

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

# POLICE, CRIME, SENTENCING AND COURTS BILL

*Nineteenth Sitting*

*Thursday 24 June 2021*

*(Morning)*

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### CONTENTS

New clauses considered.

Adjourned till Thursday 24 June at Two o'clock.

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**Monday 28 June 2021**

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**The Committee consisted of the following Members:**

*Chairs:* † STEVE McCABE, SIR CHARLES WALKER

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|--|--|
| † Anderson, Lee ( <i>Ashfield</i> ) (Con)  | Higginbotham, Antony ( <i>Burnley</i> ) (Con)  |
| † Atkins, Victoria ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) | † Jones, Sarah ( <i>Croydon Central</i> ) (Lab)  |
| † Baillie, Siobhan ( <i>Stroud</i> ) (Con)   | † Levy, Ian ( <i>Blyth Valley</i> ) (Con)  |
| † Champion, Sarah ( <i>Rotherham</i> ) (Lab)   | † Philp, Chris ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) |
| † Charalambous, Bambos ( <i>Enfield, Southgate</i> ) (Lab)                                   | † Pursglove, Tom ( <i>Corby</i> ) (Con)  |
| † Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)                                     | † Wheeler, Mrs Heather ( <i>South Derbyshire</i> ) (Con)                                 |
| † Cunningham, Alex ( <i>Stockton North</i> ) (Lab)   | † Williams, Hywel ( <i>Arfon</i> ) (PC)  |
| † Dorans, Allan ( <i>Ayr, Carrick and Cumnock</i> ) (SNP)                                    |  |
| † Eagle, Maria ( <i>Garston and Halewood</i> ) (Lab)   | Huw Yardley, Sarah Thatcher, <i>Committee Clerks</i>                                     |
| † Goodwill, Mr Robert ( <i>Scarborough and Whitby</i> ) (Con)                                | † <b>attended the Committee</b>  |

## Public Bill Committee

Thursday 24 June 2021

(Morning)

[STEVE McCABE *in the Chair*]

### Police, Crime, Sentencing and Courts Bill

11.30 am

**The Chair:** I remind Members, as always, to switch their phones to silent, and that Mr Speaker does not permit coffee or other drinks or food in Committee. Members should observe social distancing. Following a decision of the House of Commons Commission on Monday, we may now sit a little closer—one metre apart—but it is important to continue observing social distancing measures. Members should wear face coverings in Committee unless they are speaking or exempt. Please pass your notes to *Hansard* or email them to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

Today we will consider further new clauses to the Bill and complete the remaining Committee proceedings by the deadline of 5 pm, as set out in the Order of the House of 16 March and the Order of the Committee on 18 May. New clauses that have been grouped with amendments to the Bill will not be debated again, but when we reach a new clause that has been debated, a member of the Committee may indicate that they wish to move the clause formally and divide the Committee. The selection list for today's sitting is available in the room. I remind Members who wish to press a grouped new clause to a Division that they should indicate their intention when speaking to the clause.

#### New Clause 27

##### VOYEURISM: BREASTFEEDING

“(1) Section 67A of the Sexual Offences Act 2003 (Voyeurism: additional offences) is amended as set out in subsection (2).

(2) After subsection (2), insert—

“(2A) A person (A) commits an offence if—

- (a) A records an image of another person (B) while B is breastfeeding;
- (b) A does so with the intention that A or another person (C) will look at the image for purpose mentioned in subsection (3), and
- (c) A does so—
  - (i) without B's consent, and
  - (ii) without reasonably believing that B consents.”—

(*Alex Cunningham.*)

*Brought up, and read the First time.*

**Alex Cunningham** (Stockton North) (Lab): I beg to move, That the clause be read a Second time.

Good morning, Mr McCabe. It is a pleasure to serve under your chairmanship for perhaps the last time on this Committee. New clause 27 would ban taking photos or film footage of someone who is breastfeeding, without their consent. I, for one, was extremely surprised when I found out that our criminal law does not make sufficient

provision for that. I am tremendously grateful to my hon. Friend the Member for Manchester, Withington (Jeff Smith), who brought this to my attention following an awful incident in his constituency, for his invaluable work campaigning on the issue since then. I am also grateful to my hon. Friend the Member for Walthamstow (Stella Creasy), who has taken up the matter with characteristic enthusiasm and tenacity. The House is extremely fortunate to have MPs of such calibre campaigning on such vital issues.

