first is the significance of the workplace. The nature of economic abuse means that, often, an abusing partner will seek to cause a victim the loss of a job or livelihood. We need to look at the possibility of leave from work for victims of

domestic abuse, as provided for in New Zealand and some Canadian provinces, for example. I would be interested in my noble friend's views on that.

I also associate myself entirely with comments made across the House about the experience of other countries and the importance of providing for a crime of non-fatal strangulation. This is something that we should certainly be looking at and acting on. It is a proven risk indicator of serious abuse; we have an opportunity to start to put that right. Thirty-seven US states have specific laws on it, as do some states in Australia and as does New Zealand. We should do similarly.

4.31 pm

Lord Woolley of Woodford (CB) [V]: My Lords, I start by congratulating the Government on the progress that has been made with this Bill. I am honoured to follow my friend, the noble Lord, Lord Bourne, in the debate. I also want to state my support for the amendment proposed by the noble Baroness, Lady Newlove, which would introduce a specific offence of non-fatal strangulation and suffocation. I will come back to that amendment and its merits later.

First, I want to pay tribute to the strength of victims and survivors of domestic abuse in dealing with such adversity. I thank all the civil society groups and organisations that provide support for such victims. We should all be thankful for and grateful to the people providing this support, especially during the current Covid health crisis.

I thank my friend, the noble Baroness, Lady Newlove, for her work. I want to repeat a passage from her speech that sums up the importance of this Bill and the amendment that she intends to table. She said:

“We must remember that these are not just statistics; in each case, it is a daughter or maybe a sister or mother who has been killed. Whether it is a Helen, an Aisha or a Zoe, it is someone whose violent end haunts their family and friends for ever.”

I want to speak about a worrying omission in the Bill, which some noble Lords have already mentioned. The Domestic Abuse Bill seeks to leave no woman behind. That is laudable but, unless the Government listen to and engage with groups such as the Southall Black Sisters, it will leave some women behind. At worst, it will leave behind some of the most vulnerable women in the country. The women I am talking about are migrant women, who, as we all know, are least likely to call for help for a variety of obvious reasons, including the lack of recourse to public funds. In effect, these vulnerable women remain trapped in domestic abuse, unable to avail themselves of any protection contained in this Bill. I implore the Minister to engage in a meaningful discussion with Southall Black Sisters and other groups that are working on this issue as a matter of urgency. I hope that the Government will engage with us on this issue to ensure that all women are protected and covered by this important, much-needed Bill. I remind and plead with the Government that it is not too late.

On the amendment proposed by the noble Baroness, Lady Newlove, I join noble Lords in strongly supporting the need to create a new offence of non-fatal strangulation and suffocation. We need to listen to domestic abuse support workers up and down the country who, day after day, help victims who have had to endure this

[LORD WOOLLEY OF WOODFORD]
 life-threatening, terrifying ordeal at home by a person they once loved. Strangulation leaves few, if any, marks—much fewer if you are black—yet the psychological marks that we do not readily see can be profound for victims. When a victim loses consciousness, which happens quickly after 10 or 15 seconds, the lack of oxygen to the brain can result in neurological problems such as memory loss and an increased risk of miscarriage and stroke.

It should concern us all that non-fatal strangulation so often goes unreported. A recent informal survey of domestic abuse survivors suggested that 60% of non-fatal strangulations are not reported to the police. Introducing a specific offence would highlight this issue and encourage more victims to come forward and get the help that they need. That is why I support the amendment proposed by the noble Baroness, Lady Newlove.

4.35 pm

Baroness Stroud (Con) [V]: My Lords, I add my support for this Bill and the fulfilment of our manifesto pledge to support all victims of domestic abuse.

The Bill takes us forward in a number of significant ways, but I want to probe a little to see whether even more progress might be possible. The Government are to be congratulated that Clause 1 provides the first ever statutory definition of domestic abuse in England. Although long overdue, this is a crucial step in tackling domestic abuse, increasing awareness across our public services and facilitating better identification of and support for victims.

Clause 3 is a further step forward. It recognises that children are equally victims of domestic abuse, not just witnesses. This is crucial for their care and for breaking the cycle of domestic abuse.

There are three ways in which the Bill could be strengthened further. First, I suggest that the definition could be strengthened yet further by recognising the unborn and babies as well. Exposure to domestic abuse in the first 1,001 days of life—from conception to the age of two—is associated with adverse outcomes including poor mental and physical health, lower academic achievement and impaired social development. We also know that a mother's emotional state can have a direct influence on foetal development by altering the environment in the womb. Here, I highlight the work of the For Baby's Sake pilot, which recognises that pregnancy and birth are the perfect time to intervene and provide support for parents as this is when motivation to be a good parent and resolve potential issues is at its highest.

Secondly, through the appointment of the Domestic Abuse Commissioner—as set out in Part 2—we have the opportunity to strengthen the relational landscape for our next generation of children, with marriages and committed relationships becoming the centrepiece of educational and health programmes. The need for this Bill stems from the failure of relationships; the obvious solution to breaking the cycle of domestic abuse is the creation of strong, supported families.

We also know that marriage operates as an important protective factor against domestic abuse. According to the ONS, there is a far greater prevalence of domestic

abuse in cohabiting couples compared to married and civil-partnered relationships and, in the year ending March 2019, three times as many cohabiting women had been a victim of domestic abuse in the past year compared to married and civil-partnered women. As the gap between those born to married parents and those born to parents in cohabiting or single-parent families grows, we need an honest public policy debate about how we can best equip the next generation with the skills to build strong, healthy and lasting relationships. Through the appointment of the Domestic Abuse Commissioner, we have an opportunity to strengthen significantly the relational landscape for our next generation of children. Marriage and committed relationships should be the centrepiece of educational and health programmes.

Thirdly, we need to ensure the provision of nationwide, whole-family, trauma-informed support, accompanied by a programme for perpetrators that is designed to change behaviour, rebuild relationships and keep families safe. Interventions need to start as early as possible. As UNICEF highlighted:

“The single best predictor of children becoming either perpetrators or victims of domestic violence later in life is whether or not they grow up in a home where there is domestic violence.”

Furthermore, less than 1% of perpetrators ever receive rehabilitation and the average perpetrator will have up to six partners and victims.

People could be looking to the successful approach of Barnardo's Opening Closed Doors project in Wales. Barnardo's whole-family approach allows both parent and child victims to receive trauma-informed support, while the perpetrators of domestic abuse access a programme designed to change behaviour, rebuild relationships and keep families safe. Without proper intervention and rehabilitation, we will never break the domestic abuse cycle.

Viscount Younger of Leckie (Con): Is the noble Baroness about to conclude her remarks?

Baroness Stroud (Con) [V]: If the Bill is to be about anything, it needs to be about breaking the cycle of violence. I congratulate the Government on the Bill and look forward to contributing in Committee to ensure that we support all victims of domestic abuse.

4.41 pm

Baroness Crawley (Lab) [V]: My Lords, I welcome the work of the Minister in campaigning against domestic violence. While it is understandable that the Government have been distracted this last year, it is unfortunate that the Bill, with its transformative potential and which is welcomed across the House, has been delayed so badly.

If ever there was a time when abuse victims needed strengthened statutory protection, it is in this unprecedented year of Covid. Lockdowns have been a green light to perpetrators to torment and manipulate those close to them. The National Domestic Abuse Helpline saw a 66% increase in calls and online requests for help from March to May 2020. We are now in another lockdown.

The Bill comes to us strengthened from the Commons, in government clauses relating to the effect on children, special measures in family and civil proceedings, cross-

examining a witness in person and many other issues. The new role of domestic abuse commissioner for Nicole Jacobs must also be warmly welcomed, and the work of the Joint Committee in 2019 welcomed and acknowledged. However, as noble Lords have said, now is our opportunity to play our part in the Bill, and there are many areas where it needs further fortification.

Having listened to victims themselves and many charities working with victims and perpetrators, outstanding issues for the Bill include the urgent protection of victims who have no access to public funds under our immigration law. Could the Minister update us on the support for migrant victims pilot scheme and its conclusions?

Action is also needed for a new duty on public bodies to deliver community-based support and for public authorities to provide training to support victims. I will support the noble Baroness, Lady Armstrong, in that amendment.

There are also questions of economic and post-separation abuse, the present structure of universal credit access, workplace protection and the Government's workplace review, as well as the gendered nature of domestic abuse. Charities are calling for an end to the threat of sharing intimate images, as we have heard so strongly from noble Lords. For the creation of a stand-alone offence of non-fatal strangulation or suffocation, I will be supporting the noble Baroness, Lady Newlove. Specialist funding needs to be substantially increased and the all-important prevention work with perpetrators needs to be acknowledged in the Bill.

This Bill, defining domestic abuse in law for the first time as it does, is a demonstrably great step forward for abused women and children. We have the opportunity and means, in this House, to turn that step into a deterministic leap forward. My noble friend Lord Rosser is right: there has been a whiff of the 19th century and a make-do-and-mend culture around our official response to domestic abuse, so we must make our response financially cutting edge and 21st century-compliant to defeat it.

4.45 pm

Baroness Hussein-Ece (LD) [V]: My Lords, I welcome the Bill, with much in it that will transform services for women and their children, as well as men, who are affected by all aspects of domestic abuse. I focus my remarks on community-based services and support for families, and ensuring that they are widely available. This is a once-in-a-generation opportunity to ensure that the Bill comprehensively supports victims and their families.

I share the concerns of many noble Lords who have spoken before that the statutory duty on local authorities in Part 4 takes a narrow approach, focusing simply on accommodation-based services. I have direct experience of community-based organisations that provide support for women from black, Asian and minority ethnic backgrounds, having set up a domestic violence project called IMECE, which provides support and a lifeline to thousands of women across London. This was set up by women in the Turkish community in the 1980s. It was a grass-roots movement following the murder of a young woman on the streets of Hackney by her

estranged husband. She had repeatedly tried to leave him and he had been released by the police, after attacking her one night.

The organisation as we know it now continues to go from strength to strength. In the period between 2018 and 2019, it worked with 3,500 service users and responded to over 1,400 telephone inquiries on a range of issues from women seeking advice and information. The ethos of this organisation, as of many others that have been mentioned, such as Southall Black Sisters, is to empower women, so that they become part of the movement as well as service users and not just passive recipients of services.

Despite evidence showing the distinct needs of BAME survivors of domestic abuse, research shows that BAME women are underserved by the criminal justice system and other safeguarding agencies, and rely on these community support services. It is also widely recognised that domestic abuse is often a root cause of female criminality. This is more acute for the BAME population, according to the Prison Reform Trust. A shocking statistic is that 57% of women in prison report that they have been victims of domestic violence themselves.

There is further strong evidence that providing access to community-based services with a focus on supporting women victims to stay safely in their own homes can be the right thing to do practically. Women from BAME backgrounds face additional discrimination because of the stigma attached to reporting their partner or family member to the police or authorities. They often face being ostracised or even further violence, being left isolated with no family support. Ensuring the provision of adequate community services would support these women, who are marginalised and often have nowhere else to turn. It is important that more women and their children stay connected to their homes and support networks.

It cannot be right that the only approach is to expect women and their children to flee their homes, jobs, schools and possessions to live behind locked doors in institutional accommodation. The Government should ensure that survivors can stay in their homes safely and achieve housing stability, rather than becoming homeless and bearing the financial and emotional burden of starting again, while the perpetrators often remain in the family home, consequence-free.

I also support the amendments that have been mentioned. We all want the Bill to act as an agent of change to influence and challenge norms and statistics, where two women a week are killed by partners or ex-partners.

4.50 pm

Baroness Sanderson of Welton (Con): My Lords, I, too, welcome this Bill. As others have said, the pandemic has highlighted the urgent need for this legislation. But while the reality of lockdown has brought new focus to this issue, domestic abuse has been an all too common part of life for as long as we can remember, as my noble friend Lord Young so eloquently outlined.

We all know the figures. One in four women will experience domestic abuse in her lifetime. According to Stonewall, almost half of all gay and bisexual men have experienced at least one incident of domestic

[BARONESS SANDERSON OF WELTON]

abuse since the age of 16. By that reckoning, there is a good chance that every one of us in this Chamber will know someone who has been affected by domestic abuse. Like the noble Lord, Lord Paddick, they might not have felt able to say so—to come forward, even to family or friends—but on any given day, there are millions of people suffering the kind of abuse that it is difficult to comprehend still exists in our society.

This Bill will go a long way towards addressing this problem, and I pay tribute to the former Prime Minister, Theresa May, for her determination to introduce this legislation. It was hailed then as a landmark moment. I agree, and I firmly believe that we should not lose sight of the progress the Bill makes, but it is also fair to say that there are areas in which improvements could be made.

First, when the Bill placed a statutory duty on local authorities to provide accommodation-based services, it was done with absolutely the right intentions. However, I understand the concerns of many that the unintended consequence may be a two-tier system in which the importance of community-based services could be diminished. I know that the Government are aware of the problem and are waiting for the mapping of services by the brilliant designate commissioner, Nicole Jacobs, but can my noble friend say whether they are looking at other possible ways of ensuring that community-based services are not inadvertently threatened by the new duty?

Secondly, I mention the offence of coercive and controlling behaviour. We now know that coercive control often continues, or even begins, post-separation, particularly in relation to economic abuse, which is one of the ground-breaking elements of this Bill. It seems contradictory, on the one hand, to be at the forefront of recognising economic abuse as a serious problem and, on the other, failing to address it by refusing to make the necessary change in law to include post-separation abuse.

Finally, I mention the threat to share intimate images online. Yes, the Law Commission is conducting a review, and as a potential online harm there is a future vehicle for this change. However, it is important to recognise the environment in which these threats are taking place. It is clearly a form of coercive control, so should it not be a part of this Bill? It cannot be right that when a victim reports it to the police, they are often told to come back if the photo or video is shared, as only then is it a criminal offence. Only then, of course, it is too late.

4.53 pm

The Earl of Lytton (CB) [V]: My Lords, I declare my vice-presidency of the LGA. I very much welcome this Bill. It brings forward much needed improvements to legislation and highlights the coercive and controlling behaviour, oppression and violence that form the all-too-familiar pathway of domestic abuse, sometimes leading to homicide. I particularly welcome that it will better identify perpetrators.

Victim non-reporting apart, I share the concern of the noble Lord, Lord Dholakia, that too many instances of crimes, particularly domestic abuse, are either misrecorded or, as in the recent instance of the Greater

Manchester Police, not recorded at all. Failure to keep accurate crime records has been a constant criticism over many years, and expert Dr Rodger Patrick, in past evidence to parliamentary committees, considers this to be endemic. Successive reports of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services have in successive reports highlight this problem. In violent domestic abuse cases, tragic deaths, such as that of Jacqueline Oakes, are the result. UNISON cites other cases in its briefing.

My point is that proper ownership and responsibility for such cases is now needed. We should expect better, and it requires the collaboration of everyone involved, because accurate, shared and appropriately protected information is essential, and fundamental to early detection, intervention and protection of the vulnerable. Will the new commissioner have adequate powers to realign end-to-end processing of domestic abuse cases?

I appreciate that domestic abuse cases are extremely demanding of manpower, resources and specialist expertise, such as in psychology. I have no doubt that they involve some of the most secretive and convoluted aspects of human relationships. I am particularly indebted to Mrs Katy Bourne, the Sussex police and crime commissioner, for briefing me, and I pay tribute to her pioneering work and positive approach in dealing with stalking and creating perpetrator programmes. I understand the point that one perpetrator may give rise to numerous victims, so I agree with the noble Baroness, Lady Burt, that perpetrator programmes are a vital area of investment and should be expanded. Domestic homicide reviews also suggest that better inter-agency collaboration is needed, which evidently is not the case in all areas. We should certainly encourage more local initiatives.

Relationship education in schools on what constitutes normal, healthy behaviour seems to me hugely beneficial in reducing adverse child experiences. Domestic abuse needs to be more visible, with better early-warning triggers. Calls for more resources are numerous and expected, but if we do not manage these resources effectively and imaginatively, then, despite the Bill, we may simply respond to the symptoms when violence is already evident, acting in haste, with snap decisions made about perpetrator and victim on a victim-first basis, but which in other circumstances might warrant a more nuanced approach. The basic malaise will therefore likely persist, if we are not careful. The Magistrates' Association is concerned at the imposition of prevention orders with criminal consequences, possibly without either evidence or finding of guilt. I ask the Minister to comment on that.

Academic reviews show that coercive and controlling behaviour, while currently understood to be prevalent among men, especially in domestic abuse in its violent forms, is not the sole preserve of any particular gender, race, creed or economic classification. Understanding a perpetrator's psychological make-up and the domestic abuse triggers clearly requires great skill, and I worry about hasty fixes and gender assumptions in such circumstances. I note comments that the Bill should be amended to include an offence of non-fatal strangulation, and I look forward to hearing further about that with interest.

To conclude, alongside the Bill, we must make best and most intelligent use of what we currently have and know. I, too, welcome the LSE's data technology suggestion. As to accurate identification and recording of domestic abuse, perhaps we should measure future performance by reference to criteria that are not reduced to the art and presentation of annual crime statistics. The Bill can be improved, but I very much welcome it.

4.57 pm

Lord Farmer (Con) [V]: My Lords, I have often spoken in this House about the need for a more comprehensive and nuanced approach to domestic violence that is evidence-led, responds as effectively as possible to this issue and, particularly, emphasises prevention.

In this vein, I welcome the non-gendered definition in the Bill. For every three victims of partner or domestic abuse, two will be female and one male, and male victims are nearly three times as likely as women not to tell anyone about partner abuse that they are enduring. Fewer men than women tell the police, a person in an official position or a health professional. However, I am concerned that the definition is so wide that almost any interpersonal behaviour could fall into the category of abuse. Moreover, Clause 1 includes phrases such as

“Behaviour is ‘abusive’ if it consists of ... physical or sexual abuse”,

which is not exactly definitional.

As time is very short, I will now focus on what is absent from the Bill. Any abuse is completely unacceptable, and responsibility always lies with the perpetrator, but policy discussions in the United Kingdom seem to treat all abuse as stemming from a power dynamic within couples where one partner, typically a man, seeks to control the other. Other jurisdictions, such as the United States, accept international research emphasising that, while male domination and coercive control are important elements of intimate couple terrorism, this occurs in only 2% to 4% of heterosexual couples.

Situational violence has a different underlying motivation and typically arises in tense circumstances which generate arguments and escalate to verbal aggression and, ultimately, physical violence by one or both partners. Far more prevalent, occurring in 12% to 14% of heterosexual couples, such badly managed conflict requires a different preventive approach and solutions.

The Bill lacks a comprehensive prevention and perpetrator strategy which works with whole families to help ensure that the needs of victims, children and perpetrators are met and abuse is not repeated in the next generation. Family hubs have a central role to play here, and I refer noble Lords to my entry in the register of interests. To ensure perpetrators engage properly with effective programmes, this should include social marketing. Hull City Council successfully highlighted the perfidy of domestic abuse without alienating men or perpetrators by disseminating key messages, such as “Real men don’t hit women”, through the innovative use of technology and social media. This profoundly challenges abusive behaviour rooted in subcultural relational norms, particularly male dominance.

Despite its welcome recognition that children living in contexts of domestic abuse are also victims, I agree with others that the Bill should specify that this includes babies and unborn babies, who suffer significant trauma while still in the womb, to ensure that their needs can be properly met. I also agree that the threat to disclose private sexual photographs or films, a particularly pernicious form of control within intimate relationships, should be criminalised through this Bill.

Finally, the clear responsibilities regarding refuges in the Bill contrast starkly with the lack of focus on the bulk need, which is—as many noble Lords have mentioned—for community-based services, including those which prevent abuse. These would save manifold families from long-lasting injury and mental pain, and myriad costs to the public purse.

5.02 pm

Baroness Donaghy (Lab) [V]: The noble Lord, Lord Young of Cookham, mentioned that, nearly 50 years ago, the first women’s refuge was opened in Chiswick. I lived there, and I remember it well: it hit the headlines, and not all that many were positive. I had hoped that things would improve—at least it is not called “wife battering” any more—but if you took the sum total of human misery caused by domestic violence and turned it into an energy source, it would hold back oceans.

In my brief time I will focus on domestic violence as a workplace issue, local authority funding and the need for a co-ordinated, community-based response. As a former president of the TUC, I recognise that domestic violence can spill over into the workplace, and my former union, UNISON, is asking the Government to extend the remit of domestic abuse protection orders to include workplaces on the face of the Bill. Under the current wording, emphasis is placed on restrictions to the victim’s accommodation, and the Government have said that they would expect a DAPO to include such restrictions if the court considered it necessary. This is not strong enough.

UNISON welcomes the government review into support in the workplace for survivors of domestic abuse. It is calling for guidance to employers, including on paid leave, so that victims will have the time and space to sort out their lives, whether it is to receive medical treatment, find safe accommodation, or attend court or police dates. What progress have the Government made with their review? Will they extend domestic abuse protection orders explicitly to include the workplace on the face of the Bill?

While the Local Government Association has welcomed the Bill, it is concerned about co-ordination, adequate funding and sustainability. The spending review has already been mentioned. It announced £125 million of funding to help local authorities to deliver the proposed new duty to support domestic abuse victims and their children in safe accommodation. Some experts have estimated that the cost would be nearer £400 million. How has this figure been calculated and will it meet the full costs of the new proposed duties? In addition, transitional funding is needed to provide for existing support services due to close at the end of the financial year.

[BARONESS DONAGHY]

We need a cross-government response, including health, housing and education, and an equal focus on funding for prevention and wider community-based support. The LGA is not the only organisation which is concerned that the emphasis on local authorities finding accommodation will distort the overall strategy. The list of all the organisations is too long to mention, but it includes the domestic abuse commissioner herself, and they are all calling for an amendment to the Bill which would widen the new statutory duty for accommodation-based services to cover community-based services as well. I hope that the Government will consider sympathetically that addition and accept an amendment to the Bill.

5.06 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, I congratulate everybody who has brought the Bill to this point: first, of course, the cross-party efforts; secondly, the Government for actually listening and acting; and, thirdly, the amazing campaigners, mostly from the women's sector, who have rallied around the Bill and sent us the most superb briefings. It is obvious from listening to the debate today that many noble Lords have taken those briefings very seriously and are bringing up the issues that were in them.

I was struck by the Minister's very powerful opening speech, and thought that the Labour Front-Bench response from the noble Lord, Lord Rosser, was also very powerful. Quite honestly, we are at a point now where this is a good Bill, but we can still improve it. I would like to outline a few of the things which I think would definitely improve it.

