

PARLIAMENTARY DEBATES

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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (RATIFICATION OF CONVENTION) BILL

First Sitting

Wednesday 1 February 2017

CONTENTS

CLAUSES 1 to 4 agreed to.
Bill to be reported, without amendment.

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The Committee consisted of the following Members:*Chair: MRS ANNE MAIN*

Caulfield, Maria (<i>Lewes</i>) (Con)	† Phillips, Jess (<i>Birmingham, Yardley</i>) (Lab)
† Champion, Sarah (<i>Rotherham</i>) (Lab)	† Pursglove, Tom (<i>Corby</i>) (Con)
† Drummond, Mrs Flick (<i>Portsmouth South</i>) (Con)	† Thompson, Owen (<i>Midlothian</i>) (SNP)
† Glen, John (<i>Salisbury</i>) (Con)	Turley, Anna (<i>Redcar</i>) (Lab/Co-op)
† Green, Kate (<i>Stretford and Urmston</i>) (Lab)	† West, Catherine (<i>Hornsey and Wood Green</i>) (Lab)
† Harris, Rebecca (<i>Castle Point</i>) (Con)	† Whiteford, Dr Eilidh (<i>Banff and Buchan</i>) (SNP)
† Mathias, Dr Tania (<i>Twickenham</i>) (Con)	† Whittaker, Craig (<i>Calder Valley</i>) (Con)
† Morton, Wendy (<i>Aldridge-Brownhills</i>) (Con)	Kenneth Fox, <i>Committee Clerk</i>
† Newton, Sarah (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† attended the Committee

Public Bill Committee

Wednesday 1 February 2017

[MRS ANNE MAIN *in the Chair*]

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

2 pm

The Chair: Welcome to the Committee. I have a few preliminary announcements. Please switch electronic devices to silent. Tea and coffee are not allowed during sittings.

No amendments have been tabled to the Bill, so we will begin with a debate on clause 1. I suggest that Committee members also make remarks they have about clauses 2, 3 and 4 during the debate on clause 1. In other words, it will be a general debate about the contents of the Bill, on the Question that clause 1 stand part. If the Committee is content with that suggestion, I will put the Question that clauses 2, 3 and 4 stand part of the Bill formally once we have completed consideration of clause 1, on the basis that those clauses will have been debated already. Is that agreeable?

Hon. Members: Yes.

Clause 1

RATIFICATION OF THE ISTANBUL CONVENTION ON
VIOLENCE AGAINST WOMEN

Question proposed, That the clause stand part of the Bill.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): It is a great pleasure to serve under your chairmanship, Mrs Main. May I start by thanking very sincerely Members from all parts of the House who are here today? I really appreciate people giving up time on such a busy day, when weighty matters are being debated in the main Chamber. However, this is a weighty matter too. Violence against women, as I said on Second Reading, is the most pervasive and widespread human rights abuse in the world today, and it affects women in every community represented in this place.

The Council of Europe convention on preventing and combating violence against women and domestic violence is a groundbreaking legal instrument that enables a step change in the response to gender-based violence at a local, national and international level. The UK was actively involved in shaping the Istanbul convention, as it is more commonly known, and continues to express support for the convention. However, more than four and a half years after signing it, the UK has yet to ratify the treaty.

The Bill is an attempt to unblock that stalled process and to give it some impetus and urgency. It is an attempt to ensure that the UK's verbal commitments to the Istanbul convention are backed up by action and to strengthen parliamentary scrutiny and accountability,

so that preventing and combating violence against women can never again be filed in a bottom drawer marked "Too difficult" or "Not important enough".

Before I address specific clauses, I want to put on the record my thanks to the Minister and her colleagues for the constructive way in which she has engaged with me in discussions on the detail of the Bill and to acknowledge her personal commitment to making progress. I also thank the hon. Member for Rotherham, whose helpful insights and suggestions on how to reach our shared objectives have been invaluable. I know that all hon. Members present are committed to tackling the violence and abuse that blight so many women's lives, and recognise that the Istanbul convention is the best vehicle to drive positive change.

On Second Reading, the Government signalled support for the Bill's principles but indicated that they would seek to amend aspects of it at subsequent stages. There are no amendments before us, but I am sure the Minister will take this opportunity to set out the Government's intentions on Report. I am grateful to her for the dialogue we have had on the amendments she intends to table.