I also put on the record our sincere thanks to Julia Cooper, the Manchester, Withington constituent whose case I just referred to, for beginning the campaign to let women breastfeed in peace. Julia has led an impressive campaign, and I hope the Committee will answer with unequivocal support. As of this morning, her campaign petition has more than 26,500 signatures. To illustrate the issue, I will share some of Julia's testimony about the distressing incident that she was subjected to. She said:

“I visited a park...with my baby for a walk with another mum. At the end of the walk we sat on a bench outside a café and fed our babies.

As I was breastfeeding, I noticed a man staring. He then attached a long-range zoom lens to his camera and began taking photos of me. I quickly turned with my baby to face away from him.

After the feed, I asked the man if he had taken my photograph, which he confirmed...I asked him to delete the photos and he refused, saying it was his right to take photos of people in a public space.

I am absolutely disgusted that this man has gone home with images of me and my baby on his camera, and it's completely legal. As I said, I feel violated and discouraged from feeding my baby outside the house again.

I reported the incident to Greater Manchester Police, but the man I spoke to at the control room informed me, after having to come off the phone and check with colleagues, that indeed there is no law protecting breastfeeding women from unwanted photography in public.

I understand that women who breastfeed are protected by the Equality Act 2010 in public places like parks, as well as private businesses such as shops and restaurants. But only against discrimination.”

It is clear to me that there is a massive void in the rights and protections of breastfeeding women in public spaces. I find Julia's case disturbing and upsetting, and I am sure that the Ministers share my feelings. Pregnant Then Screwed also took evidence about this issue from their supporters, and I will share one more case study that shows that the law is simply not strong enough to provide breastfeeding women with the protection they need. The woman I quote says that

“this happened to me with my second when she was a month or so old. Took her for a walk in the carrier...but she wouldn't calm down. I stopped at a park bench to see if a bit of breastfeeding would work.

I never felt fearful of doing this with my first. A guy walked up to the bench, less than a metre away (during the pandemic) and just started taking photographs of me.

I told him to stop, to which he said he was a ‘photographer from Italy’. I then said I didn't care if he was a photographer, he can't take photos without asking permission and asked him to delete them. He then walked off.

I finished feeding my baby and then started to walk home...This is what I reported to the police and unfortunately it isn't a crime. They were sympathetic and just sorry they couldn't do much else.”

Both women had gone to the police, who were sympathetic and wanted to help but could not do so because of the current limits in the law. The new clause builds on the Voyeurism (Offences) Act 2019, which this House passed three years ago in response to concerns about upskirting. The Act created the criminal offence of upskirting, and offenders now face up to two years in jail and being placed on the sex offenders register for taking a picture of a person's clothing without their knowing, with the intention of viewing their genitals or buttocks.

The law was supported by Parliament on the basis that it banned a degrading practice, with the intention of deterring perpetrators, better protecting victims and bringing more offenders to justice. As the law specifies, the location of the body where the Act applies is below the waist, which means that taking a photograph or video footage of a woman breastfeeding without her consent is not currently illegal. By amending the list of prohibited acts under the Sexual Offences Act 2003 to include breastfeeding, we can send the same message that taking photographs or videos of this nature without a person's consent is wrong.

There are many issues at play here, including the protection of women from harassment in public spaces, but there is another reason why this is so important. Breastfeeding has short and long-term health benefits for both mother and child. It is estimated that if all UK infants were exclusively breastfed, the number hospitalised with diarrhoea would be halved, and the number hospitalised with a respiratory infection would drop by a quarter. Mothers who do not breastfeed have an increased risk of breast and ovarian cancers. It is because of those benefits to mothers and babies that the current UK policy is to promote exclusive breastfeeding for the first six months of an infant's life, yet the UK has one of the lowest breastfeeding rates in Europe.