First, we must ensure that community services are supported, so that survivors of abuse can remain in their homes and communities—many noble Lords have mentioned this. Refuges are only part of the story, and it is manifestly unfair that survivors are driven out of their homes, and children out of their schools, while the perpetrator stays in the family home. This probably needs some work.

We have to introduce the new offence of unlawful strangulation as an either-way offence to recognise the particular harm and risk posed by offenders who strangle another person. Common assault is insufficient to deter and punish this behaviour, which often does not leave any visible harm—and I will of course be voting for the amendment in the name of the noble Baroness, Lady Newlove, when that comes up.

We have to reverse the legal aid cuts so that non-means-tested legal aid is available for all domestic abuse cases, so that survivors can obtain justice in the civil, criminal and family courts.

We must introduce reporting restrictions in domestic abuse cases similar to those in place for sexual offences, so that survivors are not exposed to further harm by having intimate details published. Section 49 of the Youth Justice and Criminal Evidence Act 1999 is just not sufficient here.

We must implement and fund specialist training for all police forces and other agencies to properly understand domestic abuse and to overcome their own inherent views, behaviours and biases on the issue. At the moment,

police forces can pay for their own training, but the Government should encourage this and it should be part of basic training. I spoke about such training to a police officer who I have worked with extensively, Detective Chief Superintendent Andy Cox, who is now in Lincolnshire police force. SafeLives provides this training, and he has immediately actioned it so that Lincolnshire Police will have that training.

We must also end the presumption of contact in family law, which can result in children being forced to have contact with an abusive parent. I also thought that the noble Baroness, Lady Greengross, was right in saying that the elderly also suffer this sort of abuse. If she decides to table an amendment, I will vote for it.

It strikes me that, as the noble Baroness, Lady Lister of Burtsett, said, this is a good Bill, but it can be a great one if we amend it. The Government must listen and accept that, although there will be later opportunities to improve the Bill, improving it now will be the quickest, safest and most effective way of ending this toxic behaviour.

5.10 pm

Lord Strasburger (LD) [V]: My Lords, given this Government's abysmal performance in much of what they touch, particularly their dithering response to the pandemic and their anti-democratic treatment of Parliament, this admirable and urgently-needed Bill comes as a pleasant surprise, and I welcome it wholeheartedly. Even more encouraging are reports from the other place that the Government engaged constructively on the Bill during its passage there and accepted many amendments to improve it. I hope we will see more of that attitude from the Government during the Bill's passage through this House because there are many gaps that need to be filled to make it into an excellent Bill.

Most attention will rightly be focused on protecting and supporting the victims of domestic abuse and their children, but the vast majority of perpetrators of domestic abuse are men, particularly so for the more serious crimes, so I feel a duty, as a man, to do something to tackle the problem at source through a national perpetrator strategy to prevent repeat offending and even perhaps head off the initial crime before it happens. If we can do that, even with moderate success, we will save many victims from having to endure abuse in the first place. So I will be supporting amendments to introduce a national perpetrator strategy to address and correct the behaviour of abusers on a long-term basis. That needs to exist alongside high-quality support for victims and an effective criminal justice system.

We know that a quarter of high-harm perpetrators are repeat offenders, and some have six victims or more. In England and Wales there are approximately 400,000 perpetrators causing medium or high levels of harm, including murder, yet only a tiny percentage—less than 1%—receive specialist intervention that might prevent future abusive behaviour. There is a growing body of research to demonstrate the effectiveness of quality-assured intervention. One study of 12 intervention programmes found a reduction in the number of women whose partners tried to assault them from 54% to 2%. Other studies have shown smaller but still significant reductions in offending. Survivors are strongly in favour

of interventions for perpetrators. The right interventions at the right time can stop abuse occurring, recurring or escalating.

Currently these programmes are patchy, and are limited in terms of the range of perpetrators that they can reach safely. The pre-legislative committee on the Bill noted the need for investment in perpetrator programmes and for co-operation with expert providers. I believe that attempts were made to add a requirement for a national perpetrator strategy in the Commons, but they failed. We must correct this defect in the Bill so that many potential victims can be saved from domestic abuse or repeat abuse before it occurs.

5.13 pm

Baroness Helic (Con) [V]: My Lords, I am grateful to follow in the footsteps of Members from all sides here and in the other place who have worked steadily to bring this Bill to its final stages. I pay particular tribute to the former Prime Minister Theresa May, whose Government introduced this once-in-a-generation opportunity to bring the crime of domestic violence out from behind the walls of the home into the light of day and before our country's law. Above all, I am conscious of all the survivors and their courage and strength, and of the many organisations that support them. I particularly want to mention Southall Black Sisters.

I come to this issue from my work on preventing sexual violence in conflict. That taught me what happens to women in war, but nothing prepared me for the horror of what happens, predominantly to women, in conditions of peace. It happens to women of all backgrounds and social status, women who appear strong yet at home are victims of this private crime. I expect that each and every one of us knows at least one victim and maybe their perpetrator too.

I also speak as someone who has had the sad honour of meeting migrant women who are victims of domestic violence. They face additional barriers to safety because abusers commonly use their fears of immigration enforcement and separation from their children to control them. In the words of one victim: "Without money, a job, a place to live or anyone, and on top of that with immigration problems, I had nowhere to go. I had to stay with him and let him do what he wanted." I believe that three measures will make a real difference to these women: extending existing safety net provisions to all victims of domestic violence; guaranteeing safe reporting mechanisms; and ensuring that all survivors receive equally effective protection and support, regardless of their background or status. I hope that the Bill will address all these measures.

Victims of domestic violence include both women and men, but it is often children who suffer the most. Their lives may be marked by violence, abuse or psychological trauma, altering their normal development. We often talk about the best interests of the child, yet children are often voiceless, their rights neglected and wishes not respected. In particular, children can find themselves the victims of the concept of so-called parental alienation, which is sadly often used to cover up, deflect from or counter allegations of domestic abuse, forcing reunification rather than addressing violence and trauma and protecting the best interests of the child—very often with tragic consequences.

This concept, conceived in the United States, has crept into the UK family courts, where parental alienation is invoked as a stock response in cases involving allegations of domestic abuse. Shockingly, claims of parental alienation appear to be given more weight than allegations of abuse, as they are often backed by supposedly expert testimony and evidence, leading judges to make unsafe decisions around child contact and residence. As a result, current practices around parental alienations are exposing domestic abuse survivors and their children to even more harm, while entirely erasing the voice of the child. The Bill does not currently recognise parental alienation as a form of abuse, yet there are two references in the accompanying statutory guidance which should concern us all. Such references open a back door to the very harm that the Bill is designed to prevent. We should scrutinise the Bill extremely carefully to ensure that we do not let this happen.

That some women and children in our country are violently treated and not allowed free and equal lives reflects as much the failure of our collective willingness to confront the problem of domestic violence as the failure of our country's law. This is a very good Bill, as many of your Lordships have noted already, but it could be excellent. I hope that in the weeks to come we can put some of this right.

5.18 pm

Baroness Deech (CB) [V]: My Lords, this has been a very depressing debate. I had thought that maybe our record of domestic violence in this country was outstandingly bad but—and this is also depressing—we are by no means the worst in Europe, nor are we the worst in the world. It is far worse in Africa, India, south-east Asia and the eastern Mediterranean. It is very bad in South Africa, Turkey and, oddly enough, New Zealand, which is otherwise such a paragon of governance. Maybe this is for religious reasons or maybe it is cultural, but it seems that those religions and cultures which treat women as less than equal are the ones that are prone to domestic violence.

There are gaps in this very welcome Bill. It should make threats to share intimate images a criminal offence. True, the Law Commission is conducting a review of harm online, but it would be quicker to outlaw it right now in this Bill, in case we do not have another chance for years. The organisation Refuge reported that one in seven young women had received such a threat, mostly from current or former partners, with devastating effects. We older people who had no experience in our youth of the online phenomenon may regard the taking and sharing of intimate photos as extremely unwise in any case, but it appears to be a current fashion and, as such, its misuse must be dealt with.

There should also be improved protection for disabled victims who are subject to coercive control by carers by repealing the "best interests" defence to that crime in Section 76 of the Serious Crime Act 2015 where it applies to a caring situation. The definition of "personally connected" in Clause 2 of this Bill should include carers. Although we have the utmost respect for the carers' profession, it is possible that, in such a close relationship of dependency, abuse may occur and not be recognised as such. When the Bill becomes law, together with Clause 66, dealing with extraterritorial jurisdiction, I hope that the UK can ratify the 2012 Istanbul convention.

[BARONESS DEECH]

I hope that attention will be paid to the perpetrators of domestic violence, their motives and their education. It should be perpetrators who are evicted from a joint tenancy, not a mother and children being rendered homeless, as is typical. Early intervention to restrain perpetrators is welcome. It is good news that compulsory relationships education has been introduced into schools; this includes teaching on what healthy and unhealthy relationships look like. It is shameful that there should be any opposition to this, especially from faith groups, whom I suspect might be in denial about domestic violence carried out by their own adherents. The Drive project works with perpetrators to change attitudes, beliefs, behaviour and their other problems. A review by Bristol University found that three-quarters of the perpetrators improved their behaviour after intervention.

Incidentally, I fear that the introduction of no-fault divorce later this year might also increase abuse, because a divorce application will come out of the blue, without any period of separation. This might well incite, for example, the husband against whom it is directed and whose potential for abuse may have led to the need to start divorce proceedings.

Finally, we need a continuing government publicity campaign to make the public aware of the aims of this Bill and to publicise the fact that third parties can apply for domestic violence orders and notices, not just victims. I leave the final word to Her Majesty the Queen, who, in her Christmas broadcast, used the phrase “You are not alone”, which is the key message of domestic violence protection. That augurs well for this excellent Bill.

5.22 pm

Baroness Royall of Blaisdon (Lab) [V]: My Lords, indeed, victims and survivors are not alone. I also welcome this Bill, which has enormous power to better protect the survivors of domestic abuse and their children—and the potential to prevent perpetrators committing further offences and endangering the lives of more women. I pay tribute to all the organisations and individuals working with survivors and to the vast amount of work that has already been done on the Bill. I thank the Minister for all that she has done and will do—and for dedicating the Bill to victims and survivors. It will be no surprise to her that I wish to focus on a stalking-related issue, but, before doing so, I will mention five of the many issues on which I hope there will be further movement.

First, there is a need for a duty on public authorities to ensure that front-line public services staff make trained inquiries into domestic abuse and respond appropriately with pathways for support. Secondly, a non-discrimination principle should be introduced in the Bill on equal protection and support for migrant survivors. Thirdly, it must be ensured that all domestic abuse cases can access the appropriate legal help by making non-means-tested legal aid available for all domestic abuse cases. Fourthly, near-fatal strangulation should be made an offence. Fifthly, I agree with the points made by my noble friend Lady Donaghy in relation to domestic violence and survivors in the workplace.

I note that 2 January marked the 40th anniversary of Peter Sutcliffe’s arrest. He attacked and murdered at least 23 women across the 1960s and 1970s; however, since then, too little has changed in relation to preventing abuse by serial offenders. Too often, professionals overlook the most dangerous men, including stalkers. The violent histories of abusive men must be proactively joined up, and the women who report them must be listened to and taken seriously if we are to prevent future murders.

Domestic and stalking-related murders are both preventable and predictable; they do not happen in a vacuum. These are murders in slow motion: the “drip, drip, drip” happens over time on an escalating continuum. The incident-led approach to patterned crimes such as domestic abuse and stalking is very costly: on average, one murder costs £2 million to investigate. More importantly, women are paying with their lives and perpetrators are offending with impunity.

Many predatory stalkers, sex offenders and serial killers abuse their partners and commit other crimes, yet there is no systematic sharing of information across police services and partner agencies. For too long the approach has been to focus on repeat victims and to identify and track them. There is rarely any multiagency problem solving and risk management regarding the perpetrator.

The 2014 HMIC report *Everyone’s Business: Improving the Police Response to Domestic Abuse* highlighted that police forces were not systematically flagging and targeting serial and serious perpetrators, and little has changed since then. There are now pockets of good practice to be welcomed in Essex, Hampshire, North Yorkshire and Northumbria, where a multiagency approach is taken, but co-ordination and consistency are desperately needed throughout the country. Perpetrators travel, but information about them is static.

The Bill presents a real opportunity to make abusive and violent men visible and accountable and better protect women and children. It is time these dangerous domestic terrorists and stalkers were registered and monitored in the same way as sex offenders and that victims’ right to safety and to live free of fear is realised and prioritised over an abuser’s right to freedom. More than 206,000 people, including survivors and the relatives of victims, have signed a petition in support of extending the Multi Agency Public Protection Arrangements to ensure that police, prison and probation services proactively identify, track, monitor and manage serial perpetrators. I will therefore be tabling an amendment, as tabled in the Commons, seeking to bring about the change.

In the Commons an amendment requested that the Government commission a report on the monitoring of serial and serious harm, domestic abuse and stalking perpetrators under MAPP. I wonder whether such a report has already been commissioned. When might we be informed of its contents if it has been?

5.26 pm

Baroness Benjamin (LD) [V]: My Lords, Stronger with Music is a campaign to end domestic violence and empower women and children victims. It needs all our support because domestic abuse is a horrific crime

that affects millions of people across the country. Domestic abuse is experienced by one in five children at some point in their childhood. A report by Barnardo's, of which I am a vice-president, detailed the devastating impact of domestic violence on children and their life chances. It found that domestic abuse in the first 1,001 days of a child's life can affect their neurological development, leading to poor health, poor sleeping habits and disrupted attachment and can push children down the wrong path. Children who experience domestic abuse can also go on to repeat the cycle of violence in their own intimate relationships, as a perpetrator, victim or both.

The Government were right to recognise that children are victims of domestic abuse and, thankfully, change the Bill to reflect that. We need to now build on this and make sure those child victims can access specialist support in their communities. Currently, the Bill creates a duty on local authorities to provide support for victims in a refuge. I strongly urge the Government to extend this duty to make sure that all victims, including children, can access support without fleeing their own homes.

When the Bill went through the other place, it was enhanced by the removal of the "rough sex" defence. Tackling domestic violence, however, should not be about only changing the law to deal with rough sex when it happens; it should also be about fostering a society in which the occurrence of rough sex—including strangulation, and I support the important amendment tabled by the noble Baroness, Lady Newlove—is reduced. I am therefore extremely concerned about the way so-called rough sex is being normalised in our society by the exposure of children and young people to graphic pornography depicting rough or violent sex. We know that children and young people spend much of their lives online. Research conducted by the BBFC said that

"most of the boys interviewed reported watching pornography daily for a period of their lives."

It also said that children

"believe pornography could influence sexual behaviour and attitudes towards consent"

because

"consent was 'implied' in pornography rather than openly discussed and spoken about by participants."

The *Ending Violence against Women and Girls* strategy, published in 2016, says:

"Research also demonstrates that viewing pornography at a young age can cause distress and have a harmful effect on sexual development, beliefs and relationships."

Given all these concerns, we cannot consider the Bill before us today without acknowledging the fact that this House has already passed world-leading legislation, in the Digital Economy Act, to protect under-18s from accessing pornographic websites. Yet, astonishingly, the Government have not implemented that legislation. To make matters worse, they have recently announced that the online harms Bill will seek to protect children only from user-generated pornography rather than pornography on pornographic websites. This makes me weep. I cannot see how the Government can prevent children and young people accessing material that undermines consent and promotes rough sex without

a comprehensive approach that encompasses all pornography, user generated and non-user generated, on all pornographic websites and social media sites. I plead with them to implement Part 3 of the Digital Economy Act as a matter of urgency, for the sake of online protection of children, until the relevant legislation is ready to be implemented.

We need to take action now to prevent domestic abuse later—and we should remember that childhood lasts a lifetime, so let us act now.

5.31 pm

Baroness Hodgson of Abinger (Con) [V]: My Lords, it is an honour to follow the noble Baroness, Lady Benjamin. I congratulate the Minister on introducing this Bill, which is a significant step forward in protecting the victims of domestic abuse and bringing their perpetrators to justice.

As we have already heard, domestic abuse affected 2.4 million adults in the UK aged 16 to 74 in 2019. While men do experience domestic abuse, women are disproportionately impacted, making up 1.6 million of that figure. They are more likely to experience repeated victimisation and be seriously hurt or killed than male victims. As my noble friend highlighted, Covid has made the situation much worse, with people being locked down with their perpetrators. Shockingly, last year, during the first seven weeks of lockdown one domestic abuse call was made to UK police every 30 seconds. Sadly, this Covid-19-driven increase has been a worldwide phenomenon.

Conscious of time, I shall focus my remarks on four areas: threats to share photos; CEDAW commitments regarding specialist services; the violence against women and girls strategy; and abuse of older people and parents. I also draw the attention of the House to my register of interests.

The Minister highlighted that domestic violence is not just physical. Concerningly, the 2019 ONS figures showed that recorded coercive control offences nearly doubled. It is often harder to spot coercive and financial control, which may include threats, humiliation and intimidation to isolate victims. However, the effects cause enormous mental suffering.

Refuge has highlighted that technology is being used as an increasingly common tool. I share other noble Lords' concerns that threatening to share intimate or sexual images has enormous negative impacts on abuse survivors, causing them to live in constant fear and having long-term effects on their mental well-being. Often, such threats continue after they have escaped the abusive relationship. In 2019, 72% of Refuge's clients reported experiences of such technology-facilitated abuse, with younger women being especially impacted. I understand that, while the actual sharing of such images without consent is a crime, the threat to share is not, and that needs to change.

The UK's obligations under CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women, ratified by the UK in 1986, are relevant to this Bill. The CEDAW committee has it made clear that violence against women and girls, including domestic abuse, is a form of discrimination against women and that government has positive obligations to prevent

[BARONESS HODGSON OF ABINGER]

abuse and protect survivors. This includes providing sufficient specialist services to protect them and prevent abuse happening again. Similar obligations are contained in the Istanbul convention, which I understand the Government have committed to ratify following passage of this Bill. While I welcome the introduction of a statutory duty on local authorities to provide accommodation services, I question whether the duty is too narrow. The EHRC, for example, highlights that the majority of survivors seek help from community-based services. I also seek assurance from the Minister that any guidance issued under this Bill will be required to take account of the cross-government violence against women strategy.

As we have heard from the noble Baroness, Lady Greengross, there are too many hidden victims of domestic abuse. When it comes to older victims, in 2017 more than 200,000 people aged 60 to 74 experienced domestic abuse in England and Wales, and one in four victims of domestic homicides are over the age of 60. I am sure I need not remind your Lordships of the horrific undercover story of abuse in care homes. Domestic abuse can happen at any age, but Age UK argues that older victims are systematically overlooked, suggesting that an older person being physically or mentally abused by their adult child or grandchild, family member or spouse of 50-plus years is far less likely to be recognised for who they are: a victim. Why do the statistics stop at 74 years old? Will the Minister agree to take steps to ensure the recording of abuse statistics for those over 74?

We need to build a society that has zero tolerance towards domestic abuse—

Lord Parkinson of Whitley Bay (Con): I am sorry, but my noble friend has exceeded her four minutes.

5.36 pm

Baroness Meacher (CB) [V]: My Lords, I support this Bill, though there are yawning gaps which need to be filled—I am sure that we will be able to do a lot about that. In the short time available, I want to touch on just three issues, all supported by the Domestic Abuse Commissioner-designate: prevention of domestic abuse through early psychological therapy interventions; prevention of murder through the new offence of non-fatal strangulation, which has been mentioned by many colleagues; and protection of migrant victims of domestic abuse.

It is surely no accident that the first general function of the commissioner is

“the prevention of domestic abuse”,

as set out in Clause 7(1)(a). Sadly, there is very little yet in the Bill to deliver that aspiration, and yet we know the devastation for children witnessing domestic abuse at home, and the added devastation and shame of an abusing parent going off to prison. Surely children never recover from such experiences. We know that the bullying little boys in junior school will probably become the domestic abusers of the future if we do nothing to intervene at that very early stage. They are likely to be suffering abuse at home; little children do not become bullies for no reason. We need in the Bill a duty to

intervene constructively with such families to bring to an end domestic abuse across generations. Likewise at senior school, as Theresa May, Elizabeth Filkin and colleagues have set out in their report on ending domestic abuse, compulsory relationships and sex education for secondary pupils should be included in the Bill to make it clear that the commissioner’s role in preventing domestic abuse has meaning and teeth. The Bill needs also to ensure that psychological therapy services are available to couples where unacceptable levels of conflict and aggression arise.

Domestic abuse will continue, and this Bill goes a long way to ensure a strong response, but, above all, the Bill should help prevent murder. I therefore plan to add my name to the amendment in the name of the noble Baroness, Lady Newlove, introducing a new offence of non-fatal strangulation. At present, the police lack the legislative tools they need to respond appropriately. We know that some 20,000 victims suffer such assaults each year. For some 80% of those victims, the consequences are extremely damaging, both physically and mentally—a stroke or post-traumatic stress disorder, for example—but strangulation often leaves little or nothing to show what has happened. We know that such women are seven times more likely to be murdered by their partner or ex-partner than others. The leadership of other countries, notably New Zealand, the US and Australia, has shown the way and shown the need for this amendment.

Finally, can we ensure that the Bill protects all modern slavery victims and migrant women who are victims of domestic abuse and who have no recourse to public funds? The Refugee Council makes it clear that many migrant women are not able to access life-saving accommodation and support services when they need them. We need to put this right. New clauses were tabled in the other place that would ensure that all migrant victims of domestic abuse receive the support they need. We will need to revisit those clauses.

What is the Minister’s response to the Refugee Council’s claim that the Bill’s measures are not compliant with Article 3(4) of the Istanbul convention? This article requires non-discrimination on any grounds, such as migrant or refugee status.

In conclusion, the Bill gives domestic abuse due recognition as a serious criminal offence, but I look forward to working with our Minister—I applaud her on her introductory remarks—and with colleagues to try to fill the significant gaps.

5.40 pm

Lord Lucas (Con) [V]: My Lords, I very much agree with what the noble Baroness, Lady Deech, said about the threat to disclose intimate images and with what the noble Baroness, Lady Benjamin, said about child victims.

I had intended to talk mostly about my noble friend Lady Newlove’s amendment, but so many other Peers have that I will just add my words on the process followed in New Zealand. Its Law Commission’s analysis of why strangulation should be a separate offence is extremely well argued and set out. It covers the otherwise difficult area of people who invite strangulation for sexual or other purposes. It has argued very well that,

where this is the case, the consequences are adequately covered by the common law. I also feel that if as a result of criminalising strangulation there is an increased sense of caution among those who want to practise it as to what the consequences for them might be, that would be no bad thing. Other than that, so many other people have said what I wanted to say better than I would have done that I shall end there.