Clause 1 places a duty on the Government to take "all reasonable steps" to ratify the Istanbul convention "as soon as reasonably practicable".

In other words, the intention behind the clause is to focus the Government's energy on getting the Istanbul convention off the back burner and on to the statute book. We have had many verbal commitments to the Istanbul convention over recent years and some important legislative progress towards compliance, but there has been a long hiatus that needs to be overcome.

Clause 2 emphasises the need for a clear timescale and an accountable process. Given the long delay in ratification, it should be obvious why a timetable against which progress can be measured and improved opportunities for parliamentary scrutiny are desirable. The key thing is to agree on a realistic timetable and stick to it. I fully appreciate that compliance with the Istanbul convention requires the engagement of a range of actors, not all of whom necessarily attach the same priority to preventing and combating violence against women as we do here. I do not think any of us want to see this kicked into the long grass yet again, so we need to set out a realistic timescale.

Clause 3, which concerns reporting, will strengthen the opportunities for parliamentarians to scrutinise the implementation of the Istanbul convention. The convention's great strength is that it provides a framework for ongoing improvements in policy and practice, but for those improvements to work optimally, policy makers need to engage with the process. Reporting mechanisms are an integral part of the convention, of course, but in my view they are an insufficient vehicle for parliamentary scrutiny. We all know that, too often, reports are simply laid in the Library and become stoor gaitheerers; they gather dust and are easily forgotten or ignored. Clause 3 will ensure that, in the run-up to ratification, Ministers have the opportunity to update Parliament directly on progress, keeping the issue at the forefront of public attention.

I know that the Government are keen not to duplicate reporting on the Istanbul convention, but I hope that today the Minister will put on the record her commitment

to putting annual progress reports before Parliament, before and hopefully after ratification. Will she commit to making an oral statement on progress? I believe that that would be a very significant step for the visibility of the issues surrounding gender-based violence—issues that have been swept under the carpet for so long, out of sight and out of mind. I hope that she will also set out in detail the areas in which she believes the UK will need to introduce new legislation or change existing legislation to comply with the convention.

Clause 3 alludes to the fact that a number of policy areas that relate to the implementation of the convention fall within areas of devolved competence in Scotland and Northern Ireland. I know from my dialogue with the devolved Administrations that there is genuine cross-party support throughout these islands for the Istanbul convention, but for the UK to be fully compliant, primary legislation and/or legislative consent will be required in a number of areas. May I ask whether the Minister has opened discussions with the devolved Administrations on the steps towards ratification? Will she update us on her progress?

Clause 4 is simply a technical clause that sets out the short title, commencement and extent of the Bill.

I have not rehearsed the arguments that I made on Second Reading, but I want to say in closing that the Istanbul convention can make a profound difference to women's lives and I hope that the Government will pursue ratification with all due haste.

The Parliamentary Under-Secretary of State for the Home Department (Sarah Newton): It is a great pleasure to serve under your chairmanship this afternoon, Mrs Main. I welcome the tone and spirit with which my hon. Friend the Member for Banff and Buchan opened this debate, and the opportunity to continue our work together. I am grateful to all hon. Members who have given up their time this afternoon; it is a pivotal day in Parliament, not just because we are talking about this very important Bill, but because of the debate in the Chamber, and I am grateful to those who have prioritised being in this Committee Room. It underlines the cross-party support for what we are doing.

We remain absolutely committed to ratifying the Istanbul convention. Combating violence against women and girls remains a top priority for the Government; the Prime Minister has made that absolutely clear, as have the Home Secretary and I. Since we signed the convention in 2012, the UK has made significant progress towards ratification. In most respects, we are already compliant with the convention's requirements or we go further than them. We have put a range of measures in place to tackle VAWG—violence against women and girls—including criminalising forced marriage; allowing women to request information on their partner's criminal history; introducing new laws on stalking and female genital mutilation; rolling out domestic violence protection orders; and introducing new domestic abuse offences.