An analysis of global breastfeeding prevalence found that in the UK only 34% of babies receive some breast milk at six months compared with 49% in the US and 71% in Norway. In 2017, Public Health Research carried out research into why the UK's breastfeeding rates are so low. It found that breastfeeding in public is something that mums are concerned about. The mothers polled are most likely to say that they would feel embarrassed breastfeeding in the presence of people they do not know. Indeed, 63% responded as such; 59% feel the same about their partner's family; and 49% felt that way about siblings and wider family members.

A poll carried out by "Woman's Hour" in 2019 found that three in 10 women who formula-fed their baby said that they would like to have breastfed, but felt embarrassed to do so in public. New mothers have more than enough on their plate as it is. They should not have to feel anxious about feeding their child in a public space. The Royal College of Paediatrics and Child Health recommended back in 2017 that the Department of Health and Social Care introduce legislation to support and protect breastfeeding infants and their mothers in public places.

The public are in favour of the measure, too. A YouGov survey of more than 5,000 UK adults conducted last month found that 75% of respondents agreed that taking photos of women breastfeeding without their consent should be made illegal. The amendment has wide support across all groups who support new and

breastfeeding mothers, including the National Childbirth Trust, Pregnant Then Screwed, the Breastfeeding Support Network, and Mumsnet. I hope that today the Government can show their support as well so that we can protect breastfeeding women from such disturbing and intrusive acts, and together we can finally put an end to it.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** It is a pleasure to serve under your chairmanship, Mr McCabe. I welcome the opportunity to debate this unacceptable, creepy and disgusting behaviour in Committee. I pay tribute to Ms Cooper and to the hon. Member for Manchester, Withington, who asked me a question on this very subject in the last Government Equalities Office oral questions. I also pay tribute to the many women who have shared their stories in recent months, including those who have responded to our survey to shape the violence against women and girls strategy and to tell us about their experiences.

All the facts that the hon. Gentleman has cited about the health reasons for breastfeeding are very apparent and obvious. The reasons why mums and babies benefit from breastfeeding are well established. In what can often feel like a very busy, hectic and sometimes even—dare I say it?—harried time with a newborn, breastfeeding provides a moment of tenderness, of love, and of innocence. To have a stranger defile that moment by trying to take photographs or video it—that is not something that would occur to most decent, right-thinking people. I very much understand why this new clause has been tabled, and I want to support the mothers and the women who are facing this.

There might well be offences that could cover this behaviour, but I fully accept that from the descriptions the hon. Gentleman has given, those offences are not clear to either to the public or the police. The Government do not shy away from tackling the use of the internet and imagery as forms of criminal behaviour. We already introduced the offence of revenge pornography in 2015, and during proceedings on the Domestic Abuse Act 2021, we listened to victims of threats to use revenge porn and we acted in that legislation to extend the offence to include threats to disclose private sexual images with an intent to cause distress. Of course, the upcoming Online Safety Bill will set the framework for companies and the duty of care on tech companies in relation to members of the public.

However, we absolutely agree that it is right to ask whether the law has kept up to date with the emergence of the internet. That is why we have asked the Law Commission to review the law around the taking, making and sharing of intimate images without consent, to see where there are gaps, and to get the Commission's advice on how people can be protected from such behaviour. That review looks at the question of voyeurism offences and non-consensual photography in public places, including the issue of images taken of breastfeeding. On 27 February this year, the Commission published a consultation paper on its review, which ended in May, and I understand that it is due to publish its final set of recommendations in the spring of next year.

We await the results of the Law Commission's report. We want to wait for the results of that report, because it is foreseeable that the Commission's work will include a body of recommendations knitting together the various types of offending behaviour that it has identified, and

[Victoria Atkins]

suggesting how the law should be redrafted or improved to tackle such offences. As such, I am in the position of asking the Committee—and, I suspect, later on, the House—to bear with us while we await the results of that report.