5.42 pm

Baroness Andrews (Lab) [V]: My Lords, this Bill really has been a long time in the making, but the problem it addresses is as old as time. It is a good Bill for all the reasons so many noble Lords have said, but there are still gaps that reveal the difficulties in crafting legislation to deal with that most basic and worst of human instincts: the desire to exert power and control over those who cannot defend themselves.

As so many noble Lords have said already, the Bill is dreadfully timely. At this point in our national history when we are thrown literally on to our own resources, and when the differences in what we are and what we own are so devastatingly clear, both the best and the worst of our characters are revealed. In the past year we have seen the best of humanity, but also evidence that shows that it has increased the danger to those who are already in fear of their life in the family home.

Moreover, as other noble Lords pointed out, significant omissions have been identified by the sector and academics working in this area. I am extremely grateful for all the briefing I have received, not least on the need to extend the Bill to cover non-fatal strangulation and the particular vulnerability of people with communication difficulties, who, as the Royal College of Speech and Language Therapists identified, need very specific support. I will support any amendments to address these issues in Committee.

One outstanding omission was addressed but not resolved in the other place. There is no doubt that abuse is not wholly or even mainly physical. Harassment, emotional starvation, gaslighting, and constantly controlling and coercive behaviour have taken time to be identified as equally and lifelong harmful. In 2013 it was identified as a pattern of deliberate domination. It is obviously difficult to police because it is often invisible to anyone outside the relationship. It is also lethal: contemporary research shows that abusive control in a relationship is a better indicator of homicide than evidence of physical violence.

In 2015 it was made a criminal offence by Section 76 of the Serious Crime Act. However, while that new offence has enabled the police to better protect victims, it has proved seriously deficient because the definition of “connected person” in Section 76(2) has a residency requirement, which means that if a survivor has separated from his or her abusive partner the police can no longer use Section 76 to prosecute the abuser.

The consequences are only too predictable. Women—it is usually women—leaving refuges or other safe places are at their most vulnerable. They are removed from emotional, physical and legal protection, are looking for safe and affordable accommodation, often with their children, and are suddenly prey once again to the abuser.

This is not speculation. It is based on sound research by leading university experts who have demonstrated that coercive control actually increases after the end of the relationship and takes different forms, particularly economic and financial abuse. The existing laws on stalking and harassment do not cover the situation, and neither does the definition of economic abuse, which is simply too narrow. Research also shows in this instance that economic abuse is also more prevalent post separation.

One case study from the charity, Surviving Economic Abuse, illustrates this. Leslie was with her abusive partner for over 10 years and was the main earner. She put up with physical and economic abuse and, after she left the abuser, he transferred all their money, refused to pay bills and took out loans. The result was homelessness and destitution. It is a personal but not a unique story. Those problems have been identified; they are clear, they are practical and they can be solved. Amendments were laid in the Commons and I am sure that similar ones will have the support of the key organisations in this field.

This is a good Bill that is desperately needed, but the wisdom and expertise of this House can make it better.

5.46 pm

Baroness Verma (Con): My Lords, I refer to my interest in the register as the chair of UN Women UK. I ask my noble friend the Minister to look at its strategy on safe spaces, where we have worked with organisations to provide a safe space for people who fear for their safety in those organisations.

We have all received lots of briefings for this Second Reading, and that demonstrates the scale of the issues that still need addressing. I want to assure my noble friend that I will work closely with her in ensuring that access to services, protection in law and opportunities to restart afresh, free from abuse and fear, are made available.

Like many who are speaking in this debate, I have spent many years raising issues that are faced predominantly by women and girls but, as we know from increased reporting, are faced also by men and boys. For many, the pandemic has tragically only added to their fearful existences, with no current end in sight. I cannot imagine the fear and anxiety being experienced in homes up and down the country. We know that the number of people accessing helplines has massively increased.

During the past year, I have been involved in numerous round tables to see what can be done to provide support in these challenging times. I pay credit and tribute to my friend Meena Kumari of HOPE Training, who has ensured that, where possible, training is available to employers, organisations and individuals so that they understand how to offer help, safe environments and appropriate support, particularly to the BAME community. We need to ensure that we do not just provide short-term solutions but embed into the psyche of every organisation how we behave and respond in order to provide safe haven for those trying to flee domestic abuse, or any form of abuse. To that end, it is critical that properly resourced training is delivered by

[BARONESS VERMA]

organisations such as HOPE that have the necessary experience and knowledge. We also need buy-in from the leadership at the top of organisations to ensure that this is understood across all levels.

I will concentrate my remarks on ethnic minority communities. I have raised concerns over the welfare and safety of women and girls in minority communities where they do not have the language skills and may not have access to online devices or phones. Often, they live in close-knit communities and multigenerational households. I want legislation that gives protection to every citizen and does not get caught up in fearing community sensitivities.

I shall give a couple of examples. First, when I was 20 and gave birth to my daughter, in the bed next to mine was a young lady who had given birth to a little boy, for which she was very grateful. She said that throughout her pregnancy she had been beaten not just by her husband but by her sisters-in-law and her mother-in-law due to the threat of a girl coming into their family. Therefore, I saw how difficult it would have been if she had had a little girl.

My second example is a very recent one, 40 years after the first. It concerns a lady of 40 who has suffered abuse twice—from her first husband and, now, from her second husband. She was heavily pregnant when her second husband shoved her down the stairs. She lost her baby, and it was only the neighbours who intervened to help her, called the police and tried to get her justice.

These events are going on in many households up and down the country. The communities themselves need to be given very strong signals that this sort of behaviour will not be tolerated. I hope that the Bill and the communications campaign that will follow will ensure that every single community gets that message loud and clear.

5.50 pm

Lord Russell of Liverpool (CB): My Lords, regrettably, the Bill is symptomatic of some of the more distressing features that we face in our rather challenging times. Although domestic abuse has existed for as long as sexual and familial relationships have been formed, certain aspects of modern life seem to act as an abuse accelerator, the most current and depressing accelerator being the pandemic lockdown.

The Bill is to be warmly welcomed and I am grateful to the Government for the many improvements that they made in another place, but because a series of events has conspired to delay its passage through Parliament, and because of the pressure-cooker atmosphere of lockdown, those of us who have received a wide range of briefing papers are presented with a wish list longer than all the arms in the Chamber at the moment put together.

I will briefly mention those issues where I intend to join forces with others in Committee and on Report. They are focused on attempts to try to prevent or mitigate domestic abuse as early as possible.

The first is the status of migrant women and children. What a painful dilemma is presented by unwittingly allowing an abuser to use a victim's insecure status as a means of coercion and control. We do not know how

many victims are suffering because, in part, many of them are unwilling to approach the authorities or even refugees.

Secondly, as the noble Baroness, Lady Newlove, expressed so movingly, we will ask the Government to look seriously and carefully at the case for creating a specific offence of non-fatal strangulation. As the noble Lord, Lord Lucas, has just indicated, there is compelling international evidence that this could be an incisive and powerful means of enhancing the prevention of life-threatening domestic abuse behaviour.

Thirdly I will strongly support the case—articulated so clearly by the noble Baroness, Lady Morgan, and others, including the domestic abuse commissioner-in-waiting—for criminalising threats to share intimate images. It is an insidious form of coercive control and a distressing symptom of our online parallel universe.

Fourthly, I will support the case for making misogyny a hate crime. I have had the privilege of working with this cause's principal proponent in another place, Stella Creasy, as a colleague in the Council of Europe, and I agree with her that we should call out misogyny for what it is—a trigger for violence, coercion and a total lack of empathy for its victims. It is encouraging that seven police forces have already started recording offences which are explicitly motivated by misogyny. This recognises the motivation behind the crime and the very high incidence of repeat offending. In particular, I draw your Lordships' attention to the article in the *Times* on Monday of this week describing how a woman called Kellie Sutton hanged herself after five months in an abusive relationship, leaving three children under the age of 15. Her abuser had been reported to police by three previous partners. I rest my case.

Lastly, I will support the case for giving the domestic abuse commissioner an extension of her powers to create an oversight mechanism to collate reviews into domestic homicides and suicides. The Minister and I have previously spoken and agreed about the importance of accurate and timely data in order to understand complex situations better. This data would be a powerful additional tool in aiding more effective prevention of domestic abuse.

Finally, the noble Baroness, Lady Deech, said that this debate is extremely gloomy and that the UK is not the worst offender. I think that that will be rather cold comfort to the victims of domestic abuse, whom we are all representing here today.

5.55 pm

Baroness Ritchie of Downpatrick (Non-Affl) [V]: My Lords, in December 2016 I was a signatory to a Private Member's Bill in the other place urging the ratification of the Istanbul convention. The Government have still not done this, although this welcome Bill gives them that opportunity.

I am aware of the many different forms of domestic abuse against women, young girls, elders, men, families and children. All are wrong and require strong legislative action. Like other Peers who have spoken before me, I have been contacted by many organisations urging not only the final enactment but also the improvement of this legislation. The Bill has the potential to deliver a step change in the national response to domestic abuse.

However, it requires significant change to tackle gaps in the system and ensure equal protection and support for all survivors.

There is no doubt that the Covid-19 crisis has exposed the lack of protection and support for survivors of domestic abuse and other forms of violence against women and girls. This applies especially to those discriminated against on the basis of sex, race, immigration status, disability, sexual orientation and gender reassignment. Specialist organisations working with survivors of violence against women and girls have already urged the Government—and I support them in this—to make the prevention of abuse, protection and support for survivors, and pursuit of perpetrators central to the Covid-19 response. I ask the Minister to consider how provision can be made for this in the Bill.

The lack of joined-up government action to tackle abuse during this pandemic has been stark. It was entirely foreseeable that the mass experience of isolation and the closure of many routes to safety and support would be used as a tool for coercive control by perpetrators and increase physical and emotional harm. We need co-ordinated action at the highest levels of government to prevent the escalation of abuse and meet support needs, particularly for some of the most marginalised, including migrant women, who have no recourse to public funds—an issue that has been raised by members of the Anglican Communion.

The remit and focus of this Bill need to go wider than the justice system alone. It has to move out of silos. Just one in five victims is estimated to report what has happened to them to the police. To be truly transformative, this legislation must deliver the changes survivors urgently need—from housing to health, the immigration system, welfare reform, family courts and support for children. While I support this Bill, I will also support those amendments that seek to enhance it in terms of the issues of migrants, non-fatal strangulation and others that put victims and survivors first.

5.59 pm

Baroness Jenkin of Kennington (Con) [V]: My Lords, like so many others, I am going to focus my remarks today on the effects of domestic abuse on children. I take this opportunity to thank Charlie Webster, campaigner, advocate, and herself, along with her three brothers, a survivor of childhood abuse. Her story and those of the other survivors she talks to on her “Undiscussable” podcast have been eye-opening. In those podcasts, she talks to other victims of childhood misery, many of whom, despite coping mechanisms and therapy—if they are lucky enough to get it—have never really got over the PTSD brought on by what they went through as children. The fact that so many noble Lords have already raised the issue of children shows the strength of opinion, and I recommend the article written by my noble friends Lord Polak and Lady Bertin in *Red Box* today, which goes to the heart of the matter in much greater detail.

Everyone participating in today’s debate knows that domestic abuse feeds into every other societal problem. It is estimated that 75% of mental health problems originate from childhood abuse and neglect. It also affects physical health, development and the ability to learn, school drop-outs and unemployment. It increases

the risks of criminal behaviour, interpersonal difficulties in future intimate relationships and friendships, and the risks of experiencing sexual abuse, sexual exploitation and other forms of violence and abuse in later life. Domestic abuse is the biggest cause of youth homelessness. As currently drafted, the Bill ignores this aspect, and current figures on domestic abuse do not include children. People who are abused as children or teenagers often continue the cycle of abuse into adulthood, either as lifelong victims or becoming perpetrators themselves.

Will my noble friend the Minister look at incorporating into the legislation a duty to deliver community-based services for children and young people, and at young people in abusive relationships being able to access specialist support to address their harmful behaviour? The only long-term solution is to work on breaking the cycle with children and young people.

The Bill as currently drafted focuses on strengthening support for victims and improving the effectiveness of the justice system. These are, of course, crucial, but I ask my noble friend to look at early intervention and prevention measures to ensure that those who suffered as children in the past are the last generation to do so.

6.02 pm

Lord Griffiths of Burry Port (Lab) [V]: My Lords, this year marks the 10th anniversary of the Istanbul convention, formulated by the Council of Europe to address the needs of women victims and survivors of domestic abuse and violence across our entire continent. A total of 39 countries have ratified the convention, but not the United Kingdom.

The Government were elected just over a year ago with a manifesto commitment to “support all victims of domestic abuse”,

as has been mentioned several times already in this debate—I repeat, “all victims”. Yet there is a glaring omission in this Bill that robs it of the universal provision promised at the time of the election. There is no mention of how to provide services for migrant individuals, as recommended by the Joint Committee, so much of whose work has been integrated into the Bill. The noble Lord, Lord Woolley of Woodford, the noble Baronesses, Lady Meacher, the noble Baroness, Lady Ritchie, just a moment ago, and others spoke passionately about this. We are far from dealing adequately with the needs of migrant women who have no recourse to public funds. As the designate domestic abuse commissioner puts it,

“Unless they are included, their options are brutal.”

I must therefore ask the Minister whether it is possible to include in the provisions of the Bill a way of meeting the needs of this group? It is not a matter of letting the ideal get in the way of the good: this is, after all, one of the great needs of our time, and here we are in the process of shaping a piece of legislation on this very subject.

The recommendations of the Joint Committee on this matter led to the setting up of a review, the report from which in July last year led the Government to express their concern at the lack of evidence to demonstrate how long individuals might need support. Many of us find that difficult to understand. How long

[LORD GRIFFITHS OF BURRY PORT]

will it take for the pilot scheme set up to gather this evidence before presenting its findings? What evidence do the Government expect to gather in the timescale allowed for this scheme, and what will they do with it? We welcome the £1.5 million that has been set aside for a migrant victims support scheme, but this can be only a temporary fix. Will this exercise provide a long-term policy strategy to fulfil the conditions—both the letter and the spirit—of Articles 59 and 4.3 of the Istanbul convention?

Add to all that the conflict of roles on the part of the Home Office, which has to deal with the process of settling people's immigration needs while addressing the need to offer them support as victims of domestic abuse. Is it any wonder that some women fear that they will be met with deportation rather than assistance?

As a member of the Parliamentary Assembly of the Council of Europe and its migration committee, I feel some shame that the United Kingdom stands alongside countries such as Bulgaria, Hungary and Ukraine in not yet having ratified the Istanbul convention. As long as we fail to address the needs of migrant women, we can only report to the Council of Europe that the matter is under review. That of course will only prolong our failure to ratify the Istanbul convention. I look forward to the day when we can stand tall in the company of those who have already reached that point. Will the Minister listen hard to these concerns, and assure us that she senses the urgency of this matter? Will she assure us that it is not too late to include provision for this in the Bill before us?

6.07 pm

Lord Shinkwin (Con): My Lords, I join other noble Lords in welcoming this Bill. As we descend into what we know will be for some people, particularly victims of domestic abuse, quite literally the hell of a third lockdown, I agree with the noble Baroness, Lady Andrews, that the Bill could not be more timely. My noble friends the Minister, Lady Bertin and Lord Polak, the noble Lord, Lord Dholakia, and many other noble Lords, have referred to the increase in reports of domestic abuse over the last nine months, which of course coincided with the first two lockdowns. It is absolutely right that we should prioritise this Bill now.

It is a shocking and disturbing fact that people with disabilities, including those who have speech, language and communication needs, are twice as likely to experience domestic abuse, at greater severity and for longer periods of time. Moreover, people with such communication needs are also found to be at greater risk of gender-based violence.

I will never forget the trauma of having to learn to speak again following life-saving neurosurgery in my early 20s. It took me years, and the frustration of not being able to make myself understood was at times unbearably painful. But the effect of that exasperation, isolation and vulnerability being compounded by domestic abuse—including, as my noble friend the Minister said in her opening remarks, emotional and psychological abuse—is unimaginable. Sadly, this does happen, which is why, like the noble Baroness, Lady Andrews, I support the Royal College of Speech and Language

Therapists, of which I have the honour of being a vice-president, in its call for the Bill to be strengthened in a number of respects.

First, a duty should be placed on the domestic abuse commissioner to ensure that the good practice that the commissioner is required to encourage includes the identification of, and appropriate support for, victims with communication needs. Secondly, this should also be reflected in local authorities' strategies. Thirdly, the definition of domestic abuse support should include the provision of information, and all communications relating to support should be in accessible and inclusive formats. Fourthly, special measures should be introduced to allow people with disabilities and communication needs to give evidence in private. Finally, where appropriate, speech and language therapists should be able to serve on the domestic abuse local partnerships boards.

I would be very grateful for any reassurance that my noble friend the Minister can give me on these points, either in her closing remarks or in writing.

6.10 pm

Baroness Bull (CB): My Lords, we have already heard today how the pandemic has escalated an existing crisis of domestic abuse. In the three months from March, the charity Refuge reported a 66% increase in helpline calls and a 950% rise in visits to its website; domestic homicides doubled in three weeks alone. Today's return to lockdown is for some a return to living in fear and under threat, underlining the urgent need for the greater protection the Bill will provide, particularly for women and children.

With almost 789,000 children in England exposed to domestic abuse, it is right that they are recognised in the Bill as victims in their own right. The physical and mental scars that they will carry increase their own risk of criminal behaviour, sexual exploitation and other forms of violence in later life. I welcome the duty on local authorities to provide accommodation-based support, although I share concerns that this must not come at the expense of other community-based provision where 70% of victims find their support. I also welcome Clause 65 outlawing the so-called rough sex defence, and the inclusion of economic abuse within the definition. Areas where I would like to see the Bill enhanced include the introduction of a new offence, championed by the noble Baroness, Lady Newlove, of non-fatal strangulation—one of the cruellest tools a perpetrator can deploy, and a strong predictor of future and further harm.

Between 50% and 65% of domestic abuse victims suffer strangulation. It can lead to brain damage, loss of memory and stroke. It is also a particularly gendered offence: 29% of women killed in 2018 were strangled compared to 3% of men, and research points to non-fatal strangulation as the second most common cause of strokes in women under 40. It cannot be effectively covered by the crime of attempted murder as it is not usually an attempt to kill but an attempt to terrorise and control.

The Bill rightly focuses on victims, but sustained change will also depend on changing the behaviour of perpetrators. Brazil offers an example of a country where

domestic abuse law now includes mandatory rehabilitation and psychosocial support for perpetrators. A pilot programme in São Paulo saw offenders spend 10 three-hour sessions discussing issues such as the evolution of women's rights, the need for domestic abuse laws, toxic masculinity and anger management. For many, it was the first time they had ever discussed their attitudes towards women, and recidivism fell from 65% to 2%. So, I fully support calls for a perpetrator strategy to guide future investment in rehabilitation and to ensure evidence-based perpetrator interventions are widely available.

The Bill makes important strides forward but it can never be adequate to its task unless it provides equal protection for all women, including black and minoritised women, deaf, disabled and blind women, homeless women, LGBT+ and migrant women, many of whom face extra barriers to accessing support. I share concerns about those women whose immigration status gives them no recourse to public funds, and I hope the Minister, in her response, will provide an update on the timing of the £1.5 million Support for Migrant Victims pilot scheme, and share her understanding of how it will inform future policy.

Finally, I join others in thanking the Minister for her evident commitment to this Bill, and in thanking all those campaigners and survivors who have brought us to this place. I look forward to working with them and across this House to further strengthen the Bill so that it effectively and unequivocally protects all women and their children from the immediate and longer-term harms of domestic abuse.

6.14 pm

Baroness Redfern (Con) [V]: My Lords, I welcome the ambition and scope of the Bill in highlighting people's awareness and, importantly, strengthening support for victims and improving the effectiveness of the justice system, creating a step change to a more effective approach to tackling domestic abuse.

Domestic abuse is an abhorrent crime. It will affect some 2.4 million people this year, damaging lives not only in the short term but for much longer, and of course it can cost lives. It is alarming to note the compelling evidence that Covid-19 lockdown figures are demonstrating a dramatic escalation in domestic abuse. Protecting victims is the first, most important step to try to help them to get back to a more normal way of life with a safe place to live, together with those extra measures contained in the Bill for victims and their children to access counselling and mental health support.

Abuse comes in many ways from violence and sexual behaviour. Even harder to detect is controlling and coercive behaviour, including economic, psychological and emotional abuse. Strangulation and suffocation are the second most common method of killing in female homicides after stabbing, with 29% of women killed in 2018 killed by this method.

I welcome the proposed reforms of the family courts following the Ministry of Justice expert panel review, with courts to introduce special measures for victims of domestic abuse-related offences such as intimidating a witness. With the agreement of the courts, they could include one or a combination of screens, live links, evidence given in private, the removal of wigs and

gowns by barristers, video-recorded interviews and pre-recorded cross-examination. All too often we hear survivors and their children reporting that they are re-victimised and re-traumatised within the family court setting. The Bill must also ensure that parental alienation is not legitimised for use by abusive fathers against mothers determined to protect their children.

Local authorities, too, have a large part to play in helping and supporting victims, providing specialist safe housing and helping with sourcing follow-on accommodation, as a lack of access to safe and secure housing is a major barrier to escaping. It is the lever in their decision whether they stay or leave.

Supporting children in finding schools and helping them to settle into school life—we cannot imagine how difficult that must be, as many are traumatised by the impact on their health, their life chances and their lives—must include access to specialist support. All this comes at an extra cost for local authorities so I am pleased that the Government are providing extra support. I also welcome the Lord Chancellor's proposal to pilot domestic abuse protection orders and prevention notices, clearing a way forward for a full rollout.

The Bill will certainly help to support and protect survivors, helping them to cope, recover and rebuild a life free from abuse. Ultimately it will save lives but, above all, it is an opportunity to forge a new, brighter future and create a way forward in eradicating domestic abuse. I hope it will be a new beginning for many.

6.18 pm

Baroness Sherlock (Lab) [V]: My Lords, I want to highlight some of the problems with our social security system that exacerbate the risk of domestic abuse or make it harder for survivors to flee and rebuild their lives.

A key problem lies with universal credit. I was contacted recently by a friend who claimed UC and was surprised to find that his partner could see every message that he exchanged with his work coach on his UC journal and vice versa. He was concerned for the effect on those in abusive relationships. I tabled a Written Question on this, and the Minister's reply said that claimants should not share sensitive information on the journal. However, all kinds of information can be sensitive in the context of domestic abuse. To inquire about a job in a certain sector or another geographical area, or to ask about certain kinds of support—any of that could be risky.