We know that there is more to do. Last March, we published our new cross-Government VAWG strategy, which sets out our ambition that by the end of this Parliament no victim of abuse will be turned away from the support they need. To support that, we have increased funding, pledging £80 million through to 2020. We recently published a national statement of expectations,

to set out what local commissioners need to put in place to ensure that their response to VAWG is effective; new guidance on domestic homicide reviews; and a new domestic abuse statistical tool and data set. We have announced our intention to introduce a new stalking protection order.

We are making progress, but before we ratify the convention we must ensure that the UK is fully compliant with it. There remains just one outstanding issue relating to extraterritorial jurisdiction, which I will call ETJ today for the purposes of brevity, that we have to address. Article 44 requires that all signatories take the necessary legislative measures to establish ETJ over any offence established in accordance with the convention. The UK already exercises ETJ in relation to many serious offences, including forced marriage, FGM and sexual offences against children. However, there are some VAWG offences to which it does not yet apply. Introducing ETJ for the remaining offences requires primary legislation and, as my colleagues at the Ministry of Justice have highlighted to Parliament, the Government will seek to legislate as soon as time allows.

In addition, Northern Ireland and Scotland also need to legislate on ETJ. We therefore need to allow sufficient time for their respective Governments to do that. We realise the importance of getting on with this matter. We liaise regularly with the devolved Administrations on VAWG and I have been in touch with my counterparts about the Bill. MOJ officials have also had informal contact with their counterparts about the ETJ requirements of article 44 and we will continue to liaise closely with the devolved Administrations on this issue. I am sure that all hon. Members know that, at the moment, that is quite challenging for Northern Ireland, given the situation there, but that does not diminish our commitment. Nevertheless, it means that we must be realistic about the amount of time that we need to spend on this issue.

On Second Reading, the Minister for Policing and the Fire Service made it clear that the Government supported the Bill in principle but that further consideration of the detail was needed. We have now had time to consider the Bill in detail and our intention is to propose amendments on Report. I would like to take this opportunity to set out the direction of, and rationale behind, those amendments.

Clause 1 would require the Government to take “all reasonable steps” necessary to ratify the convention “as soon as reasonably practicable”.

The Government fully support the aim behind the clause, which is to ensure that we deliver on our commitment to ratify the convention. However, as Members will appreciate, because one of the steps that we and the devolved Administrations need to take will require primary legislation to introduce ETJ, there is a danger that the clause could be interpreted as imposing a duty on the Government to legislate. In effect, that would pre-empt the will of Parliament. Much as the Government always want to get our own way in Parliament, we cannot take that for granted. We must acknowledge the democratic processes that need to happen in Parliament.

Therefore, we will table an amendment to remove clause 1, while ensuring that the spirit behind it is captured by the remaining clauses. Once again, I would like to put on the record the Government's commitment

[Sarah Newton]

to ratifying the convention. The proposed removal of the clause does not change that in any way, shape or form.

Kate Green (Stretford and Urmston) (Lab): I apologise if this is a stupid question, but I would be grateful for the Minister's answer to it. I understand what she says about the will of Parliament. However, if this legislation were passed with the wording in the Bill, as tabled, would that not mean Parliament had expressed its will?

Sarah Newton: I have discussed this matter a great deal with the hon. Member for Banff and Buchan, who is promoting the Bill, and taken a lot of advice from expert parliamentary draftsmen. We just want to make sure that there is absolutely no confusion in what we are attempting to do. When the hon. Member for Stretford and Urmston has the opportunity to read the amendments—of course, there will be further opportunities to discuss the Bill on Report—I think she will see that in no way, shape or form are we diminishing the commitment that the Bill seeks to place on the Government to ratify the convention. We have been crystal clear: we want to ratify the convention. It is just a question of using the appropriate language to make sure that we put the matter beyond doubt.

We fully support the requirements of clause 2. It would introduce a requirement on the Government to lay a report, setting out the steps to be taken to enable the UK to ratify the convention and the timescale for doing that. However, we have concerns about the four-week timescale. The Committee will recognise the need to ensure that a more proportionate timeframe is in place, given that in order to set out when we intend to ratify, we need to be clear about the likely timescales for putting in place the necessary legislation on ETJ. We need a proper amount of time to have our discussions with the devolved Administrations so that we can give a realistic timeframe.