I understand the anger and frustration, and the fear that some women feel about breastfeeding in public in these circumstances. Given the Committee's approval of the Law Commission's work, however, it would be inconsistent, to put it mildly, of me not to say that it is best for us to wait for that work, so we can get a programme of recommendations from it about the overall use of such intimate images on the internet, and how the criminal law should address the issue.

11.45 am

For those reasons, we do not feel able to support the new clause at this stage, but I want to give the Committee a sense of the urgency we feel about the matter. While we are waiting for the Law Commission to report, we are looking at this as part of the VAWG strategy, as I said on the Floor of the House when the hon. Member for Manchester, Withington asked me about this, and we are determined to tackle it. We will be including this type of voyeurism in our considerations of the strategy. As we have discussed in previous debates, although legislation is important, there are other factors at play that we need to tackle, such as raising women's awareness of their rights and raising awareness of how unacceptable this behaviour is. We want to work on our VAWG strategy and then wait for the Law Commission's report to see what fundamental changes it recommends. I do not want to prejudge it, but if it recommends fundamental changes, we can consider them.

**Alex Cunningham:** I appreciate the conciliatory tone of the Minister's response. I understand what she is saying, but when we debate new clauses and amendments, the Government constantly refer to yet another commission review and say that we must recognise that there are gaps in the law, and we find that we have to wait, wait and wait again. She says that we still await the final set of recommendations, so it could be well into next year before we get any sort of finality. It could be even after that before any action is taken to deal with this offence. Despite the Minister's conciliatory tone, I feel that in order to protect women now, it would be good to press the matter to a vote.

*The Committee divided: Ayes 6, Noes 9.*

#### Division No. 35]

#### AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

#### NOES

Anderson, Lee	Levy, Ian
Atkins, Victoria	Philp, Chris
Baillie, Siobhan	Pursglove, Tom
Clarkson, Chris	Wheeler, Mrs Heather
Goodwill, rh Mr Robert	

*Question accordingly negated.*

**The Chair:** I have had no indication that any member of the Committee wishes to move new clause 30. If that is correct, we now come to new clause 31.

#### New Clause 31

##### MAXIMUM SENTENCE FOR PUBLISHING THE IDENTITY OF A SEXUAL OFFENCES COMPLAINANT

“(1) Section 5 of the Sexual Offences (Amendment) Act 1992 is amended as follows.

(2) In subsection (1), leave out “and liable on summary conviction to a fine not exceeding level 5 on the standard scale”.

(3) After subsection (1), insert the following subsection—

“(1A) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding level 5 on the standard scale, or both, or

(b) on summary conviction, to imprisonment for a term not exceeding twelve months, or a fine not exceeding level 5 on the standard scale, or both.”—(*Alex Cunningham.*)

*Brought up, and read the First time.*

**Alex Cunningham:** I beg to move, That the clause be read a Second time.

As the law currently stands, complainants of sexual offences are granted lifelong anonymity by way of the Sexual Offences (Amendment) Act 1992. Section 1 of the Act prohibits the publication of any information in any place that could lead members of the public to identify a complainant of a sexual offence. Section 5 makes a breach of the prohibition a criminal offence, the maximum sentence for which is a fine not exceeding level 5 on the standard scale. In some cases, identifying a complainant could result in an offender being prosecuted for contempt of court, but in many situations, the facts of the case will not allow that course of action to be taken.

What that means in practice, as the law currently stands, is that someone who reveals online the identity of a complainant will more often than not receive only a simple fine. I hope that the Minister will agree with me that that seems to be a wholly inadequate sentencing power for a crime that can do so much irreparable psychological damage to victims of sexual offences.

**Sarah Champion (Rotherham) (Lab):** I am grateful to my hon. Friend for tabling the new clause, because I have dealt with survivors to whom this has happened and I think that the law needs to catch up with where we are, in that social media and the digital world are accessed much more now than they ever were before. The new clause makes complete sense in trying to bring the two back in line.