The Minister also said that all UC staff receive training in identifying and supporting victims of abuse, but I am sorry to say that charities suggest that the training is rather thin and the support for staff very patchy. This needs looking at again.

The very structure of universal credit causes problems in relation to financial abuse. We have long raised concerns about the implications of combining all support into a single household payment because it limits women's financial independence and can be used by perpetrators to control the entire household income. Survivors can request that the payment is split but of course that just puts them at risk of further abuse. Refuge's front-line staff say that it is

"rarely, if ever, safe for a survivor to request splitting UC payments". That might explain why it is done so rarely.

[BARONESS SHERLOCK]

Then there is the five-week wait. Survivors often have to flee with very little by way of money or possessions and they usually have to make a fresh claim for universal credit, which of course triggers the five-week wait all over again. The advance on offer is not the answer because the repayments reduce monthly income below survival level. Refuge research found that most survivors of economic abuse are already in debt because of the abuse, so they hardly want more debt. This needs addressing.

The benefit cap and two-child limit can also hit survivors, who cannot shop around for cheaper rent at the point of crisis. The numbers affected by the cap have risen during the pandemic and will rise further as more people come to the end of the grace period, which gives nine months' exemption from the cap to those who earned over a certain threshold the previous year. Children born as a result of non-consensual conception or within an abusive relationship are meant to be exempt from the two-child limit but, as the Minister will know if she has read the report published last year by the Church of England and CPAG, the exemption is not working. Indeed, I cannot believe that the Minister is at all comfortable with this policy.

Let me quote two survivors from the report. One said:

"I never thought I'd be in the position [of claiming benefits] when I had a third child. The two-child limit feels like it is punishment for leaving an abusive marriage."

Another said:

"I had my children during an abusive relationship. I personally didn't want to have so many children but now they are here I love and care for them. I've since departed from my ex-partner. But financially I'm struggling and have been moved away from my support network and placed on universal credit."

Surely our social security system must ensure that anyone preparing to flee an abusive partner can do so knowing that they can afford to house, feed and clothe themselves and their children, but that would require reform of our social security system. As my noble friend Lord Rosser said, in future a change to our social security system needs to be assessed in advance for its impact on domestic abuse survivors. This is the least that we, as a civilised society, owe them. I look forward to the Minister's reply.

6.22 pm

Lord Moylan (Con): My Lords, the intention behind this Bill is wholly welcome. As my noble friend the Minister said in her opening remarks, domestic abuse is the most awful of crimes. It is right that the Government should bring forward measures that will not only curb it but, one hopes, eliminate it in the course of time or as a rapidly as possible.

In the mid-1990s, I had some responsibility in my local authority area for a small, government-funded programme to address domestic abuse locally. Despite the early efforts of my noble friend Lord Young of Cookham, which he referred to earlier, those were still pioneering days. Indeed, in large parts of the country, the provision of refuges for women fleeing domestic violence was wholly inadequate—and still is, in some cases. Happily, by then, one thing had developed quite

well: the police were already taking a much fresher approach to domestic violence in being willing to look at it as the serious crime that it genuinely is, as opposed to earlier attitudes that regarded it to some extent as an internal family matter unless it was pushed too far. We made progress, which was good. It is encouraging that attitudes have developed and changed so much since that time that now it is accepted, as it should be, that this is wholly unacceptable behaviour. That is why this Bill deserves considerable scrutiny in your Lordships' House: it is a Bill of considerable importance.

I want briefly to mention three areas that have been partly touched on but by only one or two noble Lords. First, there is the question of the definition. The definition of domestic abuse is so much wider than that of domestic violence, which was the focus 25 years ago and was a physically identifiable activity. As the noble Lord, Lord Farmer, said, the definition of domestic abuse in this Bill needs some exploration, some teasing out and some clarification that it will be wholly robust in its application.

The second is that the Bill contemplates the further extension of the imposition of criminal sanctions for breach of an administrative order. I was delighted to hear the Minister say in her opening remarks that the domestic abuse protection orders to be introduced by the Bill will be trialled locally before being rolled out nationally. It is important that we are sure that they are both workable and just.

The third thing to mention is that, in all this, we have to maintain our high standards of justice in both the criminal and civil systems. We have to ensure that even alleged perpetrators are given the proper rights that they are due when charges are brought against them. We should never allow the important and proper focus on the victim, which has rightly dominated this debate so far, to be interpreted as a failure to give the full rights to the alleged offender or perpetrator to which they are entitled. That is all irrespective of sex. I hope that these issues, in addition to points raised by many other noble Lords, can be explored to some extent when the Bill proceeds to Committee.

6.26 pm

Lord Harries of Pentregarth (CB) [V]: Over the last 20 years, there has been a vast increase in awareness of the seriousness and extent of domestic abuse. The Bill is a welcome response to it. It is serious, as we have heard: 2.4 million adults experienced abuse in 2019—twice as many women as men. The 24% increase in recorded crimes of domestic abuse in the same period, to nearly 750,000, as well as showing an increase in the number of incidents, may indicate a growing awareness of them and, therefore, a willingness of people to report them. That is good as an indicator of heightened awareness. If we are sometimes inclined to lament the ragged moral fabric of our society, we can be grateful that, on this issue at least, we are slightly more morally sensitive and aware than some previous generations.

This is a fundamentally good Bill and, rightly, has all-party support. The question is whether other forms of abuse are not covered by it so far. We have heard of a good number, but I want to mention briefly just two, as a number of your Lordships also have.

One is continuing economic abuse, even when a couple has separated. As one survivor put it: “He cannot physically get at me. He cannot emotionally hurt me, yet still, economically, he can cripple me”. Economic abuse is a major factor in most abuse cases and is experienced by 95% of abused women. Some 60% are left in debt. Economic abuse is almost always linked with other forms of abuse, including physical safety.

Significant as these figures are, the key one, as far as a possible amendment to the Bill is concerned, is that one in four women continue to experience economic abuse even when they have left the abuser. This is a shocking figure and there needs to be a clear legal remedy. Economic abuse does not require physical proximity; it continues and/or escalates after a couple separates. It can also begin after the separation, when the opportunity to continue other forms of controlling and coercive behaviour has been removed and when the only way left is through access to the former partner’s resources.

The ways in which economic abuse can continue, escalate or even begin as a form of coercive control include spending money from a victim’s personal bank account or from a joint account, running up bills in a victim’s name, prolonging the sale of a joint property, damaging or stealing personal property, interfering with the victim’s employment and their ability to keep their job, refusing to pay child maintenance and continually taking the victim to court, resulting in financial costs. There are all sorts of ways in which economic coercion continues, even after an abused wife or husband has left their partner.

Another form of abuse that I believe we need to look at very carefully is that which the noble Baroness, Lady Newlove, has spoken about so powerfully before: a separate offence of non-fatal strangulation. After stabbing, strangulation is the second most common cause of death for women as a result of domestic violence. It is a tactic used by perpetrators to terrify victims and send the clear message that, if they wanted, they could easily end the victim’s life. It leaves many women with permanent health problems, and the effect of non-fatal strangulation is thought to be the second most common cause of stroke in women under the age of 40. A Bangor University study found that more than 50% of women subject to domestic violence have suffered strangulation. New Zealand has introduced a stand-alone non-lethal strangulation offence, as have four states in Australia and 27 in America—three-quarters of the total. We have a chance in this Bill to do the same.

This is a very good Bill, but it can be made even better by attention to these and other forms of domestic abuse not covered at the moment and already mentioned by your Lordships.

6.31 pm

Baroness Finn (Con) [V]: My Lords, I add my support for this Bill to that of my noble friends and colleagues across the House, and I pay tribute to all those who have worked so hard to enable it. We are united in our condemnation of domestic abuse but also in our recognition that the law has let its victims down for too long. Domestic abuse is often unseen, manifesting mentally as well as physically. It is the responsibility of multiple agencies and authorities,

and it often takes place within the denizens of seemingly loving and intimate relationships—areas where the law finds it much more difficult to tread. In short, it falls between the cracks, and these cracks have surely widened during the pandemic. Circumstances leading to domestic abuse have become much more acute, and it is time the law caught up and started to support and reduce the number of victims.

Time is necessarily short, so I want to focus on three areas, all of which have been mentioned before. The first is community services. Some 70% of people experiencing domestic abuse will access support via community-based services. These include independent domestic violence advisers, who provide anything from housing and court advice through to health and emotional support. The Bill provides a statutory-based duty to provide accommodation-based services, and this is to be welcomed. But unless it is extended to community-based services, we are simply leaving another crack for victims to fall down. Some 70% of domestic abuse victims will never set foot in a refuge. Charities have expressed fears of a two-tier system, with patchy and inconsistent community-based support. We must ensure that geography is not a barrier to getting help and getting out.

The second and third areas concern offences that speak to the insidious subtlety of domestic abuse, specifically coercive control and non-fatal strangulation. On the first, I hoped that the Minister would be able to give an update on the Home Office review of the offence. But in the meantime, I would like to lend my support to extending the definition of coercive control to include economic abuse and to urgent calls to make sure the offence applies post-separation. It is not hard to imagine abuse continuing when a relationship has ended and victim and perpetrator no longer live together. When physical access has been mercifully denied, economic abuse is often the sting in the tail. One in four women experience this after the relationship has ended.

Finally, and here I pay particular tribute to the work of my noble friend Lady Newlove, I wholeheartedly support the move to create a separate offence of non-fatal strangulation. Many noble Lords have talked about this. Strangulation is the second most common cause of female homicide, and it is not hard to imagine how the non-fatal version can be used as it is—as a tool to exert fear and control. Most victims experience a real fear that they will die, causing the worst of long-term mental health issues, such as suicide and PTSD.

Yet there is a poor understanding of the crime and its impacts, and chronic undercharging under the current law. Many instances are tried under common assault, meaning that sentences simply do not fit the crime. New Zealand and 37 US states have introduced a new law to recognise non-fatal strangulation as a distinct offence. It is time we did the same.

Domestic abuse needs a multifaceted and nuanced legislative approach to ensure that its victims are protected and supported and its perpetrators prosecuted, punished and deterred. We must cease our collective reliance on other parts of the law to offer adequate protection. This bespoke Bill is a welcome step towards providing that protection, and I am pleased to be able to support it.

6.35 pm

The Lord Bishop of London [V]: My Lords, I will add my voice to those who have already welcomed this Bill while also, in the brief time I have, suggesting that still more could be done to strengthen it further. The legislation is long overdue. As others have mentioned, we know that the pandemic has only exacerbated an already dire situation that leaves far too many survivors of abuse without the protections and support they require.

Much in this Bill is welcome, yet I fully support the remarks of my right reverend friend the Bishop of Gloucester and others who have noted that it does not yet go far enough, particularly on children, young people and migrant women. It is a cliché to note that these count as some of society's most vulnerable, but this Bill is meant precisely to provide support to those whom the system is currently failing. If it fails to support the most vulnerable survivors, it is not yet living up to its potential.

I support the calls from many noble Lords for further debate on how migrant women can be fully supported and share the concerns of many in this House that the proposed pilot scheme, the existing domestic violence rule and the destitution domestic violence concession do not provide sufficient support to many survivors. Other noble Lords, including the noble Lord, Lord Rosser, have already raised that it is paramount that immigration data is not shared between the police and the Home Office. Safe reporting mechanisms must be established for survivors accessing vital public services, so that they can safely report abuse to the police, social services and others with confidence that they will be treated as victims, without the fear of immigration enforcement. The alternative is a licence for continued abuse, where migration status is weaponised against the victims of crime. We must do better than this.

I also hope we will have time to discuss concerns over the falling proportion of domestic abuse services which provide dedicated support to children and young people, and the variability in the level of provision for children and young people impacted by domestic abuse both between and within local authorities in England and Wales. If this legislation is to have a practical impact beyond symbolism, more clarity and commitment will need to be provided on the future of funding and provision in this space.

Finally, along with other noble Lords including the noble Baronesses, Lady Newlove, Lady Burt of Solihull and Lady Bertin, I wish to raise the possibility of a new offence of non-fatal strangulation or suffocation. As has been noted, unlike other forms of domestic abuse, non-fatal strangulation and suffocation have the characteristics of being extremely physically and psychologically harmful, but often with no external signs. I urge the Government, in seeking to make this a truly landmark, comprehensive Bill, to look again at the evidence that has already been quoted from New Zealand, Australia and elsewhere on the impact of such an addition.

I raise these issues not because this is a bad Bill but, on the contrary, because it is critically important, and a rare opportunity to pass something truly groundbreaking and with the needs of the survivors at its heart. I look forward to the opportunity to debate the ways in which we can make this as strong as it can be.

6.39 pm

Baroness Goudie (Lab) [V]: My Lords, I welcome the Domestic Abuse Bill and the Minister's commitment to it, along with my noble friend Lord Rosser. I thank all the organisations that have worked for years to assist with the Bill. They have sent written briefs for today and offered many meetings.

We have been waiting a long time for this legislation. It is a pity that general elections, Brexit negotiations and Covid put it on the back burner when it is such an important issue. I hope that the Bill is seen as everybody's issue, and not just for one section of the population who are affected by it. This is not just a women's issue but a whole issue. We must all work across the political divide and grasp the opportunity to ensure that we leave no one behind, and that victims become survivors.

A key concern among the issues is that there is no protection for migrant women. A lack of protection and access to services means that these migrants are particularly vulnerable to abusers who are able to exploit their immigration status, including those who have been trafficked. I hope that the Minister will be able to look at this again because, as we know, migrant status prevents women reporting or escaping abuse. This is an awful situation in this time.

I support the noble Baronesses, Lady Newlove, Lady Armstrong and Lady Donaghy, on their amendments and many others. I also support the domestic abuse commissioner having more powers, and perhaps more funding. This should be a fundamental part of British society and we should use the Bill to show the rest of the world how we stand. Further, I hope that in the long term we might also persuade the Foreign Office and others to have a Bill for those who are abused in refugee camps and through sexual violence in conflict. I hope that we can build on tonight and work together to make change.

6.41 pm

Lord McColl of Dulwich (Con) [V]: My Lords, one of the important ways in which this Bill was enhanced in another place was through the removal of the "rough sex" defence. In successfully making the arguments for this change, Members in the other place cited evidence submitted by Louise Perry of the campaign group We Can't Consent to This. Ms Perry said:

"We can't really ignore the porn factor ... It's there at a click of a button and can be accessed at such a young age. And the algorithms push you into a rabbit hole of more and more extreme stuff."

At that time, I was heartened by the fact that, in addition to removing the "rough sex" defence, the Government would soon be making a key investment to combat domestic violence in the future by delivering on the 2015 Conservative manifesto commitment to "stop children's exposure to harmful sexualised content online, by requiring age verification for access to all sites containing pornographic material" through the online harms Bill.

The negative impacts of exposure to pornography on child development are extensive. In February 2016, the DCMS stated in its important document *Child Safety Online*:

"Pornography has never been more easily accessible online, and material that would previously have been considered extreme has become part of mainstream online pornography. When young

people access this material it risks normalising behaviour that might be harmful to their future emotional and psychological development.”

I quite agree. One of the very negative impacts of exposing children to pornography is the impact it inevitably has in normalising rough sex in their thinking, and in the development of their expectations.

In addition to helping parents protect their children from the wider harms associated with exposure to pornography, the Government’s commitment also provided a key way of helping to prevent the normalisation of rough sex in the thinking and expectations of the next generation. I was therefore very disturbed when the Government announced last month that the online harms Bill will not meet its manifesto commitment and will, instead, only seek to protect children from user-generated pornography.

As the online harms Bill will plainly not be delivering on the earlier manifesto commitment, the obvious way forward would be for the Government to now implement Part 3 of the Digital Economy Act to give effect to the world-leading legislation that your Lordships’ House has already passed to protect children from accessing pornography and, therein, the normalisation of rough sex on pornographic websites. This House has already passed that legislation; now we just need the Government to implement it.

The Deputy Speaker (Lord Lexden) (Con): The noble Lord, Lord Ramsbotham, has withdrawn, so I call the noble Baroness, Lady Kennedy of The Shaws.

6.45 pm

Baroness Kennedy of The Shaws (Lab) [V]: My Lords, like others in this House, I have been involved in seeking reform of the law on domestic abuse since the 1970s. Change has been a long time coming; for too long, our institutions totally failed to understand the nature of such abuse, and while of course it is not experienced exclusively by women, it is usually the product of deeply embedded power relations, which still work largely against women.

In recent years, the toll of violence on the lives of women and girls has been recognised globally, and it is now present in international conventions. Slowly we have learned that it is not just physical violence but psychological torment, control and coercion, all of which destroys lives. As we heard today, it is hell, and not just for the individual sufferer; it carries a huge social cost, which has already been powerfully described, affecting children, the wider community and so on.

It is important to remember that domestic abuse can lead to desperate events, where victims, seeking to defend themselves, end up in the dock accused of a crime. They are often wrongly convicted because of the law’s inadequacy. Sally Challen was a case in point: she was initially convicted of murdering her husband before coercive control was understood by the courts.

We know that a very high percentage of women in prison have experienced domestic abuse, and, of those, a significant proportion will have been coerced into a criminal act by an abusive partner. It is one of the scandals of our prison system that so many women in prison have themselves been the victims of physical,

sexual and psychological abuse as children or adults. I will be urging the Government to create two new statutory defences, which I hope will be widely supported across this House. There is a recognition in most of the organisations that campaign for justice for women that these defences are necessary.

Some noble Lords will remember that, a number of years ago, there were debates in this House around the case of a man called Tony Martin. He had been convicted of murder, having shot an intruder on his property, and his use of a firearm was deemed disproportionate—the boy was unarmed. That debate gave rise to a change in the law by the coalition Government which means that, in effect, a householder gets a substantial margin of appreciation of what is “reasonable” self-defence. This is on the basis that an added sense of threat can be expected to come from being intruded upon within the presumptively safe space of your home.

In her opening remarks, the noble Baroness, Lady Williams, described how the home should be “a place of safety and security”. In just the same way, someone attacked within the presumptively safe space of an intimate emotional relationship should be given the same margin of appreciation. Many of us who practise in the courts and have defended in cases of domestic homicide where there is a history of abuse have long felt that self-defence is in need of modification, to make it accommodate the victims of abuse accused of assault or murder.

The second proposed statutory defence involves a similar read-across. The ground-breaking Modern Slavery Act provides a defence to victims of trafficking who are coerced into the commission of crime. A person is not guilty if they were compelled to commit an offence as a result of their slavery or of being trafficked and controlled by those exploiting them. The bar is not low, but an objective test exists and is applied by asking what it would be “reasonable” to expect of someone in the defendant’s situation, with the same relevant characteristics. Would they have any realistic alternative to committing the crime? In precisely the same way, such a defence should be available to those who are in seriously abusive relationships. Because of its narrow remit, the defence of duress is not providing a defence for such victims who are forced to commit crimes.

Opportunities to change the law do not come along very often, and we can be sure that it will be many years before we can revisit these issues. Moments for change are rare and should be seized. For this reason, I will support many of the additions to the law that have mentioned already, and I will seek to add these two new statutory defences to the Bill. I hope that the Government will come to see that this would create a coherence in law and provide real justice for many victims of domestic abuse.

6.50 pm

Baroness Gardner of Parkes (Con) [V]: My Lords, this Bill is important and women need it. We have made substantial progress in addressing domestic violence, but there is still so much more to be done.

When I served as the elected UK representative on the United Nations Commission on the Status of Women some years ago, I was so impressed when, on

[BARONESS GARDNER OF PARKES]

an official visit to a Latin American country, we were shown a designated police station, open 24 hours a day, for victims of domestic abuse to go for protection and/or help. Given that this was in the 1980s, this was very advanced for its time.

I welcome Part 4 of the Bill, which requires local authorities to assess the need for domestic abuse support locally, but I worry that it is not sufficient, as it focuses on those in accommodation, whereas an estimated 70% of victims never go to a refuge. These services need to go beyond accommodation and include community-based services so as to cater for all.

I know that many services rely on the internet, yet my daughter, who is a trustee of a charity in north Kensington in a different sector, tells me that this presents a challenge in itself. The charity did a survey and found that 38% of its clients had no IT access other than a mobile phone, and 26% had only one device between the entire family. We know that many domestic abuse perpetrators often use tracking software or monitor their partner's mobile phone. My challenge to the Government is how to truly help and reach victims who cannot access the internet, particularly in these times of even more restraints with Covid lockdowns and tiers.

I know that time is short, so I will touch on one aspect that is not addressed by the Bill, which is how the presumption of continued parental involvement enshrined in other legislation works for victims of domestic violence and their children. The Bill needs to provide for it to be automatically presumed in cases of formally alleged domestic abuse that any visits by a child to an alleged perpetrator should be supervised or stopped altogether until the domestic violence case has been determined by a court. I have heard of cases where a parent has been forced by social services to drop their domestic violence case or lose access to their child by them being put in foster care, so that the child has access to neither parent rather than only the victimised parent. Surely this adds to the agony and angst of the domestic violence they have already endured. The Bill should address this.

6.54 pm

Lord Anderson of Ipswich (CB) [V]: My Lords, when I reviewed the terrorism laws I often used to reflect on domestic violence and abuse. They bear no national security label, but they seem to me to be threats on at least a comparable scale. Domestic violence takes far more innocent lives in this country than the 100 or so who have been killed by terrorism since the turn of the century. I suspect that fear of domestic abuse, just as much as fear of terrorism, conditions the behaviour of huge numbers of people. I therefore welcome this important Bill, while bearing in mind another important lesson from the world of counterterrorism: the further reaching the powers we enact and the more universally welcome they are, the more important it is to examine the attendant safeguards.

I am grateful to the Magistrates' Association for its briefing on domestic abuse protection orders. Among the practical issues it highlights are whether there should be a statutory maximum time limit on DAPOs, subject to renewal; whether the family courts should

be able to impose a domestic abuse perpetrator programme on an alleged offender without any conviction or prior finding of fact; whether it is right to impose positive requirements, such as drug rehabilitation, when there has been no opportunity to find out if the subject will engage with them; and whether there need to be processes to deal with the overlap in jurisdictions of criminal, civil and family courts. Some of these issues will, I am sure, be ironed out in the pilot or in guidance, but we may need to consider whether others should be reflected in the Bill.

Finally, a word about the proposed new offence of non-fatal strangulation. I have studied in detail the March 2016 report of the New Zealand Law Commission, which stated a preference for generic crimes and warned against what it called a slide into a chaotic plethora of specific offences. That was also a strong theme of our own Law Commission report of 2015, *Reform of Offences Against the Person*. However, the New Zealand Law Commission did accept the case for a new offence of non-fatal strangulation. The case for such an offence is a strong one, for the reasons which the noble Lord, Lord Marks, the noble Baroness, Lady Bull, and others have so ably explained.