2.15 pm

We support the aims behind clause 3, which requires us to lay an annual report on progress. However, the requirement in clause 3(1)(e) that the Government lay annual reports post-ratification would conflict with our wider reporting responsibilities to the Council of Europe. Once we have ratified the convention, the UK will be required to provide updates to the Council of Europe on compliance. The Group of Experts on Action against Violence against Women and Domestic Violence—the independent expert body responsible for monitoring implementation of the convention—requires each party to submit reports on progress. I can commit to providing a statement to Parliament on those updates. As the hon. Member for Banff and Buchan said, it is important that proper parliamentary time is given to scrutinising our progress, updating the House and giving Members a chance to question us on it.

Once the Government assess that the UK is compliant with all articles of the convention, the Home Office will work with the Foreign and Commonwealth Office to go through the formal ratification process. That involves laying the text of the treaty and the explanatory memorandum in both Houses for scrutiny. Following

that, the UK can move to the ratification stage and deposit its instrument of ratification with the Council of Europe.

Clause 4 provides that the provisions in the Act come into force the day after Royal Assent. The Committee will appreciate that that is outside the usual two-month convention, and we therefore intend to amend it. That will not affect the timescales for any of the other measures in the Bill.

Once again, I thank the hon. Member for Banff and Buchan for bringing the Bill forward and for the very constructive way in which she has worked with me and my officials. The Government are absolutely determined to do everything we can to tackle VAWG both at home and abroad.

Craig Whittaker (Calder Valley) (Con): Although not only I but most Members can fully appreciate some of the difficulties, in particular to do with the devolved Administrations, does my hon. Friend agree that women who are denied justice and help do not have time? They are living with the injustices that are committed against them, often by the hour. Does my hon. Friend agree that we need to up the game and put some timescales into the process so that we can ratify the convention as soon as possible?

Sarah Newton: As I said at the beginning, we already comply with or exceed the vast majority—in fact every aspect—of the convention. My hon. Friend is quite right, and one victim is one victim too many, but the UK is already meeting its obligations.

This is a question of those crimes for which we need extraterritorial jurisdiction in order to be fully compliant. It is quite right that when we sign up to something as a nation we deliver and we are working very hard to make sure we are 100% compliant before we move to ratification. That should not be interpreted in any way, shape or form as our not being utterly determined to work at pace to tackle all forms of domestic abuse and violence against women and girls. My hon. Friend the Member for Calder Valley can be proud of his achievements and of what we have achieved in this Parliament, although we are not being at all complacent as we know there is more to do. By accepting this Bill, we will be doing exactly what my hon. Friend asks. We will be setting out what actions need to be taken. We will be setting out timeframes. Every year, we will come to Parliament to account for our actions, and that imposes tight timescales on us. We are first due to report on 1 November, which is only a matter of months away. I hope that my comments reassure my hon. Friend.

We are utterly determined to ratify this convention, and nobody should doubt that we will work very constructively. We will table amendments on Report, and, subject to their being accepted, we are keen to see this Bill pass.

Sarah Champion (Rotherham) (Lab): It is a pleasure to serve under your chairship for the first time, Mrs Main. It is particularly poignant that you are assuring the safe passage of this Bill, which will protect everyone against gender-based violence.

I am particularly proud to support the work of my hon. Friend the Member for Banff and Buchan. Her approach is an example to us all. She focused on the

issue and worked in a collaborative and cross-party manner to achieve this goal for everybody in this country. I know that the Minister is also of that mindset. The way that they have worked together should be commended, because what they are doing today and will do in the future—I hope, based on what the Minister said—is the very best of this Parliament. I thank them both for doing that and for giving me the opportunity to be part of the process.

I am very proud that a Labour Government led the original negotiations that resulted in the Istanbul convention, and that the Leader of the Opposition has confirmed that a Labour Government will ratify the convention. The Bill is important, as my hon. Friend the Member for Banff and Buchan said, because it seeks to ensure the ratification of the first international treaty on preventing and responding to gender-based violence. That landmark treaty gives all survivors of domestic abuse the right to access the specialist support services that my hon. Friend the Member for Calder Valley mentioned, which they need to live in safety and rebuild their lives.