**Alex Cunningham:** My hon. Friend is, of course, correct: technology is moving so quickly, and so many different things happen in so many different ways. People can even get pictures on their watches these days and talk to their family back home. The fact that that sort of technology exists can be exploited for all the wrong reasons as well. It is important that we act in this space.

During Justice questions last month, my right hon. Friend the Member for Tottenham (Mr Lammy) raised the case of Phillip Leece to illustrate just how horrific a crime this can be. For members of the Committee who

may not have heard the question asked by the shadow Secretary of State for Justice in the Chamber, I will quote what he said:

“In 2019...Leece viciously raped a woman on her way home from a night out; she was 26 and soon to be married. Adding insult to injury, he published the name of his victim online”

and made disparaging remarks about her appearance, claiming that she was

“too fat and disgusting to rape.”—[*Official Report*, 18 May 2021; Vol. 695, c. 522.]

For naming and humiliating his victim online, he received a pathetic and insulting fine of only £120. That in no way reflects the enormous trauma that his action caused the young girl he raped.

During Leece’s trial, his victim read out her impact statement to the court and spoke of the devastating impact that the attack and her subsequent naming had on her. She was once a happy young woman looking forward to getting married, but those events caused her to suffer severe psychological harm, which led to suicide attempts and incidents of self-harm. In her own words, she explained how her naming online changed the way she lived:

“The post made me feel incredibly insecure and sad for the days and weeks afterwards.

It increased my anxiety about leaving the house and it got to the point that I wouldn’t even go into the back garden whilst letting the dog out. I imagined that he would know where I lived and would be able to find me.

The post also led to me eating more and gaining even more weight...with the thought that the bigger I am, the less likely this will happen to me again.”

I am sure that all members of the Committee, regardless of political affiliation, will share my view that a fine in no way reflects the severity of Leece’s actions. I appreciate the Lord Chancellor’s sharing this view. In response to the shadow Justice Secretary’s question about Leece, the Lord Chancellor indicated that he was going to act in this area. Specifically, he said that the Government were

“already making preparations to see what can be done to improve and strengthen the law in this area, because, make no mistake, the naming of victims of sexual abuse—and other types of offending as well where anonymity is an essential part of the process—is not just wrong, it is criminal and we will do whatever it takes to help stamp it out.”—[*Official Report*, 18 May 2021; Vol. 695, c. 523.]

That view is shared wholeheartedly by the Opposition, and that is why we tabled new clause 31. It is another of those small but significant steps that we are asking the Government to take now, rather than waiting. It is clear to us that the current provisions of the Sexual Offences (Amendment) Act 1992 are simply no longer fit for purpose in the modern world. It is perhaps telling that the last time Parliament reviewed that Act was more than two decades ago, in 1999. I am sure that all of us would accept that since 1999 the world has changed a great deal—that was illustrated by my hon. Friend the Member for Rotherham. Online publishing and social media mean that things written on the internet attract an audience far greater than they would have in 1999. Furthermore, things published on the internet have much greater longevity and potential exposure. For those reasons, we need an urgent review of how the Act is functioning.

New clause 31 is a simple amendment: it would give judges the power to sentence offenders who name complainants of sexual offences to a custodial sentence

of up to two years. That would bring this sentence in line with the sentence for contempt of court. Given that the Lord Chancellor has previously expressed sympathy for reforming this area, we look forward to the Minister’s support for the new clause.

**The Parliamentary Under-Secretary of State for the Home Department (Chris Philp):** It is, as always, a pleasure to serve under your chairmanship, Mr McCabe.

I thank the shadow Minister for raising this extremely important issue. The case he mentioned of Phillip Leece and his victim was truly terrible, and the impact on the victim was clearly appalling. As the shadow Minister said, the Lord Chancellor, in answering an oral question a short while ago, expressed the Government’s support for the principles enshrined in the new clause. We think that more needs to be done—we agree with the shadow Minister on that.