However, counterterrorism also teaches us that hurried law can be bad law, and we need to be sure that all the necessary thinking has been done. Would a more generic offence, such as aggravated assault or recklessly endangering life, meet the case? If not, how are strangulation and suffocation to be defined, and should personal connection in the language of the Bill be a condition of the offence or not? What is to be the mens rea, and should there be a statutory defence of consent? What are the sentencing implications? These are issues which the report of the New Zealand Law Commission helps us to address but on which it cannot be the last word in the circumstances prevailing here.

I hate to miss a bus as much as the next person, and this Bill is an inviting, indeed overdue, vehicle. If the Government see merit, as so many of us do, in the amendment in the name of the noble Baroness, Lady Newlove, I hope they will start working constructively on it at the earliest opportunity. Perhaps, if necessary, they will do this with the urgent involvement of the Law Commission so that we can be sure that it will be as effective as it needs to be.

Lord Parkinson of Whitley Bay (Con): My Lords, this might be a sensible point in proceedings to take a short break. I beg to move that the House do now adjourn until 7.15 pm.

6.57 pm

Sitting suspended.

7.18 pm

Viscount Goschen (Con) [V]: My Lords, I too wish to welcome the Bill, which has received such widespread support. The Government are to be congratulated on bringing forward this important legislation.

Understanding of the nature of domestic abuse has grown immeasurably over recent years, not least as the result of powerful and effective advocacy from

campaigning organisations. We have certainly come a long way from the situation historically, when domestic crime was seen in some quarters to be a private matter, to the current position where the dangers and severity of these crimes are properly recognised. This understanding has highlighted the need for bespoke, targeted legislation, which is indeed what we have before us.

I well recall the debate in this House we had in July 2017, introduced by my noble friend Lady Manzoor. The prospect of this Bill was a major focus point of that debate three and a half years ago, and now we have it before us today. As many others have stated, it represents a once-in-a-generation opportunity to strengthen the legislative framework in this area, to target it more effectively and, of course, to provide proper safeguards.

I have learned a great deal from the speeches today, some of which, I have to say, have made very difficult and harrowing listening. Beyond expressing my broad welcome for the Bill, I would like to use my limited time to lend my support to one specific issue, which is the protection provided to a victim who is no longer living with the perpetrator—an issue raised by my noble friend Lady Bertin and the noble Baroness, Lady Lister, among others.

In considering this issue, I am indebted to research from the University of Sussex, which has highlighted a significant problem with the current legislative settlement. As we have heard, the essence of the problem is that the Serious Crime Act 2015—the legislation that creates the offence of coercive or controlling behaviour—has a residency requirement, which means that the victim and the perpetrator need to be living together for the offence to be covered by the provisions of the Act. This means that former partners who were previously living together but now live apart are not caught by this provision, and thus, the full protection of the Act is not provided. This anomaly provides a perverse disincentive to victims considering, or in the process of, leaving their partners. We also know from research that separation from an abusive partner can be a trigger to violent behaviour, even homicide.

With the Bill before us we have a very straightforward solution to the problem. The enhanced definition of connected persons in Clause 2, right at the front, does not have that residency restriction in it. It therefore seems entirely logical for this new, enhanced definition to replace the equivalent provision in the Serious Crime Act. We would then have harmonisation, or coherence in the law, as the noble Baroness, Lady Kennedy of The Shaws, used in another context.

This Bill is classic House of Lords territory. Seldom have I heard such consensus around the Chamber in support of the overall policies contained in a major Home Office Bill, with almost all contributions focused on detailed areas where improvements can be made. We are very fortunate indeed to have a Minister handling the Bill who is herself an expert in this field, and we can look forward to detailed and pragmatic consideration of the forthcoming stages.

The Deputy Speaker (Baroness Fookes) (Con): The next speaker, I hope, is the noble and learned Lord, Lord Morris of Aberavon. We cannot hear him.

Baroness Bloomfield of Hinton Waldrist (Con): Lord Morris, you need to unmute.

Lord Morris of Aberavon (Lab) [V]: [*Inaudible.*]

The Deputy Speaker (Baroness Fookes) (Con): We cannot hear him. I call the next speaker, the noble Baroness, Lady Altmann.

7.24 pm

Baroness Altmann (Con) [V]: My Lords, I too welcome this Bill and congratulate my noble friend on her excellent introduction. I know how much she cares about this important issue, and, like others, I believe this legislation is urgently needed, especially as ongoing lockdowns have aggravated domestic violence and abuse. I welcome the many measures focusing on protecting women, who are the majority of reported victims.

This is a good Bill as it stands, and it could be improved further. I welcome the inclusion of children as victims of domestic abuse in the Bill and respect my noble friend's plea not to make the best the enemy of the good. But I will mention two important issues in my short time today, which could be addressed now, rather than having to wait for future opportunities.

First, as mentioned by the noble Baroness, Lady Greengross, I call on the Government to ensure that the abuse of people over the age of 75 is taken more seriously. The ONS still fails even to collect relevant data, despite clear research evidence that abuse affects many over-75s. As more older people live either alone or in frailty, the opportunity for unrecorded abuse increases. They need protection, and including carers in the Bill as connected persons is important.

The second issue relates to divorce rather than cohabitation. As the noble Baroness, Lady Lister, says, there are major risks in post-separation abuse, with one partner applying pressure on the other during emotionally charged divorce proceedings. Many colleagues have mentioned women needing to be protected against economic abuse or coercive control; this is right. However, I wish to highlight the prevalent problem of parental alienation, which entails psychological or emotional abuse impacting on many fathers and their children. This Bill fails to explicitly recognise parental alienation, which inflicts long-term damage on children, who are frequently innocent bystanders witnessing or being part of parental conflict.

Meaningful relationships with both parents are widely recognised as in the best interests of children, but parental contact can be overridden by false accusations used to punish the other parent. Unfortunately, I have personal experience of this, in one case with a cousin and in another with a friend whose spouse raised false allegations during divorce. There is no penalty or legal recourse against such unfounded allegations, which were deliberately designed to sever the children's paternal relationship. This psychological manipulation damaged the father's health and the children internalised the impact, which manifested later as self-harm, eating disorders, academic decline and depression.

Parental alienation is defined by CAFCASS; Dr Adrienne Barnett from its research advisory committee states that such alienation should be called out for what it is: domestic abuse. However, it is not yet explicitly recognised in law, so we have an opportunity to address it in this Bill. Recognising parental alienation

[BARONESS ALTMANN]

in law as an improper act can help with prevention and redress, and reduce the instances of this kind of abuse by proxy in which children are weaponised against one of their parents. I recognise it as a sensitive and difficult area, and of course we must protect children against violent or criminal behaviour with a dangerous parent, but psychological experts in parental alienation can help identify and differentiate between unfounded allegations and unsafe contact, moving the debate into the field of medical expertise rather than that of the courts. I wonder whether my noble friend would be willing to meet with me and other interested colleagues to discuss this and see whether we may specifically include parental alienation in this Bill.

7.28 pm

Baroness Boycott (CB) [V]: My Lords, I am extremely pleased to be able to be part of this historic debate tonight. It brings back a lot of memories for me from when I was 20 years old and founding *Spare Rib* magazine. In the second month of our life, we went to visit Erin Pizzey and her newly opened Chiswick Women's Aid. It was a first in this country and certainly a first for me in learning a bit about domestic abuse. I remember my horror at learning that almost two women a week were killed within the confines of their family. I thought, in my naivety, that women's liberation and the newly acquired power of women would mean that this figure would reduce. Sadly, it has not, and today the rate is still exactly the same as it was almost 50 years ago.

For this reason and many others, I so welcome the passage of this Bill, and applaud the efforts of so many people who have pulled it all together. When I was a journalist and writing about this, I used to think that if all these women were killed together on one day the whole world would stop and take notice, but somehow this drip feed of pure horror has gone on under our noses. I thank everyone who has made it this far.

I would like to add a very particular and personal note—the question of alcohol in relation to domestic abuse. Twenty-five per cent to 50% of cases of domestic abuse involve alcohol—certainly mostly in the case of the abuser but often in the case of the victim as well. Moving someone to a new location and getting them out of immediate danger is obviously of paramount importance—I cannot stress that enough—but, as they say in certain organisations, just moving does not necessarily remove the problem. If the drinking is not stopped, or at least in some way modified, the victim will go on receiving the abuse.

I have a young cousin who is the superintendent of a police force outside Reading and I spoke to her yesterday about this. She said that out of 50 calls they get every day, over 25 concern domestic abuse, and a huge number of those involve alcohol.

I have been lucky in my life. I have had problems with alcohol but have been able to afford good treatment, including in-house treatment, to help me overcome the situation and to lead a full and happy life. But when I consider the prospect of being on your own with an addiction problem, having coped with a domestic abuse problem, and trying to pull your life back together without sufficient support, I wonder how many women, or indeed men, can do it. So I would like to see added

to the Bill provision for sufficient funding and scope for treatment and help for people in this situation, so that they get the support they need. It is only by breaking patterns of dependency that we can stop people re-entering the same kinds of relationships.

My dear little cousin, Felicity—she is not little any more—said that in many cases the police are called to, they see the address, look round the station and say, “Here we go again. It’s probably going to be bad, they’re going to be drunk and she’s going to have a black eye. This is going to go on.”

I would love to meet the Minister to ask whether there is anything that I can do, from my personal experience, to help. It is of great importance that we understand alcohol's role in these horrible crimes and situations in which both perpetrators and victims are themselves the victims of addiction and troubled lives. They need help to move on.

7.32 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I welcome the Bill and hope that we can make it even better in delivering the Government's laudable aim of ensuring that survivors of domestic abuse have access to the safety and support they need in order to keep themselves and their children safe and to live lives free from abuse.

The newly appointed commissioner-designate, for whose work the Bill provides a statutory framework, has indicated some changes that might helpfully be made to assist her work. I hope that the Government will look benignly at amendments to achieve this. The Lord Chancellor said on 28 April:

“Tackling domestic abuse needs to be everyone's business.”—*[Official Report, Commons, 28/4/20; col. 237.]*

I was very struck by the comment from Refuge that domestic abuse is not a niche issue. It is an astonishing and sobering fact that one in four women in England and Wales will experience domestic abuse in their lifetime, and 2.4 million people experienced domestic abuse last year. The reality of this crime is that women make up the majority of victims and survivors, and men the majority of perpetrators.

I declare an interest as the chair of the National Housing Federation. The social housing sector has a crucial role to play in identifying and supporting victims of domestic violence, both in general-needs housing and in specialist provision. Housing staff and other contractors can often spot the signs of domestic abuse, or behaviour such as antisocial behaviour or financial difficulties that might mask domestic abuse.

The sector has witnessed a dramatic increase in the incidence of domestic violence during the restrictions resulting from the pandemic and has been at the forefront of innovating responses to abuse when normal service has been difficult to deliver. It has prioritised domestic abuse survivors in new lettings and transfers, and has worked with refuges to target move-on, as well as working to keep survivors in their homes safely. The focus has been on partnership with other organisations such as local authorities and specialist agencies.

In May 2020, the NHF asked government to implement a targeted approach to accommodation provision for rough sleepers and those fleeing domestic abuse. Housing

associations stand ready to help local authorities fulfil the new duty to provide support and accommodation for survivors. The sector is working with the domestic abuse commissioner to map accommodation and community-based services, and it supports the commissioner's priorities for the Bill, particularly the immediacy of the need for community-based provision.

There is much in this Bill to support. However, it is clear from the experience of housing associations at a local level, as well as other national campaigning organisations, that it needs improvements if it is to achieve the significant contribution that the Government want.

I echo many other noble Lords: changes are required to universal credit to prevent sufferers of abuse remaining financially dependent on their abuser. New powers are required to transfer tenancies to survivors following abuse. The Bill does not provide protection for abused migrant women, who have no access to public funds, and it needs to go further for BME and migrant women in providing support for skills and employment, English classes, and mental health and well-being support.

I hope that the Government will consider again the position of carers and potential domestic abuse raised in another place. Vital, however, is the provision of greater funding to increase the services available and a fair national distribution of resources. The resource promised by the Government is welcome, but all those organisations that sent us such excellent briefings make it clear that it is not enough to deliver what the Government want and if we are truly to protect and support all survivors, including children, and to deliver the societal shifts we need to end violence against women and girls.

7.36 pm

Baroness Fox of Buckley (Non-Aff): My Lords, I am glad to be here to discuss such an important piece of legislation. It needs to be taken seriously, with the fullest debate. Sometimes debate can be hemmed in when an issue seems consensual—what is there to argue about?—but there are some concerns that we should raise. A debate can also be hemmed in when an issue is highly emotive, and this is an emotive issue: there is something so shocking about the breach of trust when intimate relationships turn toxic and descend into horror, especially because we associate intimacy with love and not terror.

It is also important to note that this is not the norm. Reading the briefings that we have all been sent has been relentlessly grim, but let us remember that the vast majority of intimate relationships are a source of joy and solidarity. Families per se are not horrors behind closed doors, and even bad relationships should not be a matter for law in most instances.

It is also true that we need sensitivity and nuance when discussing the individual dynamics of people's intimate lives. We should note that third parties sometimes view the interactions of other couples as problematic and abusive, but they are not viewed that way by the individuals concerned. In that way, the law can be a blunt instrument and we need to take care when dealing with people's private affairs.

The emotive nature of the issue is understandable when we focus on the victims, but that should not mean that we dispense with careful scrutiny of the Bill from the point of view of the accused. Not all are proven perpetrators. Civil liberties and principles of criminal law should not be treated cavalierly, and when we remember the rights of the accused, we should not be accused ourselves of being soft on domestic abuse. Being labelled as a domestic abuser has serious consequences for your reputation and access to your children. There can be false allegations—the noble Baroness, Lady Altmann, raised some of these concerns. At the very least, evidence must be thoroughly tested, especially when the statutory definition of abuse involves a range of what might be largely subjective accusations in terms of emotional, controlling behaviour and so on. I therefore worry at the eagerness of noble Lords to make cross-examination less robust.

There should also be concern, as the noble Lords, Lord Moylan and Lord Anderson of Ipswich, and the noble Earl, Lord Lytton, noted, about the domestic abuse protection orders and notices that give the police a nebulous bundle of unaccountable, coercive powers. Orders can be granted without anyone being formally tried and can be based on the authority's belief that abuse is threatened or on third-party—for example, neighbours'—reporting. The police have the power to order someone to leave their home or neighbourhood even against their partner's wishes.

Let us consider also what is known as Clare's law—the right to know and the right to ask—where the Government wish to put guidance to the police on a statutory footing to drive its greater use, but does that not encourage the police to drag up your past in public, which surely has risks? Does it not also propagate the idea that, once convicted of certain offences, you are simply beyond redemption, which goes against the spirit of the law and justice as we see them?

My final appeal to noble Lords is that we are dispassionate in approaching this legislation, that we have a fully rounded and holistic approach to the law, and that in our undoubted horror at domestic violence we do not lower our guard when it comes to civil liberties and legislation new to the books.

7.40 pm

Lord Sheikh (Con) [V]: My Lords, I fully support the Bill and welcome the Government's commitment to tackling domestic abuse. This issue causes me a great deal of concern and I have previously spoken on the subject in your Lordships' House and elsewhere. Domestic abuse affects all communities, irrespective of the class, race, religion or status of the people involved. We must not confuse this worldwide problem. I have travelled to a number of countries overseas where I know it takes place, and I hope that other countries will follow our example and think of implementing similar legislation. The Bill is timely, as during the pandemic the problem has been aggravated due to long periods of isolation.

I have studied all seven parts of the Bill and am of the view that it is a very good Bill but that we need to look at how we can strengthen it. I welcome the wide definition of "domestic abuse". I am also pleased that the Bill recognises that children can be victims of

[LORD SHEIKH]

domestic abuse through witnessing and suffering. Unfortunately, children who experience domestic abuse can be affected throughout their lives. I was recently talking to a middle-aged professional person who made me aware that this is what happened to him.

The Bill places a statutory duty on local authorities to provide support to victims. I feel, however, that a number of victims are often supported by community-based support services which need additional financial support. In addition, the Bill could be strengthened further by requiring public bodies to deliver community-based services within a statutory duty. I feel that this needs to be looked into.

I am concerned about strangulation, which frequently results in further fatalities; I am personally aware of one case where this happened. I may add that in 2018, 29% of women who were killed as a result of domestic abuse were killed in this way. I therefore feel that a specific offence of non-fatal strangulation and suffocation should be in the Bill.

Another issue that worries me is abuse that occurs when a partner leaves home and goes to work. I am aware of cases where such situations have arisen, and consequently there should be protection for people at places of work. We should perhaps consider extending DVPOs to provide protection in workplaces.

A group of people who cause me concern are migrant survivors of domestic abuse. They are vulnerable people who need to be protected and supported. Furthermore, as the Bill includes psychological, emotional and other abuse, we should include in the provisions of the legislation an offence where a partner threatens to reveal intimate images that could be damaging.

In addition to passing the legislation, we need to ensure that adequate funding is provided to everyone involved in the implementation of the legislation. Furthermore, adequate guidance and training need to be available to responding agencies and professionals, as well as to police officers. Finally, we need to undertake educational programmes to make everyone aware of the provisions of the proposed legislation and the support and help that are available.

7.44 pm

Baroness Hayman (CB) [V]: My Lords, I declare my interest as a patron of the Daisy Programme, a project for survivors of domestic abuse based near to where I live, in Norfolk. Daisy provides support and confidence-building for women and men who have been in an abusive relationship. My connection with the charity has taught me how long-lasting and far-reaching are the effects of domestic abuse, and how great the need is for continuing support. Even after immediate danger has passed and a relationship is over, there is much to rebuild, practically and emotionally, for the victims of abuse. The work of Daisy, like many other such organisations, is run on a shoe-string and depends a great deal on volunteers, 75% of whom, impressively, are themselves past service users.

Like many others who have spoken, I welcome the Bill in general and am sympathetic to many of the specific issues that have been raised, particularly the creation of a specific offence of non-fatal strangulation.

However, I want to spend my time this evening, as others have done, on the seemingly technical, but in fact very practical and important, issue of extending the limited definition of those to whom the existing law on coercive control gives protection.

I am grateful for the briefing from Cassandra Wiener of Sussex University, a leading authority in the field, whose book, *Coercive Control and the Criminal Law* is due to be published this year. I am grateful for her work and her briefing. She has pointed out that the residency requirement for protection under Section 76 of the Serious Crime Act means that an abused partner is not protected under the Act when the couple stop living together. Yet there is mounting evidence that violence, the danger of injury and even death, actually increase at the point when an abused partner leaves the shared home. While some continuing abuse can be pursued by police through legislation on harassment and stalking, not all forms of abuse are covered, as was pointed out earlier in the debate, particularly in relation, for example, to financial abuse and coercive control around childcare arrangements.

Clause 1 of the Bill we are discussing today provides a definition of those protected under the law without that residency requirement. If we are to give all victims full protection from all forms of domestic abuse, including coercive control, we need to align the provisions of Section 76 of the Serious Crime Act 2015, with those in this Bill. I hope that, when she replies later this evening, the Minister will indicate that the Government are willing to think again and respond more positively on this point than they did on an amendment raised in the other place. I hope too that, with her customary courtesy and openness, she would be willing to meet those of us interested in this issue to discuss suitable amendments to the Bill.

7.48 pm

Baroness Primarolo (Lab) [V]: My Lords, I welcome this Bill. I congratulate the Minister on her excellent introduction and my noble friend Lord Rosser on the very clear way in which he laid out the important changes that we need to find for this Bill.

I say clearly at the beginning that I will support an amendment to bring in a new offence of non-fatal strangulation, as I will also support an amendment to create an offence of sharing or threatening to share the release of intimate images. However, I turn to the question of older women.

In the early 1990s, a woman in her late 60s came to see me for advice. She wanted to know whether I could help her to leave her husband. Throughout her married life she had been subjected to domestic abuse, both physical and psychological. It was shocking as a young woman MP to hear an older woman explain to me the terrible experiences that typified her decades-long marriage. She did not have anywhere safe to go where her husband would not find her. She had little money, because her husband controlled all the finances—and, of course, when she left she had nothing; she could not take any of her possessions with her.

She was reluctant to go to a women's refuge, which she believed was for women and younger children. She felt that was not the place for her. She thought that she

was less of a priority because of her age. Finding the strength to leave her husband after decades was incredibly difficult; at her age, she found starting a fresh life a daunting prospect. None the less, we were able to find somewhere for her to live, to access emergency social grants for essentials and to make sure that she got income through the social security system. Alas, I fear that that would not be the case under the current universal credit rules. As my noble friend Lady Sherlock eloquently explained, the Minister will need to look urgently at either amendments to this Bill or social security legislation to ensure that survivors of domestic abuse, including migrant women, have immediate access to public funds.

My constituent was a brave woman, but she may not have found the new life, free of domestic abuse, that she so desperately sought. She stopped contacting my office and her sister told me that, unfortunately, after she left her husband, her son—her only child—cut off all contact with her, preventing her seeing her grandchildren. He was convinced by his father's explanation for why she had left him. Faced with such a terrible situation of isolation and loneliness, she decided to go back to her husband. She felt that it was a price she had to pay. She did not want to tell me because she thought that I would disapprove or think badly of her. Nothing could be further from the truth; I was saddened that I could not do more to help her. What was not available to her, to my constituent, was the emotional support, advice and guidance that she could have received had there been independent domestic violence and abuse advisers.

The Crime Survey for England and Wales shows that 180,000 women between the ages of 60 and 74 were victims of domestic abuse in 2019. The Minister needs urgently to consider extending the duty of care to community services, and the commissioning of such services, to sit alongside the duty to provide refuges through local authorities and ensure that a network of independent domestic violence and abuse advisers are able to support all victims and survivors.

7.53 pm

Baroness Meyer (Con): My Lords, first, I pay tribute to the right honourable Theresa May for introducing this Bill. She has been a tireless campaigner and champion on this issue.

I have long been concerned that, when people talk of domestic abuse, their frame of reference is exclusively adults. Unfortunately, children are the collateral damage from an abusive adult relationship. I therefore welcome the Government's amendment to include in the definition of domestic abuse victims

"a child who ... sees or hears, or experiences the effects of, the abuse, and ... is related to"

the individuals. This is a step forward but it is not enough. It does not capture the full horror of when the abuser parent uses the child as their weapon of choice.