As we have seen in the past two weeks, the international community's role in holding Governments to higher standards and protecting all citizens is becoming more necessary. The convention and therefore the Bill will change the landscape locally, nationally and internationally on how we tackle and prevent violence against women and girls and support survivors. As my hon. Friend the Member for Banff and Buchan said, now is not the time to rehearse those arguments, but I hope that we will have a meaningful, well-attended debate on Report and that we will all be there to support the Minister as she tries to secure the Bill's safe passage.

I am keen to get some further confirmation and clarification from the Minister on the issues that she raised. First, I understand her argument about clause 1, and I know that she has approached the Committee with good intentions. It is good to hear her state clearly on the record that the Government are committed to ratifying the Istanbul convention. On the barriers to ratification, I appreciate the clarity that she gave us on ETJ, but she said it will happen "as soon as time allows". Will she give us some assurances about the timescale? Does "as soon as time allows" mean within a month, a year or a decade? I welcome the fact that the Minister has opened dialogue with the devolved Administrations, but can she give us some clarity about the point that those negotiations have reached? Has she started them, or has there been a coalescence around the timescales? Will she set out a timescale for the changes that she suggested, especially those to clause 2(1)(b)?

I understand the Government's reservations about clause 3, but it is necessary for Parliament to be able to hold them to account on the reports created by the Group of Experts on Action against Violence against Women and Domestic Violence. It is welcome that the Minister committed to providing an annual statement to Parliament to allow us to debate our steps towards ratification and our compliance. However—I am not sure whether I misheard the Minister or whether she did not say this—will that be an oral statement to the House, rather than a written one? It is important that Members of Parliament have the opportunity to debate this issue in full once a year, as the Minister is offering.

Sarah Newton: I thank the hon. Member for Rotherham for the way in which she has welcomed the Bill. There is cross-party support for it, and I want to keep working constructively on it.

I am conscious of time. The Bill seeks to set out the timetable that the hon. Lady asks for, so I will not put the cart before the horse. Once the Bill is passed, the Government will be committed to its obligations. As I said, subject to the amendments being acceptable on Report, we will, of course, produce a report that clearly answers the questions she asked today.

The one thing on which I can absolutely give the hon. Lady some clarity is that we will have written statements before Parliament and an oral statement. Once the written statements are published, there will be an opportunity for an oral statement, so that we can have a full debate in this place and celebrate the achievements that we will be making, and give Members the opportunity to scrutinise and push the Government further.

Dr Whiteford: I intend to be quite brief in summing up this afternoon's debate, and I thank all hon. Members who have participated. It is clear that there is a great deal of consensus across the House on this issue and that there is some political will from those of us who understand its importance and urgency.

Most of the Minister's comments on amendments were very constructive and helpful. I was glad that she raised extraterritorial jurisdiction—every time I say that, I think I am going to say "extra-terrestrial jurisdiction", so I understand why we are calling it ETJ. Obviously it makes civil servants and Law Officers queasy, but we are getting much more used to exercising it in a range of policy areas. ETJ has been a sticking point in this legislation because it is quite legally complex, but we are now exercising it for so many other serious crimes that failing to exercise it for serious crimes against women seems like a dereliction of duty and a failure to protect our citizens, who are travelling and working abroad more than ever—I know that the hon. Member for Calder Valley has raised in the Chamber the dreadful experiences of one of his constituents.

I suppose my remaining reservation is about the Minister's phrase "as soon as time allows", which my hon. Friend the Member for Rotherham also mentioned. That is the kind of language that we are all familiar with in this place and that we have seen used in relation to the Istanbul convention over the last four and a half years. The problem is that with ETJ it will not just be the Home Office that leads on this issue; it will relate not only to other jurisdictions—Scotland and Northern Ireland—but to other Departments in Westminster. I do not want the Government let off the hook and allowed to push this issue on to the back burner, nor do I want to see vague, principled commitments replace a real road map for progress. I take on board the Minister's concerns about constitutional phrasing, but I really do not want to see the teeth pulled from this initiative, because it is a road map with identifiable milestones for which other Departments and other Administrations can also be held accountable.

As for the other amendments, we need a realistic and reasonable timetable. The Government have a clear sense of how long these things take, and I am amenable to constructive dialogue, but I emphasise that it is

[Dr Eilidh Whiteford]

important that we keep this issue at the top of the priority list. Members of the Committee are well equipped to ensure that we do.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Bill to be reported, without amendment.

2.29 pm

Committee rose.