However, we would like to make sure that we do this in a thoughtful way, covering all the potentially related offences. The new clause, as drafted, covers the particular offences under the auspices of the 1992 Act. We take the view that some other prohibitions on naming victims and other restrictions would benefit from similarly enhanced penalties. Specifically, the new clause would not cover anonymity for victims of female genital mutilation, nor victims of forced marriage, who we think are equally deserving of protection and support, as I am sure Opposition Members would agree. In addition, other automatic protections apply to participants in youth court proceedings—defendants as well as victims—and discretionary protections can be imposed or handed down by the court to protect the identity of witnesses.

Besides the cases covered by the new clause, there are these other examples—female genital mutilation, forced marriage, youth proceedings and witness protection—that require action. This is an area, as the Lord Chancellor signalled, where the Government want to act in the near future by coming up with proposals that cover all these things. I know there is frustration: we have a Bill before Parliament, so why not do something now? However, other Bills are coming forward in the remainder of this Session that could be used as vehicles to legislate on this. It may be that the Lord Chancellor will say more about that before Report, because it is being worked on actively at the moment.

**Alex Cunningham:** Is the Minister giving a commitment that this particular offence will be covered by some form of legislation from the Government in this Session?

**Chris Philp:** I am coming close to saying that. I am saying that this is something that the Government are currently looking at. The Government accept the need to act on this, as the Lord Chancellor said, and on those other offences as well. I do not want to say too much before we are in a position to do so properly, but there are intentions to put in place a process to properly review these offences, on an expedited basis, with the intention of legislation then following. That is where the Government are coming from on this. I hope that it will be possible to say more on Report.

**Mr Robert Goodwill (Scarborough and Whitby) (Con):** Does my hon. Friend agree that he is probably coming as close as he can—within his pay grade—to making that commitment?

**Chris Philp:** I thank my right hon. Friend for reminding the Committee and me exactly where I sit in the hierarchy of Government. As a former senior Minister himself, he will know that my authority is limited in these circumstances, and indeed in all circumstances. I hope I have given a pretty clear indication, so far as I am able to, of where the Government will come out on this. We essentially accept the point, but change needs to be done properly, and we need to catch the other offences as well. I hope that gives the Committee a clear sense of where we are on this.

**Alex Cunningham:** I do not know what my pay grade is. I do not think I get paid, do I? The Minister talked about the principle of all this, but we get to a point where we have to leave principles behind and take some action. I assure him that I am also approaching the matter in a thoughtful way, with the support of my hon. Friends and of victims. We would not have tabled the new clause if we did not feel so very strongly about it.

12 noon

I know that in other places, deals around legislation are normally done in tight little groups behind closed doors, but I am prepared to make a deal with the Minister here and now, in public. My deal is this: support our new clause today, and I will deal with the things that he says it excludes by introducing a further amendment on Report. Indeed, if he wants to table amendments at that stage, I will make sure the Opposition support him.

**Chris Philp:** I appreciate the shadow Minister's point, but the truth is we will not have had the chance to deal properly with all the other offences by Report, which is in just a week and a half, on 5 July. I wish I could, as he puts it, strike a deal, but as my right hon. Friend the Member for Scarborough and Whitby rather cruelly pointed out, I do not have the authority to commit the Government here. I hope I have given a very clear indication of our intention. We will not get all these details worked out in the next week and a half, but we will get this sorted out together.