In my almost 20 years of running a charity, I saw this happen time and again. The abuser will typically put pressure on the child, denigrating the other parent or telling the child that the other parent does not love it anymore. Indoctrination of this kind, as easily perpetrated by an abusive father as by an abusive mother—this is

not gender related—is not just the poisoned fruit of a thirst for revenge. It is also deliberately intended to persuade the child to bear witness against the other parent in family court proceedings.

Of course, there are circumstances in which a child is fully justified in not wanting further contact with a parent, but I am talking about a situation in which a child's hostility towards one parent is the result of psychological manipulation by the other parent. That is known as parental alienation. Just imagine the distress and confusion that it causes the child. Caught in a conflict of loyalty between the child's two parents, the child is vulnerable and easily coerced into making false allegations in court, destroying the life and reputation of the abused parent and denying them all contact with the child for no good reason.

I have seen close up some of the devastating consequences of parental alienation, not only on adults but on the children themselves. I know of a 14 year-old boy who committed suicide because the pressure was unbearable. My charity produced several documentaries based on interviews with adults who had been alienated from one of their parents when they were children. They all suffered from severe mental health issues: feelings of guilt, low self-esteem, depression, lack of trust, fear of abandonment and many other symptoms. You may say that all this is child abuse, but when a child is converted into a weapon in an abusive adult relationship, is it really sensible to try to distinguish between domestic abuse and child abuse? Surely it is not. This is why I would like to put forward an amendment, which I very much hope the Government will consider positively.

7.57 pm

Baroness Finlay of Llandaff (CB) [V]: My Lords, I declare my interest as chair of the Commission on Alcohol Harm. Countless victims know how closely alcohol and domestic abuse are linked. As my noble friend Lady Boycott said, up to half of perpetrators have been drinking at the time of assault, with severe violence and rape twice as likely to involve alcohol. One police sergeant told our commission that the vast majority of domestic incidents he had encountered over 30 years were alcohol related, with the offender, male or female, having drunk excessively prior to offending or being alcohol dependent.

Alcohol's role in domestic abuse is complex and is often associated with gambling addiction and debt. It is certainly a significant compounding factor and never an excuse. The domestic abuse commissioner's role must include a focus on the complex relationship between alcohol, domestic abuse and its wider effects, including on children. One anonymous expert by experience recounted how her terrifying father's drinking and abuse "bled into every aspect of our lives", and that it continued to affect the whole family after his death.

Some survivors self-medicate with alcohol to cope. Women's Aid reports that women who have experienced extensive violence are more than twice as likely as others to have an alcohol problem, yet sometimes these survivors are turned away from refuges and struggle to find appropriate alcohol treatment services. Only 26% of

[BARONESS FINLAY OF LLANDAFF]
refuges in London say that they always or often accept women who use alcohol or other drugs. Child contact centres must be registered with all staff trained to observe and to ask appropriate questions.

The role of the commissioner must include a remit to ensure better support and access to treatment for survivors of domestic abuse with an alcohol problem, and these services should also be provided in women-only spaces, as well as in anonymous online spaces, to ensure that their security and mental health needs are met.

One cannot look at domestic abuse as an isolated problem. It is interconnected with problems and inequalities across all society. Those with disabilities are twice as likely to experience severe domestic abuse, often for long periods of time and worsened by communication disabilities. Experiencing abuse can impact the development of communication skills, and those with communication needs are at greater risk of gender-based sexual violence. Non-fatal strangulation must be recognised and prosecuted.

Aspects of vulnerability all intersect, which is why front-line staff everywhere need the skills to ask about abuse and its precipitants in an open way and enable safe reporting. Only when the problem is known can further damage be prevented, and when crimes are reported they must be correctly documented by police and investigated. To be supportive, the commissioners' board must include understanding the complexities of these antecedents and consequences to abuse, which in turn can inform inclusive support services and appropriate local authority strategies. This excellent Bill warrants support.

8 pm

Lord Brooke of Alverthorpe (Lab) [V]: My Lords, I greatly welcome the Bill and hope that in her response the Minister can indicate that the Government are open to considering further amendments to make this an even better Bill, and an Act in due course.

I want to speak about perpetrators and rehabilitation. I declare an interest as a patron, along with the now retired Baroness Gould of Potternewton, of the Everyman Project, a charity whose mission is to prevent interpersonal violence, particularly domestic violence and abuse. Its core activity is working with perpetrators and addressing the root causes of their unacceptable actions, which are basically spurred by anger, although, as the noble Baroness, Lady Finlay, has described, other factors also come into play. Quite often, substance abuse, particularly alcohol, is closely associated with domestic violence. This charity also provides advice, support and counselling to the victims of domestic abuse and violence, but it mainly works directly with men who become aware that they need support to change. It also works with public sector agencies such as the police, who make referrals, and other public bodies that wish to develop joint services.

Counselling programmes have been developed to help to break the cycle of abuse and violence, with the aim of perpetrators avoiding repetitive behaviour and accepting responsibility for their actions. Outturns are measured and the levels of success are quite good, given the nature of the problem being tackled. The difficulty is that this kind of support is very thin on the ground

throughout the UK, and even where it exists there is the perennial problem of funding. When the debate started, my noble friend Lord Rosser and the noble Baroness, Lady Burt of Solihull, raised the absence of any training, education or rehabilitation for perpetrators, and since then we have had several notable contributions from other Peers arguing, along similar lines, for a strategy to deal with the perpetrators and the importance of breaking the cycle of violence that so often goes down the line through families and is repeated and repeated and repeated.

I hope that the Bill is extended to try to break that cycle as well as provide all the necessary support and assistance which mainly women will need and will gain from the Bill. A start must be made in a different approach to perpetrators from what we have had before. We must be more systematic and less haphazard than we have been in the past in providing that kind of support, limited though it has been.

Do the Government support these kinds of initiatives? I am sure that they do. Do they recognise that we need more of them? Is the Minister willing to say that this will be further explored with a view possibly to creating a strategy along the lines that others have argued for? It may seem in the totality of the debate a fairly small issue at this stage, but it is not. It is a major one that now needs addressing. I hope that the Minister can give a positive reply.

8.05 pm

Lord Mackenzie of Framwellgate (Non-Aff) [V]: My Lords, I intend to be brief. Dealing with numerous cases of domestic abuse spanning 35 years in the police service has taught me a lot. These cases are often dismissed by young uniformed PCs as "only domestics", keeping the police from more important tasks. If proceedings were started for assault, they were usually terminated when the woman—it usually was a woman—refused to make, or withdrew, a written statement. This conditioned young officers to assume that all domestics were relatively trivial matters in which the woman could not make up her mind.

What really changed my view was a case I dealt with as a detective sergeant, in which a woman was in hospital after being seriously assaulted. She alleged that she had been tortured by a local businessman. She had a broken sternum, nose, jaw, three fingers and leg. Her ribs were cracked and she had suffered extensive bruising. Most horrifyingly, she had been branded between the thighs by a red-hot poker. She had actually been coerced by her husband into creating a tissue of lies. There was a history of domestic assault, with allegations of smothering and strangulation, none of which had been prosecuted, for various reasons. The husband was eventually jailed and subsequently committed to Rampton Hospital.

Studies have shown that most strangulation produces minor or no visible injury. One study of 300 cases revealed that 299 of the perpetrators were male. The intent is often not to kill but to demonstrate that they can. Victims of such strangulation are far more likely to be killed. Asphyxiation or strangulation is a powerful method of coercive control and often need not be repeated to produce compliance.

This demonstrates a powerful case for the introduction of an offence of non-fatal strangulation or suffocation, which I wholeheartedly support. In jurisdictions where this has been introduced, such as New Zealand and Australia, women's support organisations report a massive change in police attitude. This is a real opportunity to save women's lives, and I commend this new offence to your Lordships.

8.07 pm

Baroness Grey-Thompson (CB) [V]: My Lords, I draw your Lordships' attention to my entry on the register of interests. I am delighted that we have the opportunity to consider this Bill and I support many of the comments already made, such as those of the noble Baroness, Lady Newlove, on non-fatal strangulation, and of others who have raised the threat to share intimate images. It is also an opportunity to tackle the inequality faced by deaf and disabled survivors in finding safety and support, to recognise the scale of the abuse and not to assume it will be covered by other legislation.

Many in your Lordships' Chamber have covered the increase in domestic abuse during the pandemic, but there have been some rays of light. I congratulate the railway companies, through the Rail Delivery Group, which have run a scheme called Rail to Refuge, giving free tickets to enable people to travel to a refuge. They have already helped 836 people, including 210 children, find escape.

However, the number of people who are experiencing and will continue to experience abuse is still too stark. I thank Stay Safe East and all the other organisations that have provided information for this debate. Disabled women are three to four times more likely to experience abuse and are likely to experience multiple forms of abuse. Domestic abuse, much like disability hate crime, is poorly recognised and understood when the intersectionality of disability is added into the equation. In 2018, the Office for National Statistics reported that 16.8% of women with long-term illness or disability were subjected to domestic abuse, compared with 6.3% of non-disabled women. All those figures are too high, and we must work to reduce them.

Also in 2018, the BBC's 100 Women submitted freedom of information requests to find out about accessibility of refuges. Of the 131 councils which responded, 20 had no accessible spaces and only 11% of individual domestic violence space is fully accessible.

It is not easy to leave an abusive environment, especially if you are a disabled mother or father, as your competency is often, and continually, questioned, purely because you are disabled. Many disabled parents have told me—and I have personal experience of this, away from domestic abuse cases—that it is doubted that someone who is disabled could either be in a relationship or be a parent, and it is all too frequently asked whether they can be a good parent. This makes many disabled people afraid to raise their head above the parapet.

We must also be mindful that abuse can occur in many ways towards disabled people, which goes beyond physical and sexual abuse and can also include controlling access to disability-related equipment, communication

devices or medication; rough treatment when assisting; controlling access to transport and finance; and, for some, through benefits or care support.

Through this Bill, we must take into account the living situation of disabled people, where abuse can take place from partners, family members and paid or unpaid carers, or where they have created a "family of choice". While many carers are indeed wonderful, I believe we need further debate on the "carer's defence" and "best interests" defence.

Finally, it is my intention to table amendments that would seek to support deaf and disabled people.

8.13 pm

Baroness Wyld (Con): My Lords, first, I am delighted to see my noble friend Lord Young of Cookham back in his place. I found his historical perspective, and that of my noble friend Lord Moylan, incredibly interesting and helpful. I know that he will not mind me pointing out that I spotted a few of us noble Lords who were not born when my noble friend Lord Young was on his original committee. I point that out not to be mischievous but because I find it shocking to think that we are still standing here today, in many cases walking through the same issues and trying to get a better understanding. But here we are, and I am delighted to be here.

I warmly welcome the scope and ambition of the Bill, and add my thanks to all those campaigners who have, in many cases, revisited the most harrowing time of their lives in their determination to help others. They may have done it publicly or privately, but we owe each one our gratitude.

We are all aware, particularly today, that for too many, the words "Stay at home" mean far more than boredom, inconvenience or even strain. For too many—clearly it is not every family; many families are loving and happy—those words will evoke terror. The voices we should worry most about are often the ones we do not hear, and I know that the Government are acutely aware of this when they take these terribly hard decisions in the face of the pandemic.

The Government have shown admirable determination to improve the Bill at every opportunity and listen to constructive challenge. I think the debate has been 100% constructive tonight. I particularly welcome the recognition that children who witness domestic abuse are also its victims. I realise that we are at the stage of the evening when we are repeating ourselves on the issues, but I do not care tonight, because these things need to be said over and over again.

My noble friends Lady Bertin and Lord Polak, and many others, have spoken compellingly on this. For my part, I vividly remember working as a Samaritan volunteer, some years ago, when we used to hear first-hand the effects of growing up witnessing domestic abuse—sometimes from children and sometimes many years later. We know that we need to break cycles, and I strongly believe that we need to send a message to young people in particular that cycles can be broken. It is with this in mind that I share the concerns that have been expressed about the need to ensure that specialist services are available across communities, including taking an evidence-based approach to perpetrator programmes. I will listen very carefully to the Minister's comments on that.

[BARONESS WYLD]

I put on record that I am hugely grateful to all who have sent me briefings, and I am so sorry that time does not allow me to address every issue. However, I would like to shine a light on one other overlooked group, which is the elderly. Other noble Lords have referred to this issue. Many elderly people are now in an impossible situation: they are in danger outside and they are in danger at home. I know my noble friend is well aware of the issues surrounding data collection, and on wider strategy, the Government have had lots of constructive suggestions, including named GPs for those identified as frail. I just ask whether any progress has been made on that.

Finally, my noble friend Lady Newlove made an outstanding speech and has demonstrated with clarity and precision why the law as it stands does not deal adequately with the appalling offence of non-fatal strangulation. Others far more expert than I have commented on this but the depth and breadth of the support that she has gained and the fact that people have really thought about it leaves me with no hesitation in giving her my support. I very much hope that the Government will do the same.

8.15 pm

Lord Hunt of Kings Heath (Lab) [V]: My Lords, like many noble Lords, I have found this a moving and extraordinarily well-informed debate. Like them, I support the Bill but want it strengthened, particularly on extending the duty on local authorities to deliver support to victims who live in community settings and ensuring, as UNISON has advocated, that the victims of domestic abuse are protected at work through the extension of domestic abuse protection orders to the workplace. I should like immigration law amended to abolish the “no recourse to public funds” condition and extend the destitute domestic violence concession to at least six months.

Like many noble Lords, I should like to see the introduction of new offences of non-fatal strangulation or suffocation. I noted this morning that the Ministry of Justice was quoted as saying that there was no need for that change because there were already offences on the statute book. However, it is clear from the evidence we received that the police do not treat this issue seriously enough and, even when charges are brought, they do not reflect the severity of the offending.

Although I support those major issues, the area on which I want to focus most is older victims of domestic abuse. One problem, as Age UK points out, is that we currently do not know the true prevalence of domestic abuse among older people due to current ONS data collection policy. That is changing, and the statistics we already have are, none the less, stark. The number of older adults affected by domestic violence continues to rise. According to Age UK’s analysis of the Crime Survey for England and Wales for the year ending March 2019, nearly 190,000 older women and 1,137 older men experienced domestic abuse. One in five victims of domestic homicides is over the age of 60.

Earlier, the noble Baroness, Lady Greengross, spoke powerfully on this issue. Like her, I want the offence of controlling or coercive behaviour, under Section 76 of the Serious Crime Act 2015, to be extended to cover

abuse by family members who are not living with the victim. My noble friend Lord Rosser made some powerful points on that. The current offence covers such behaviour by a family member, including financial abuse, but only when they are living with their victim. According to research, most perpetrators of financial abuse against elderly people were family members, rather than partners, and only 25% lived with their victims. As Gary FitzGerald, formerly chief executive of Action on Elder Abuse for 18 years, has stated:

“Older women can have a higher level of physical, emotional and particularly financial dependence on perpetrators, and will often have experienced the abuse for a much greater period of time. It is those psychological and emotional relationships that are crucial in considering coercive control, much more so than whether or not the victim is living with the perpetrator.”

UK criminal law must afford victims equal protection and subject abusers to equivalent penalties, irrespective of their place of residence. I very much hope that we can achieve that in the Bill.

8.19 pm

Lord Bhatia (Non-Aff) [V]: My Lords, the Bill seeks to increase awareness of domestic abuse, support for victims and the effectiveness of the justice system. The Bill includes provisions in several areas, including new definitions of domestic abuse, extra protection for victims and witnesses in court, and codifying the principle that consent to offences involving violent or abusive behaviour is not a defence.

The Bill received cross-party support in the other place. However, four concerns were raised by MPs, as follows: first, whether the carers of persons with disabilities should come under the definition of “personally connected” for the purpose of domestic abuse; secondly, the duty on local authorities to support victims of domestic abuse; thirdly, whether the defence available for the offence of controlling or coercive behaviour should be repealed; and, fourthly, recourse to public funds for domestic abuse survivors. The Refugee Council has stated that, despite repeated assurances from the Home Office that the policy intention within the Bill is to treat all those reporting domestic abuse as survivors first, current provisions mean that many migrant women are not able to access life-saving accommodation and support services when they need them.

There are also some problems in BAME communities. There are reports of domestic abuse by family members towards women who come into the family from marriages with UK residents. Often such women are considered as baby machines, expected to do all the housework and rarely allowed to go out. There are also cases of abuse not only by husbands but by mothers-in-law. Can the Minister confirm whether BAME communities have been consulted on this Bill?

8.21 pm

Lord Randall of Uxbridge (Con) [V]: My Lords, I declare my interest as a deputy chairman of the Human Trafficking Foundation. As we have heard, this is an incredibly important piece of legislation that was most admirably introduced by my noble friend the Minister. I pay tribute too to the previous Prime Minister, Theresa May, who had a huge role in bringing this legislation forward.

Like the Modern Slavery Act that Theresa May also brought to Parliament, this Bill has the potential to change the lives of so many victims and survivors of an appalling abuse. But domestic abuse, like modern slavery, is a hidden crime, and that in itself presents huge problems. I echo the sentiments of all those who say that having a Bill is one thing but that it is paramount that it is backed up by the resources needed to implement the measures outlined. We must remember that just having a law does not mean that the problem has been solved.

I too pay tribute to all those who devote so much time and passion in the field of domestic abuse. In particular, I mention two councillors in the London Borough of Hillingdon, Janet Gardner and Jane Palmer—two remarkable women—and I commend the Hillingdon response to domestic abuse that the London borough has produced. I would be delighted to send it to my noble friend the Minister and, indeed, the Victims' Commissioner.

We have heard many excellent speeches today, so, in the short time allotted, I will raise only a few of the issues. The *Homelessness Code of Guidance for Local Authorities* from 2018 contains chapters on both domestic abuse and modern slavery. Both chapters state that the victims

“may have a priority need for”

housing

“if they are assessed as being vulnerable according to section 189(1)(c) of the

Housing Act 1996. Without access to safe accommodation, individuals are at risk of falling back into domestic abuse, and the same can equally be said about survivors of modern slavery. I hope that we might consider an amendment to the Bill so that the automatic grant of priority need status is extended further to include those survivors of modern slavery.

I fully support the comments about migrant women where, as I understand it, the current rules mean that migrant women who leave abusive relationships are often not entitled to refuge spaces as they have no recourse to public funds, leaving them at risk of destitution and providing yet another barrier to being able to escape abuse. I understand that the Government are doing a pilot and have stated that more evidence is needed before they can recommend an increase in the destitution domestic violence concession or widening out of the rule that allows leave to remain to victims of domestic abuse. I hope that my noble friend will be able to look into the current situation, and I urge her to bring urgency to remedying this issue.

I also add my support to those, particularly the noble Baroness, Lady Greengross, and the noble Lord, Lord Hunt of Kings Heath, who ask for elder abuse to be included in the Bill. Finally, I support the noble and learned Baroness, Lady Butler-Sloss, in asking the Government to look at the definition of “connected persons” to include those who are in domestic servitude and who frequently experience horrific levels of abuse.

I congratulate the Government on bringing this legislation forward, and I hope that we can use the undoubted expertise found and heard tonight in this Chamber to further improve it.

8.24 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, the arrival of this Bill in the House, slow as it has been, is a huge victory for campaigners—something that must not be forgotten. That a right-wing Government should plan to acknowledge the many ways abuse can occur within the family, not just physical violence, is really radical progress. Recognition of the reality and seriousness of physical violence within the family little predates the start of this century, the early history of which the noble Lord, Lord Young of Cookham, set out. A hashtag sums up my point: #CampaigningWorks.

Victories inspire and encourage. Despite everything else going on, like many other noble Lords have noted, I have seen my inbox fill up quicker with briefings and proposals for improvements to this Bill than any other. That is where I get to the inevitable “but”: this crucial Bill should, and can, be much stronger to address the many issues of inequality, poverty and powerlessness that Covid-19 has exposed and amplified. As the noble Lord, Lord Blunkett, acknowledged with commendable frankness earlier, previous legislation has been inadequate. We need to get this right.

My noble friend Lady Jones of Moulsecoomb has already addressed many issues and I will not repeat those. Top of my list is “no recourse to public funds”—the immigration status that can effectively trap victims in abusive relationships. Only 5% of refuge places are available to women with “no recourse to public funds” status. The Step Up Migrant Women campaign makes many important points about how abusers can use immigration status and the threat of deportation against their victims. The law, and the Government’s hostile environment, must not be collaborators in domestic abuse. All services must be available without discrimination or danger; that is a fundamental principle of the Istanbul convention.

Another familiar theme is the discriminatory nature of universal credit. As our House expert, the noble Baroness, Lady Sherlock, outlined, its household basis is profoundly dangerous and, of course, its level inadequate. At a minimum, there should be a requirement in the Bill to ensure that separate payments are made by default and advances paid as grants to survivors of domestic abuse. All welfare changes—and the current system—should be assessed for their impact on abuse victims and the possibility of escape, and the obvious problems presented by the benefits cap should be ended.

Employers too, as the TUC stresses, need to have a statutory duty to support affected staff, including provision of a period of paid leave. But the only way to ensure that everybody has the resources they need to escape an abusive relationship is an unconditional payment to meet their needs: a universal basic income.

However, services would still be needed. As Women’s Aid notes, there is a 30% shortfall in the number of refuge spaces, measured against need, and 64% of people referred in 2018-19 had to be turned away. Funding for specialist, dedicated services, both residential and in community, needs to be long term and secure, and guaranteed in the Bill. The market approach, of making effective, in-place services bid again and again for contracts, is enormously wasteful and destructive.

[BARONESS BENNETT OF MANOR CASTLE]

What is also lacking in the Bill is a requirement for all publicly funded services to make trained inquiries into current and historical domestic abuse and sexual violence standard practice, as the noble Baroness, Lady Armstrong of Hill Top, highlighted. Also, far more needs to be done in the Bill to ensure that family courts are fully aware of, and acting on, the risks and dangers that domestic abusers present. A Ministry of Justice panel concluded that the presumption of contact should be “urgently reviewed”. That has been started, but there is already ample evidence of the need to act. As a mother told that inquiry:

“It is not correct to assume, before investigation, that somebody will further a child’s welfare just because they share his/her genes.”

While we are talking about protecting children, I draw the House’s attention to the so-called “smacking bans” in Scotland and Wales, and note that the Bill could be an ideal opportunity to introduce that to England.

Finally, I associate myself with the remarks of the noble Baroness, Lady Kennedy of The Shaws: moments of change are rare and should be seized.

The Deputy Speaker (Baroness Morris of Bolton) (Con): I now call the noble Baroness, Lady Massey of Darwen.

Lord Parkinson of Whitley Bay (Con): I think there are some technical problems in reaching the noble Baroness, Lady Massey of Darwen, so perhaps we should move on to my noble friend Lady McIntosh of Pickering.

The Deputy Speaker (Baroness Morris of Bolton) (Con): I call the noble Baroness, Lady McIntosh.

8.30 pm

Baroness McIntosh of Pickering (Con) [V]: I welcome this Bill most warmly and congratulate my noble friend Lady Williams on introducing these much needed measures to tackle domestic abuse. The Government’s recognition of children as victims of domestic abuse in the Bill is especially welcome. I will focus on children, their welfare and relationships, and the wider impact of family breakdown and the contact system to ensure that the voice of the child is fully heard in this debate. I refer to my interest on the register as vice-president of the National Association of Child Contact Centres. I am also an officer of the APPG on Child Contact Centres and Services.

The statistics are sadly all too familiar. One in five children and young people are exposed to domestic abuse, while the UK has one of the highest rates of family breakdown in the western world, with just 68% of children living with both parents. These issues are both immensely damaging to the health and welfare of children, with associated economic costs. I warmly welcome the arrangements in place during this lockdown for contact, and I pay tribute to the work of many providers, including Barnardo’s, the Salvation Army, Core Assets, the YMCA and Family Action.

At Second Reading in the other place, issues raised included the need to protect victims of domestic abuse in child contact cases, supervised contact being permitted only where a parent who is involved in ongoing

proceedings relating to a domestic abuse offence seeks contact with their child, and allegations of domestic abuse being used to withhold contact unjustifiably. A stronger framework for child contact would permit: a better handling of domestic abuse in drug and alcohol cases; universal standards and accreditation of child contact; improved safeguarding protections for children and families; and a more professional system to allow more cases to be appropriately dealt with outside the court system, avoiding the adversarial and protracted nature of the court process, which is so damaging to relationships and children. Children must retain meaningful relationships with their non-residential parents where appropriate.

In my Private Member’s Bill on child contact centres and accreditation in 2017, I sought to introduce such a statutory duty in this area. I shall support similar provisions in Committee. While it may not be appropriate to specify a particular body as the accrediting body, the general direction of travel, certainly across Europe, is towards accreditation. Such an amendment would formalise the need for all contact centres and services to be accredited, and re-accredited, by an independent accrediting body, the make-up of which would reflect the providers of services in and to the public law and private law sectors—that is, third sector and commercial providers—and the users of services. This could be organised through a third sector provider with relevant experience, or whoever was deemed appropriate by the Ministry of Justice and/or Cafcass. The amendment would therefore seek to ensure that all child contact centres and organisations in England and Wales that offer facilities or services for child contact would be accredited, ensuring domestic abuse and safeguarding protections for children and families.

In contrast to local authority situations in discharging their statutory duties under Section 34 of the Children Act 1989, and private law cases governed by the judicial protocol in place for nearly two decades, there is no requirement for oversight of or specific provisions for child contact centres and services for self-referred cases outside the court system. This raises concerns around safeguarding, the quality and consistency of standards and training, and the handling of domestic abuse and drug and alcohol cases. We have seen on the APPG on child contact centres that there is a collective view among the major parties, including Barnardo’s, the Salvation Army, Cafcass and Family Action, to support a statutory framework for the accreditation of child contact centres. As the former President of the Family Division, Sir James Munby, has said, strengthening of the regulatory framework and contact system could ensure that

“every child can experience the same high level of care and safeguarding where circumstances have necessitated their involvement with the family justice system and Child Contact Centres or Services.”

A more professional contact system and a stronger framework, ensuring the appropriate training and oversight of standards, could better manage the impacts of these issues on children, especially in domestic abuse situations. I hope fervently that the Government might support the thrust of these provisions, which we will propose in Committee.

8.34 pm

Baroness Uddin (Non-Afl) [V]: My Lords, it is a pleasure to follow the noble Baronesses, Lady Bennett and Lady McIntosh. I am very much in agreement with them. I echo the sentiment of many noble Lords who have spoken with passion and integrity in welcoming this as a first step towards protecting people and preventing domestic abuse and violence.

Domestic violence is often portrayed as being more prolific in certain communities and cultures, regardless of considerable evidence to the contrary. Perpetrators come from all classes, races, ethnicities, religions and cultures. Sadly, this terrible pandemic has seen a catastrophic rise among all communities, a detrimental increase in injuries and a worsening of mental health, particularly for women and children.

I must take a moment to convey my respect to all those who have lost their mothers, sisters, daughters or friends to domestic violence. Like other noble Lords I feel an outrage that, half a century after the first refuge was opened by Erin Pizzey, one in three women across the globe continues to experience a dangerous level of violence, rape and torture. This legislation carries huge expectations of improving the life chances of the next generation of survivors.

As a professional with direct experience of working with families traumatised by the toxic effect of domestic violence, I understand the significance of partnership community-based work, with the necessity of accessing child, adolescent and adult mental health services in order to break the cycle of abuse. So I commend the many pioneers in Women's Aid, Southall Black Sisters, Crisis, Barnardo's, the Refugee Council, the NSPCC, SafeLives, Women Against Rape and the LGA, and I thank them for their insightful briefing.

In these deliberations we are under a moral imperative to forge and enhance multiagency collaboration with community services in order to provide a holistic response to all those who are vulnerable, including the elderly and those with physical and learning impairments, as well as children who have witnessed the terrible trauma of violence in their home.

Some 70% of women experiencing violence will never approach a refuge and will not in the first instance leave their home. We must ensure nuanced approaches so that they too can access safe services and couples counselling, without stigma or rebuke for the choices they may make. I hope that the Government will heed the calls of the domestic abuse commissioner and the LGA for an effective perpetrators programme, as well as widening housing choices for families.

If legislation comes in with only half of the funding and resources needed and wastes further time on reviews, we will have failed to mend many more broken lives. Therefore, this Bill will need to strengthen the hand of the practitioners in the field who can guide families to break and prevent the cycle of abuse. Otherwise, I fear that we will bear witness to further deaths and psychological trauma and devastation blighting more families.

I also hope that this Bill will emphatically cease the othering of ethnic minority and refugee women, so that their cultures and religions are not pathologised,

their recourse to public funds is not denied and there are no barriers to them getting the urgent help they need from statutory services. Educating communities and promoting awareness and understanding of the psychological and financial consequences of domestic violence will require skilled and holistic interventions and solutions to address these emotive and complex matters. We must also focus on preventive work with children and young people through PSHE, so they can learn to build and negotiate safer and more respectful relationships. This must go hand in hand with mandatory training for all involved professionals.

Time does not allow me to address the many issues, including no recourse to public funds, online harm and the detrimental effect of court use of parental alienation—where, as has been said many times, children may be weaponised. I look forward to supporting a number of amendments at the next stage of the Bill.

Living free from the threat and fear of violence is a fundamental, inalienable right. I pray that some of what we do as a result of this Bill will be a beacon of hope and a message for the next generation.

8.39 pm

Lord McConnell of Glenscorrodale (Lab): Many noble Lords in this excellent debate have referred to the change in culture and public debate around the issue of domestic abuse over the decades. I can vividly recall, as a young newly elected councillor in Stirling in the 1980s, the heated debate across all political groupings in the council about the funding of the first refuge in Stirling at that time. I recall the fear in the community at the prospect of “battered wives”—a phrase used earlier in the debate—living next door to families in a particular part of the town.

I am so glad that we have moved so far from that time; it has taken us a long time to get here, but we have definitely come a long way in our understanding of domestic abuse—its scale and the impact and nature of psychological abuse alongside physical abuse. Our understanding today of the impact on children in particular is much deeper and broader than it ever was then. It is not just the debate that has changed; our understanding has changed for the better.

There have been some fantastic contributions to our debate this afternoon and evening, and, in particular, I want to record the excellent contributions of the Minister and my noble friend Lord Rosser that started our debate, setting out the issues and commitments that have been made. I strongly welcome this Bill and I look forward to the debates on many issues; dozens of them seem to have been raised in the debate, and I am sure they will take up a lot of time in Committee and on Report in the weeks ahead.

Today, as the new lockdown starts, let us take a moment to reflect on the possibility that, somewhere in the UK, a brave woman who took a decision to break up a relationship that had been abusive and perhaps was particularly so during the first lockdown, is sitting with three kids and a mobile phone, facing the prospect of online home schooling for up to six months, potentially, as the Prime Minister stated earlier this evening. We should think for a moment about the immediate impact of these decisions around

[LORD MCCONNELL OF GLENSCORRODALE]

lockdown on the most vulnerable people in our society, and about the lack of preparation for the families and children that are affected by school closures. It breaks my heart to think about what they will go through in the weeks to come. When we pass this legislation in due course, with great cheers, we must also deal with the immediate impact of government decisions on individual families and children.

I will strongly support moves to include community-based services in definitions, and, in particular, I will support amendments on threats to expose explicit images online. I also hope that, in the debates, we can learn from the Domestic Abuse (Scotland) Act 2018: there are positive and negative experiences from it that I am sure we can refer to in the debates to come.

I will ask the Minister specifically to address one point in summing up this evening. We have lost the protection of the European protection orders as a result of the reclaiming of UK sovereignty in recent days, but an issue about cross-border co-operation that was often spoken of by those involved in supporting victims of domestic abuse in Scotland was that securing justice co-operation across the European Union was, at times, easier than securing it across the jurisdictions of the United Kingdom. I wonder whether there is perhaps an opportunity, in the absence of our engagement with the European protection order from now on, to look at how we can put in place UK protection orders or some other form of formal co-operation that would make it much easier for the different jurisdictions in the UK to support those who have taken the brave decision to flee for their freedom, and also to ensure that those who have decided to flee from justice can be caught and prosecuted.

8.44 pm

Lord Davies of Gower (Con) [V]: My Lords, domestic abuse is abhorrent—a cowardly offence which takes place behind closed doors and often, through fear or embarrassment on the part of the victim, goes unreported and unnoticed. I am therefore delighted to see this Bill before your Lordships' House.

In my policing experience, I have found that it is not confined to a particular section of society. It is fair to say that alcoholism and the effects of drug taking play a part in many of the cases which come to notice. Neither can it be said that it is confined to a particular age group. According to the Older People's Commissioner for Wales, many thousands of older people in Wales experience domestic abuse—a single or repeated act by their partners, which causes harm or distress to them as well as to other members of their family. I wish to address issues concerning older members of our society.

Some older people will have experienced domestic abuse for most of their adult lives, whereas it may have started for others as they reached older age or developed particular health conditions. In the commissioner's view, it is therefore difficult to know the true scale of domestic abuse faced by older people, as existing available data relies on reports to adult safeguarding teams and the police, which of course do not show the level of abuse that remains hidden behind closed doors.

For example, the available statistics in Wales show that during 2018-19, 1,321 reports of domestic abuse of people aged over 65 were made through local authority safeguarding teams, and in 2017-18, almost 3,500 domestic abuse incidents with an older victim were reported to the police in Wales.

Despite the levels of domestic abuse faced by older people, and the fact that one in four domestic homicide victims in the UK is aged over 60, there is an alarmingly low prosecution rate for all crimes committed against older people. Only around 1% of all crimes committed against an older person lead to a prosecution, compared to around 19% for all crimes committed.

The Crime Survey for England and Wales is a key source of data on the prevalence of domestic abuse, but has traditionally not collected data on the experiences of adults over the age of 74. Without this data, the voices and experiences of this age group risk being ignored and not considered when decisions are made about the allocation of resources to support victims of domestic abuse. As a result of the attention drawn to this issue, I understand that the ONS has agreed to remove the upper age limit on recording domestic abuse in the national crime survey. This means that everyone aged 75 and over will be able to record their experiences as victims of domestic abuse.

I agree with the Older People's Commissioner for Wales when she says that to increase the visibility of domestic abuse of older people, as well as the rate of reporting and prosecution, it is vital that more is done to raise awareness among the public and professionals about older people's experiences of domestic abuse and the support available to those at risk of, or experiencing, abuse.

As well as understanding the effect that dementia can have on experiences of domestic abuse, research has identified that a disabled person is at twice the level of risk of experiencing domestic abuse of a non-disabled person.

The availability of specialist support services and older people's awareness of them is often very limited, meaning that older people will often remain in or return to an abusive situation, which can negatively impact on their health and well-being and put them at risk of harm. Services are also not effectively targeted at older victims, and do not always meet their needs. In many cases, older people experiencing abuse often have difficulty accessing alternative and suitable housing options that meet their needs; this applies equally to accessing refuge provision.

The Covid-19 pandemic has been a particularly difficult time for older people living with abuse, and the lockdown measures put in place have also created situations where older people may be at greater risk of abuse. Many of the usual opportunities to identify abuse—through contact with professionals at routine appointments, for example—have been limited, which means that older people could be missing out on potentially life-saving help and support.

The Bill can effect change for older people. I welcome it and look forward very much to making further contributions as it progresses and gives succour to abused persons of all age groups and backgrounds.

The Deputy Speaker (Baroness Morris of Bolton) (Con): My Lords, the noble and learned Lord, Lord Morris of Aberavon, and the noble Baroness, Lady Massey of Darwen, experienced technical problems, so we will try again. I call the noble and learned Lord, Lord Morris of Aberavon.

8.49 pm

Lord Morris of Aberavon (Lab) [V]: My Lords, this is a modest but nevertheless important Bill, which received cross-party support in the other place. It is long overdue. At Second Reading, I will not go into any of the detail but will merely refer to the background. Some concerns were expressed in the other place and I hope that we shall return to them.

The first thing that I want to say is fairly obvious: there is no doubt that domestic abuse occurs and we should improve our system for dealing with it considerably. Secondly, we have become aware of only the tip of the iceberg. I read in yesterday's *Times* the concern of the coroner in the sad case of Kellie Sutton, highlighting the lack of a national system to check on reports of those accused of domestic abuse. By Report, I would welcome an account of further progress on improving the system of national intelligence reports.

As a former MP for many years in an industrial constituency, I am deeply conscious of the problems of young mothers with young children living in small flats in high-rise buildings without a garden. I think we have built far too much of this kind of accommodation. I hope that in future city fathers will take our present problems into account and reduce the number of such dwellings.

The Director of Public Prosecutions, Mr Max Hill QC, was right to raise the alarm on one of the effects of the lockdown. He said:

"Lockdown has taken its toll on us all, but it assumes an even darker dimension for those deprived of the temporary respite of going out to work or visiting friends and family."

I welcome his absolute assurance, as head of the CPS, that no one will be prosecuted for leaving an abusive setting. It is frightening to read that at present the police are making 70 references to the CPS every hour during peak hours. The Early Intervention Foundation, a charity, estimates that 15,000 children were living in a household where violence occurs during the Christmas period. The tragedy of current events was highlighted when the Office for National Statistics revealed last month that one in five crimes reported during the spring lockdown related to domestic violence. I ask the Minister specifically to convey to the Attorney-General my request for an update from the DPP on the situation arising over this Christmas and during this lockdown.

I have been waiting for many years for the opportunity to say that the family, with a mother and father, is the glue that enables society to function, with the mother, as mine did, giving her all to ensure that the breadwinner goes to work and the children go to school every morning, although she might be working as well. I surmise that there is a weakness in the family structure when there is the absence of a father to give guidance, ensure discipline and act as a role model. Family breakdown leads to many problems.

Sitting as a recorder in the Crown Court over many years, from time to time I had to deal with binding over to keep the peace applications, when a weekend family quarrel had become violent. Fortunately, few cases actually came to court. Indeed, if the police had intervened, particularly if a mature and experienced sergeant had been involved, he would have been able to calm the situation and no more would be heard of it. I hope that the Minister will convey to the Home Secretary my approval and appreciation of the work done by the police in this respect.

I want to ask the Minister how the definition of a child—

Lord Parkinson of Whitley Bay (Con): The noble and learned Lord is going considerably over the advisory four minutes, so perhaps he would not mind drawing his remarks to a close.

Lord Morris of Aberavon (Lab) [V]: [*Inaudible*] responsibility of work in practice. I close with those remarks and will come back to some of them in Committee.

8.54 pm

Baroness Massey of Darwen (Lab) [V]: My Lords, I am delighted to have finally entered the debate, and delighted that this important Bill is now with us. The Minister, colleagues and those working with domestic abuse clearly feel the same. There has also been extensive feedback on the issue of domestic abuse in public consultations. The voluntary sector for children, women and families has co-ordinated superbly to provide expertise and argument. The process has been good, and all this has added to the quality and credibility of the Bill and this excellent debate.

I shall focus my remarks on issues related to children, which includes teenagers, who are still children under the UN Convention on the Rights of the Child. We need to listen to children, whose stories can reveal urgent issues that may need good practice.

Last summer, a round-table meeting was held at your Lordships' House to discuss the Domestic Abuse Bill in relation to children. It was attended by Members from all Benches of your Lordships' House, and many charities. We recognised that children's services are under severe pressure, as indeed they were before the Covid epidemic. A Women's Aid survey found that 60% of service providers have needed to reduce or cancel their services for children. The charity Refuge has reported a 700% rise in calls to its helpline. Child abuse cases have soared, as have cases of domestic violence. The impact of this on children will be enormous in relation to their future relationships, educational attainment, risks of exploitation, mental health and other issues.

I turn to the issue of teenage relationships abuse. Currently, the Bill defines domestic abuse as acts taking place between people over the age of 16. Research shows that abuse can and does take place at a younger age. The draft statutory guidance to the Bill recognises that teenage relationship abuse takes place at similar rates to that in the adult population and that specialist support, different from adult services, is needed. However, abuse between teenagers is counted as child abuse and

[BARONESS MASSEY OF DARWEN]

thus relies on the current child protection system, which was designed to protect children from abuse within the home. Teenage relationship abuse is not defined in statute, nor does it appear in national guidance, which means that it is not picked up in child protection systems.

Surveys of young people, when they were asked if they recognised an abusive relationship, showed that over 50% said that they could not. Some schools have addressed the issue of such abuse and schools are now obliged to teach about relationships and sex education, which is progress. Children need to be helped to understand relationships, including abusive ones. But it is a difficult issue to tackle without services that can recognise and give help with the problem. Research from the Children's Society found that only 39% of local authorities provide specialist support for the under-16s. Children who are abused in a relationship, sexual or otherwise, may well be damaged for life without adequate intervention.

The Government have recognised that children who experience domestic abuse within their families are victims of abuse in their own right, and that is good. Now, teenage relationship abuse needs to be addressed within the Bill. Separate statutory guidance on teenage relationship abuse is needed. It must include early intervention, prevention, and referral to specialist support for those abused and for the perpetrators. This is dangerous territory that needs to be urgently navigated in order to avoid serious damage, just like earlier interventions in issues related to children. I hope that the Minister, whose stamina I greatly admire, can give assurances on this, and I look forward to her response to this excellent debate.

8.58 pm

Baroness Hamwee (LD) [V]: My Lords, I look forward to working on a Bill welcomed across the House, although we must not let ourselves think that agreeing words on paper solves all problems, nor that welcoming it means that we should not continue with scrutiny. I, too, thank all the organisations that have briefed us so thoroughly. I have read and heard almost nothing that I am not keen to pursue, so an omission today is not an omission from our thinking; it is time constraints that mean that I cannot mention organisations or noble Lords by name.

In welcoming Nicole Jacobs' appointment—her enthusiasm and energy are evident—we must remember that she will not always be the post holder. I make only one comment for now on the detail of the post. I was shocked to find that the role is not formally full time. That seems mean-minded, and an assumption on the part of the Government, as we all know that people in such a job are likely to work far more than the formal hours.

We will be asked not to make this Bill a Christmas tree, but given how often it has made way for other legislation, I think we are entitled to assume that opportunities will not come thick and fast after this Bill, so there is a shopping list.

There has been much mention of awareness of domestic abuse, not only that it happens, online and off, nor only of what support is needed, but of how

each of us needs to be open and alert to recognising someone who is affected—non-fatal strangulation is not new—and to finding ways to help, and for that someone to seek and find formal and informal support. Awareness on the part of the Government means walking in people's shoes, really understanding why various provisions and amendments are important and the real difference that each could make. I want to be clear that I am not for a moment suggesting the slightest lack of empathy on the part of the noble Baroness, Lady Williams, Victoria Atkins or Alex Chalk, but we all know how government as a whole can present obstacles. Every department has a role in making relevant cases to the Treasury—for instance, on legal aid, on the real-life impact of universal credit paid in arrears by default and into a single bank account, and on the “no recourse to public funds” rule excluding migrants.

Migrants are a part of our society. I have banged on often enough about the use of data for, to quote the Act,

“the maintenance of effective immigration control”,

for the Minister to expect me to raise the sharing of information. Immigration status should be irrelevant—or, rather, we should be particularly alert to their additional vulnerabilities and needs such as a support net, protection, recovery and respite, all of which are recognised in the Home Office tender for the Support for Migrant Victims pilot scheme. Those needs are now; they cannot wait until after May 2022, the date for the submission of the pilot, which, as I say, is out for tender now.

Awareness also requires thorough and thoughtful work on prevention. It is beyond me that the Government take the view that a perpetrator strategy should await the conclusion of piloting prevention orders. They cannot be the whole of a strategy, and it will have to be refreshed periodically, like any strategy; a range of measures will be needed.

It only needs a moment in a victim's shoes to realise that, even for a victim and her or his children, a bed and a refuge is by no means everything—if they can access one, and a lot of people cannot. But that is crisis intervention. Early intervention and prevention are a no-brainer. Unavoidably, that means investment, not just telling local authorities what to do without the funds. I appreciate that funds are in short supply all round at the moment, but too often the buck is passed without the bucks.

Community-based services must include support for children. It is welcome that there is recognition that children are themselves abused through the abuse of others and affected by their relationship to both abuser and abused. I recall a report by Pro Bono Economics a couple of years ago on the enormous cost of the impact on children.

I referred to funding as investment. Training for all relevant agencies in identifying all forms of abusive behaviour, and asking the right questions to elicit what is going on, is certainly investment.

Many parts of our society have the opportunity to encourage disclosure. The briefing that we have had about the workplace and the role of employers has been hugely helpful. For instance, it is at the points of admission to and discharge from hospital that the

abuse of older people can often be picked up. A whole-health approach is called for, and no one who has been through the last 10 months can be unaware of how fragile mental health, as well as physical health, can be.

Nor should we be unaware of the importance of housing. It is offensive that the perpetrator is so often the person who remains in the home that he has destroyed. There are areas of law, as well as supply, to be brought up to date.

I was unaware that the 2018 Act dealing with secure tenancies had not come into effect. I trust we may assume that this Bill—all of it, and more by the time your Lordships have finished with it—will be commenced.

The part played by courts of all types is significant. Neither party should be locked out of justice by procedures or by the courts being made a tool of abuse. We will spend time on the detail of the measures included in the Bill.

I want too to be clear-eyed about remedies, including civil remedies. A notice based on reasonable grounds for belief—and if it is breached, an order based on the balance of probabilities—can lead pretty directly to a criminal conviction. Your Lordships will appreciate the issue of the burden of proof through all this.

The statutory defence in the Modern Slavery Act was significant in 2015, recognising that an offender may be an offender because of being a victim. That it may be better recognised in legislation than in practice, or that there are concerns about misuse or a lack of understanding of its scope, are arguments for improving practice, not for excluding a similar provision. It is a matter of justice. Our response to women offenders—the impact of imprisonment on a woman and her children—is a wide issue, but we can do something through this Bill.

Rather than polygraphs, I would argue for more people better trained to recognise the signs of the telling of truth, evasion and whoppers. I am conversely persuaded of the damage done by post-separation abuse, and by threats; we have heard about the threats to share intimate images, objectifying and dehumanising the person threatened. As noble Lords recognised, response to abuse has a history, with a way to go.

My historical connection with Chiswick women's rescue goes back not to 1971 but to 1991, when I joined the board, and it was still in the quite awful premises in Chiswick. The statistic of an average of two women a week killed by a current or former partner has remained constant for decades—that is what is often quoted—but it is not about a single gender, age, fitness or disability, or sexuality; it is not about one type of family relationship; it is not about one demographic. Each person affected, or who may become affected, or more seriously affected, is an individual, of whom we should be aware and should support.

9.07 pm

Baroness Wilcox of Newport (Lab) [V]: My Lords, I am privileged for the first time in my shadow Front-Bench portfolio to wind up the debate for the Opposition on what has been an example of the highest quality deliberation, from all areas of the House. I wish to note my entries in the register.

To listen to the expertise of Members from around the House is both educative and enlightening. We have waited a long time for this Bill to come before us, but, more importantly, victims have been waiting even longer. The Bill at its heart must be about providing services to people who have become victims of abuse. We know that it is mainly women who suffer from domestic abuse, be it physical violence, threatening behaviour or coercive control—or, indeed, torture in their home. The importance of this Bill and these measures has only grown during the coronavirus crisis, as perpetrators have exploited lockdown to intensify their control and abuse. Calls to helplines have increased greatly across all four nations of the UK.

I make special mention of the many domestic abuse organisations and charities which have provided us with much current information regarding the amendments required to the Bill. We must clearly acknowledge the support they give on a daily basis.

We also recognise all victims and campaigners who have pushed for family law reform for victims of sexual and domestic violence through their own pain, suffering and loss. I am proud to call Rachel Williams, from Newport—a survivor and leading campaigner in domestic abuse—a good friend. Rachel often knocked at my door when I was the council leader to lobby for support with her work for domestic abuse victims, which we provided to the best of our limited financial position. However, I promise her, and all campaigners, that I will do all that I can from this privileged position in your Lordships' House to make changes to the law that are needed to make life better for victims of domestic abuse, by strengthening their legal position so that recourse to justice, funding and support can be at its greatest.

In the time allowed, I cannot possibly cover every subject, but I will endeavour to cover a few key issues. My noble friend Lord Kennedy of Southwark, who was not able to take part today, asked me to raise on his behalf an issue which he has been raising in this House for nearly five years. GPs are able to charge the victims of domestic abuse over £150 for a letter confirming their injuries to enable the victim to get access to legal aid and other services. BMA guidance is that there should be no charge for these letters, but unfortunately some GPs ignore that advice and charge victims. The Government have expressed concern but have failed to act. My noble friend intends to table an amendment to stop these charges and will divide the House on Report if a satisfactory solution is not forthcoming.

The protection for migrant women is a gap in the Bill. We will be seeking to guarantee that all victims of domestic abuse will be treated equally, and to afford them the same support and resources regardless of their immigration status. We will be looking at issues including recourse to public funds and safe reporting. Women must be responded to primarily as survivors of abuse and in need of help—not as immigration cases. Linked to this is ensuring the UK meets its obligations under the Istanbul convention, as mentioned by my noble friend Lady Gale, especially on how any current pilot schemes might help to achieve the ratification required. It is over nine years since the inception of this treaty—how much longer can we prevaricate about it?

[BARONESS WILCOX OF NEWPORT]

In her powerful speech regarding children and teenagers, my noble friend Lady Massey noted that there are indeed issues to be dealt with in greater detail. She mentioned the important role of local authorities, support for grass-roots community organisations and proper funding for specialist services. About half of the residents in refuges are children; the traumatic impact on them cannot be underestimated. Sadly, I saw many examples of this trauma during my 30 years as a front-line classroom teacher. Local authorities have a duty to provide school places for looked-after and adopted children as a priority, so there needs to be a straightforward amendment to the schools admission code for children who move as a result of domestic abuse. Furthermore, we need that thread of protecting children to be a guiding light through the Bill. In particular, we want to revisit the issue of the presumption of child contact in domestic abuse cases. The argument to end the presumption of contact for proven violent perpetrators is clear. I have no doubt that the Minister understands the brutality that lies behind this issue.

Let us also not forget the need to focus on the experiences of disabled survivors, and on what would make a genuine difference to their experience of abuse, and on support services, including amendments to ensure that abuse in carer relationships is also considered.

The Bill currently includes a duty on local authorities to provide support to adult and child survivors in accommodation-based services. As we are both former council leaders, I am sure that the Minister would agree with me that we know only too well the importance of local government in putting national government policies into practice. We need only look at how councils across the UK have stepped up to the challenge during this pandemic—they are the bedrock of governance in society.

Although it is a move in the right direction, this limited duty risks unintended consequences, such as removing funding from key community-based services that are absolutely crucial to supporting child victims of domestic abuse. The Government must ensure that community-based services are provided, and, crucially, funded, under any new statutory duty. As my noble friend Lord Rosser spoke about in his excellent opening speech, 70% of victims seek support in the community rather than in accommodation-based services. We will be looking to continue the work done on this by the Labour Front Bench in the Commons, to ensure proper resource and provision. Furthermore, we would look to place a duty on all relevant public bodies—not just local authorities—to do their part in commissioning domestic abuse services in the community.

The important issue of non-fatal strangulation was powerfully introduced by the noble Baroness, Lady Newlove. Let me state that we will support this important amendment. A separate offence on the statute book of non-fatal strangulation would help police spot domestic abuse and coercive control. This is our opportunity to help those women who have suffered this dreadful form of abuse and coercive control at the hands of their perpetrator.

On economic abuse and the economic protection of victims and survivors, we must make sure that women are not trapped in abuse because they literally cannot

afford to leave. We have heard many knowledgeable speeches on this from around the House tonight, and I am particularly grateful to my noble friends Lady Lister and Lady Sherlock, who raised these matters in much greater detail.

In May 2018, my Newport Council cabinet approved the Gwent regional strategy, further to the Welsh Government's domestic abuse Act of 2015. The strategy contains six regional priorities that are being delivered locally today. It is a tangible and practical application of law-making that is helping to change perceptions and promote recognition of such suffering in our society. The Bill before us deserves the same priority to make overdue changes in the law.

In this House and from this shadow Front Bench, I am determined to keep making differences to people's lives through the UK Government's function of law-making—that is, making laws that will help to prevent domestic abuse and support the survivors of such abuse.

9.16 pm

Baroness Williams of Trafford (Con): My Lords, I thank all noble Lords for what I think has been one of the most thoughtful debates I have ever heard in your Lordships' House. No age group has been left out of the debate, including the unborn child and the foetus.

From the young to the old, the disabled, LGBTQ+ people and BME people—all strata of society are affected by this horrific crime. Of course, it does not respect social niceties either. Just because you are middle class does not mean that you will escape it. The problems of poverty exacerbate it, but nobody is safe from its clutches where the perpetrator wishes to strike.

I begin by welcoming the noble Baroness, Lady Wilcox, to the Labour Front Bench. I thought that was a storming first Front-Bench effort.

At this early stage in my remarks, I also want to refer to my noble friend Lord Young of Cookham. His talents, experience and expertise know no bounds. It seems that he can speak with great authority on so many things. I have in my mind a picture of him and the noble Baroness, Lady Taylor of Bolton, in 1975, not knowing that what they had started then would be advanced all these years later, moving from the comment of "I'm not sure there's anything the committee can do about it"—from a Home Office Minister, of all people—to the statutory duty on local authorities now being fulfilled 50 years later. I do not know whether I am proud or downright ashamed of that, but thank goodness we are at the point that we are now.

I also join other noble Lords in paying tribute to my right honourable friend Theresa May for her efforts to begin to get this Bill going. I also thank the PM for particularly noting in his remarks yesterday that people who need to flee abuse are absolutely not subject to some of the lockdown restrictions that others are.

I welcome the overwhelming cross-party support for the provisions in the Bill. Noble Lords supported the introduction of the statutory definition of domestic abuse, including the express recognition that children are victims in their own right. There was support, too, for enshrining in law the office of the domestic abuse commissioner; for the new domestic abuse protection

notice and the domestic abuse protection order; for the new duty on tier 1 local authorities in England to provide support to victims and their children within safe accommodation; for the prohibition on cross-examination in person in the civil and family courts; for automatic eligibility for special measures; and for the clarification of the law in respect of the so-called “rough sex” defence.

This is not to say that all noble Lords regard every one of the provisions in the Bill as perfect. A number of noble Lords raised points of detail and substance, and I will respond to some of those in a moment. I hope noble Lords will forgive me if I do not name-check everyone who spoke, else I will lose my entire 20 minutes in doing so.

Before responding, I acknowledge that the general welcome for the provisions in the Bill was accompanied by calls for it to be extended into new areas. There were three in particular, but the first two raised were the provision of community-based support for all victims and access to safe accommodation by migrant victims who have no recourse to public funds. A number of noble Lords, including my noble friends Lady Chisholm and Lady Bertin, the noble Lords, Lord Rosser and Lord Polak, the noble Baronesses, Lady Burt, Lady Armstrong, Lady Lister, Lady Hussein-Ece and Lady Wilcox of Newport, and the right reverend Prelate the Bishop of Gloucester, talked about this, as did other noble Lords. In fact, almost every noble Lord talked about it, and we recognise that more needs to be done to ensure adequate provision of community-based support, but it would not be right to impose new duties on public authorities in this Bill without first understanding the gaps in existing provision and consulting with local authorities, police and crime commissioners and others who would be subject to any new duty.

To this end, the domestic abuse commissioner is undertaking an in-depth exploration of the current community-based support landscape. The commissioner is due to complete this work towards the end of the year. Alongside this, we are also developing a victim funding strategy to deliver sustainable provision to all victims. I understand the point that my noble friend Lady Sanderson made, but we do not think the duty on first-tier local authorities for community-based service in some way overrides that provision. That is the point that she was trying to make. On completion of the projects, the Government will work with the commissioner to understand the needs identified and develop options for how best to support victims, wherever they reside.

The noble Baronesses, Lady Wilcox, Lady Burt, Lady Lister, Lady Gale, Lady Crawley and Lady Meacher, the noble Lords, Lord Rosser and Lord Woolley, the right reverend Prelate the Bishop of Gloucester and my noble friend Lady Helic—practically the whole House—talked about the needs of migrant victims. We are clear, first and foremost, that all victims of domestic abuse must be treated as victims first. Noble Lords will have heard me say that before and I say it again. We committed in our response to the pre-legislative scrutiny of the draft Bill to review the Government’s response to migrant victims of domestic abuse, and we

published our findings last July. This highlighted that, although we have received some evidence, there is currently a lack of robust data to demonstrate which cohorts of migrant victims are likely to be in most need of support.

To address the evidence gap, on 15 December we launched a £1.5 million support for migrant victims pilot scheme, which will start next month and run to March 2022. This will enable us to take well-grounded and evidence-based decisions on how best to protect these victims in the long term. Both the noble Lord, Lord Woolley, and my noble friend Lady Helic talked about engagement with Southall Black Sisters. I have engaged with them previously in a round table, and my honourable friends Vicky Atkins and Alex Chalk have also engaged with them extensively. We have engaged with many groups across the sector and certainly with them.

The noble Lord, Lord McConnell of Glenscorrodale, talked about co-operation across borders. It is absolutely essential, both to fulfil the provision and to make sure that people do not abscond from their obligations of facing justice.

I will address some of the points raised in the debate. We have heard from more than 90 speakers; I cannot respond to all the points, but I will attempt to. If I do not address all the points, I will certainly write to noble Lords.

The point I will mention first is GPs charging for letters, because it was one of the last points made by the noble Baroness, Lady Wilcox, on behalf of the noble Lord, Lord Kennedy. I know that, as she said, it has been troubling him for some time. While GPs can levy a fee for this service, due to it being classified as private work that sits outside the core GP contract, the BMA has now advised GPs not to charge for such letters. Back in January 2018 we made changes to legislation that aimed to make it easier for victims or those at risk of domestic abuse to obtain and provide the evidence required to access legal aid. We continue to work with the GPs committee to improve the process for GPs and victims in relation to evidence of domestic abuse.

Another issue that came up a lot was the crime survey upper age limit. My noble friend Lord Davies of Gower took the wind out of my sails by answering the question for me, but I shall answer it again. I first got the answer from my noble friend Lady Sanderson. Last month the Office for National Statistics announced that it would remove the upper age limit from the Crime Survey for England and Wales. I know this announcement will be welcomed by noble Lords and organisations such as Age UK that have campaigned for this change.

The right reverend Prelate the Bishop of London and the noble Baroness, Lady Hamwee, among others, argued for the introduction of a data-sharing firewall so that migrant victims can approach the police safe in the knowledge that their details will not be passed to Immigration Enforcement. I understand the national policing lead on domestic abuse is clear that there will be circumstances in which information sharing between police and immigration authorities is in the interests of safeguarding the victim of abuse. We are committed

[BARONESS WILLIAMS OF TRAFFORD]

to considering existing data-sharing procedures in the light of the policing inspectorate's findings of a police super-complaint that relates to current police practice in this area.

Probably the biggest issue of the day was non-fatal strangulation. Many plaudits were paid to my noble friend Lady Newlove; I will join with them. She was supported by practically every Member who spoke, arguing for the new offence of non-fatal strangulation. The noble Lord, Lord Anderson, made the interesting point that we should take time to interrogate whether a generic offence would be better. I will not answer yes or no to that, but there are several existing offences that relate to non-fatal strangulation. They cover a range of seriousness, from attempted murder to common assault and battery. In addition, non-fatal strangulation could be part of a course of action under the controlling or coercive behaviour offence or be covered by the specific offence under Section 21 of the Offences against the Person Act 1861.

Even though we are currently of the view that this range of offences already covers the diverse circumstances and levels of seriousness that may be involved in non-fatal strangulation, we are certainly willing to listen, and this debate has had quite a lot of evidence given to it on what might be needed. The Government will keep this matter under review and assess any evidence that emerges. Noble Lords have talked about New Zealand; the noble Baroness, Lady Bull, talked about Brazil. We will look at other practices around the world and consider whether a new specific offence is required. The noble Lord, Lord Anderson, wisely said that we need to reflect on this and make sure that we come up with good law in this area.

The other big issue raised by noble Lords was revenge porn and, specifically, threats to disclose. My noble friend Lady Morgan asked about the steps that the Government are taking to protect victims from threats to disclose private sexual images without consent—known as “revenge porn”. Threats to disclose, regardless of the connection between the offender and the victim, are in many circumstances already captured by a range of existing offences. However, we acknowledge that there are concerns about the effectiveness of the current criminal law in this area. That is why the Law Commission is conducting a review of the law relating to the non-consensual taking and sharing of intimate images, including, but not limited to, the “revenge porn” offence in Section 33 of the Criminal Justice and Courts Act 2015. I understand that the Law Commission will launch a consultation shortly. I encourage noble Lords and others to contribute their views.

The controlling or coercive behaviour offence—the post-separation abuse that goes on—was widely mentioned as well. The noble Lord, Lord Rosser, the noble Baronesses, Lady Burt, Lady Lister, Lady Andrews and Lady Hayman, my noble friends Lady Sanderson and Lord Goschen, and the noble and right reverend Lord, Lord Harries, argued for the controlling or coercive behaviour offence to be extended to cover post-separation abuse issues. This offence was created in 2015 to fill a gap in existing legislation around patterns of controlling or coercive behaviour occurring during a relationship. Cases of controlling or coercive

behaviour that occur outside the parameters of the offence are captured by the separate stalking and harassment offences. That said, we are finalising a review into the effectiveness of the controlling or coercive behaviour offence to ensure that it is fit for purpose and adequately protects victims from abuse. The review has unfortunately been delayed by the pandemic—one noble Lord mentioned that—but we aim to publish the outcome in time for Report stage.

The noble Baroness, Lady Kennedy of The Shaws, and the right reverend Prelate the Bishop of Gloucester called for the Government to introduce a statutory defence for victims whose offending is driven by their experience of domestic abuse. We recognise the harm suffered by victims of domestic abuse, which is why a number of defences are potentially available in law to those who commit offences in circumstances connected with their involvement in an abusive relationship. These include the full defences of duress and self-defence as well as, in homicide cases, the partial defences of loss of control or diminished responsibility. In light of these existing defences, we are not persuaded in this case that a statutory defence is necessary, but we will continue to monitor the position.

My noble friends Lady Bertin and Lord Farmer, the noble Lords, Lord Rosser, Lord Brooke of Alverthorpe and Lord Strasburger, the noble Baronesses, Lady Watkins and Lady Royall, and the noble Earl, Lord Lytton, called for a perpetrator strategy, the expansion of perpetrator programmes and the better management of perpetrators. We continue to work with local areas to support effective commissioning of domestic abuse services, including high-quality, safe perpetrator programmes. Indeed, in this financial year, we are investing more than £7 million into direct perpetrator-focused interventions through police and crime commissioners to prevent abuse. Our forthcoming domestic abuse strategy provides an opportunity for us to build on the foundations of the Bill in order to transform the response to domestic abuse. The strategy will include specific work to tackle perpetrators and to prevent offending.

The noble Baroness, Lady Royall, called for the creation of a new Multi Agency Public Protection Arrangements category for serial domestic abuse and stalking perpetrators. At this point, I pay tribute to her work and that of John Clough on this. She knows that we do not have plans to introduce a new MAPPA category, but I certainly commend her for raising it. Our focus is on ensuring that we make better use of the existing MAPPA framework and related police systems, such as VISOR, rather than creating new categories.

Noble Lords, particularly the noble Baronesses, Lady Wilcox, Lady Burt and Lady Jones, the noble Lord, Lord Rosser, and my noble friends Lady Gardner of Parkes, Lady Altmann and Lady Helic, expressed concerns about the handling of child contact cases in the family courts and the issue of parental alienation. My noble friend Lord Moylan also stressed something really important: the importance of ensuring that justice is upheld. We must never lose sight of that.

Last June we published the findings of the expert panel established to examine how effectively the family courts respond to allegations of domestic abuse and

other serious offences in private law proceedings. While the current law is clear that the welfare of the child is paramount in making decisions about contact, the panel concluded that in some cases involving domestic abuse the courts are not striking the right balance between the child's right to a relationship with both parents and the well-being of both the child and the parent victim.

That is why we have committed to undertake a review of the presumption of parental involvement as it currently stands. The review will consider how the presumption is currently applied by the courts, as well as reviewing the existing body of research in this area. However, while we fully recognise the need for swift action in the light of the panel's findings, we also need to ensure that the full spectrum of issues and potential impacts can be considered in the round. The presumption of parental involvement is wide-ranging and we must be certain that any changes are fully considered.

Most noble Lords talked about support for children through the Bill. My noble friends Lady Chisholm, Lord Polak, Lady Stroud, Lady Verma and Lady Jenkin, and the noble Baronesses, Lady Benjamin and Lady Watkins, rightly drew attention to the devastating impact that domestic abuse can have on children and young people. I talked about the foetus earlier—those adverse impacts start when that child is in the womb.

Growing up in a household of fear and intimidation can impact children's health, well-being and development, with lasting effects into adulthood—in fact, all their lives. That is why we amended the Bill in the Commons expressly to recognise that children who see, hear or experience domestic abuse are victims in their own right. The Bill includes a number of other measures to better protect and support child victims of domestic abuse. One of the domestic abuse commissioner's key functions will be to encourage good practice in the identification of children affected by domestic abuse and the provision of protection and support to people, including children, affected by domestic abuse.

Another issue raised by the noble Baronesses, Lady Warwick and Lady Donaghy, and my noble friend Lady Eaton was accommodation-based support, and how we had costed the new duty on tier 1 local authorities provided for in Part 4. MHCLG engaged with local authorities and service providers in estimating the cost of the new duty to ensure that it is funded appropriately.

The funding covers the estimated cost of providing unmet need for support in safe accommodation for victims and their children, as well as needs previously supported through MHCLG short-term challenge funds. The Women's Aid estimate included costs of all services,

including those with existing funding. On the basis of evidence, MHCLG estimated the cost at £125 million for 2021-22. It will undertake a post-implementation review, two years following the commencement of the duty, to assess its delivery, including the level of funding and the allocation method.

The noble Baronesses, Lady Burt and Lady Donaghy, and my noble friend Lord Bourne all raised the role of employers. We all expect employers to be particularly sensitive when dealing with a colleague who is experiencing domestic abuse. On 9 June 2020, the Department for Business, Energy and Industrial Strategy announced a review of support in the workplace for victims of domestic abuse, including a call for written evidence, which closed on 9 September and received 126 responses. BEIS is currently considering the evidence gathered and the appropriate next steps, and will publish a response and action plan shortly.

I wonder whether I have more time. I usually go well over time, but not on this occasion. The noble Lords, Lord Alton and Lord Marks, and the noble Baronesses, Lady Jones and Lady Royall, raised the issue of legal aid. We are currently conducting a review of the means test, as part of which we are specifically considering the experience of victims of domestic abuse. As part of this, we have made a public commitment to look at the capital thresholds for victims of domestic abuse, where these apply. At the moment, the legal aid agency can apply an eligibility waiver for victims of domestic abuse applying for an injunction or other orders for protection, which means that an applicant for a protective injunction may be eligible for legal aid, even if they have income or capital above the thresholds in the means test, although they may have to make a financial contribution towards their legal costs.

We have already—in April 2020—widened the evidence requirements for domestic abuse victims, making it easier for them to obtain and provide the evidence they need to access legal aid. It will also reduce the risk of genuine victims being unable to obtain the required evidence.

There are a few issues that I have not addressed, including the commencement of Part 3 of the Digital Economy Act. I may have to refer to other government departments, but I will write to noble Lords whose points I have not addressed.

I think we have made an excellent start to a Bill that I hope will become an excellent Act.

Bill read a second time and committed to a Committee of the Whole House.

House adjourned at 9.44 pm.