**Alex Cunningham:** I am sorry to make the Minister uncomfortable about his pay grade, but we need to move forward with this and there is an opportunity to do so. The Minister says that it is only a week and a half until Report, but this new clause has been on the amendment paper for many weeks, and we have been planning for this Committee for many months. I think there has been sufficient time for the Government to do the right thing here, and I intend to push the matter to a vote.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 6, Noes 9.*

#### Division No. 36]

#### AYES

Champion, Sarah	Eagle, Maria
Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

#### NOES

Anderson, Lee	Levy, Ian
Atkins, Victoria	Philp, Chris
Baillie, Siobhan	Pursglove, Tom
Clarkson, Chris	Wheeler, Mrs Heather
Goodwill, Mr Robert	

*Question accordingly negatived.*

#### New Clause 38

#### PUBLICATION OF DATA ON CHILD SEXUAL OFFENCES, CHILD SEXUAL EXPLOITATION OFFENCES AND MODERN SLAVERY OFFENCES COMMITTED AGAINST CHILDREN

“(1) The Secretary of State must collect and publish annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery offences committed against those under the age of 18 in England and Wales, by police force area.

(2) The data collected and published must include—

- number of child victims of crimes, by age;
- number of reported crimes;
- number of persons charged;
- number of persons prosecuted; and
- number of persons sentenced and length of sentence.

(3) In this section—

- references to child sexual offences and child sexual exploitation offences relate to offences committed under Part 1 of the Sexual Offences Act 2003; and
- references to modern slavery offences relate to offences committed under sections 1 to 4 of the Modern Slavery Act 2015.”—(*Sarah Champion.*)

*This new clause would place a requirement on the Secretary of State to collect and publish annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery offences committed against children aged under 18 in England and Wales by Police Force area.*

*Brought up, and read the First time.*

**Sarah Champion:** I beg to move, That the clause be read a Second time.

The new clause places a requirement on the Secretary of State to collect and publish annual data on child sex offences, child exploitation offences and modern slavery offences. Data collection is vital to ensure appropriate policy responses, and that is even more important when it comes to crime. Publishing transparent crime statistics is key to understanding how the criminal justice system is working and whether victims are getting the justice they deserve.

New clause 38 asks the Government to collect and publish, by police force area, annual data on the number of child sexual offences, child sexual exploitation offences and modern slavery offences committed against children aged under 18 in England and Wales. There is a data blind spot when it comes to tracking a reported crime through to sentencing. Because of the way data is collected, this proves especially difficult for 16 and 17-year-olds against whom sexual offences are committed. I know that the Government are committed to tackling child abuse and exploitation in all its forms. The new clause would help in that fight, by filling in the blanks and allowing us to have an informed discussion on what needs to improve to ensure that victims get their day in court and criminals are brought to justice.

Despite older teenagers in particular being at high risk of sexual offences, due to the way that the data is collected they are often not included in the reported numbers on child sexual abuse. The tackling child sexual abuse strategy states:

“Over 83,000 child sexual abuse offences...were recorded by police in the year ending March 2020, an increase of approximately 267% since 2013... Due to the way this data is collected, and different sexual offences defined, these figures do not capture certain sexual offences committed against 16 and 17-year-olds, such as rape, as well as sexual assault committed against children over the age of 13.”

The Children's Society's analysis of the data shows that those two categories are the biggest groups of sexual offences reported to the police, which therefore indicates that the true scale of recorded sexual offences against children is very likely to be much higher. Collecting information is key to showing the true scale of sexual offences and to showing where the cliff edges are in the victim's journey through the criminal justice system.

The Children's Society previously found that

"54,000 sexual offences against children under the age of 18 were recorded by 43 police forces in England and Wales between 1 October 2015 and 31 September 2016."

However, it stated that

"Only around 16% of offences reported where the investigation was completed resulted in charges, summons, community resolution or cautions against the perpetrator... For offences that did not result in action against the perpetrator the most common reason was evidential difficulties".

Let us take the example of Margaret, aged 16. Throughout her life, Margaret had many interventions from children's services. Margaret disclosed to family that she was raped and was a witness to another person being sexually assaulted. She disclosed that she was scared of reporting the offence, but did so with her family's support. Long delays, a change of police staff and her mobile phone being taken for 10 months meant that Margaret eventually stopped supporting the police investigation. The case did not progress to prosecution and the young person remains at risk of sexual abuse.

We need to learn from these cases. New clause 38 would give us a clearer understanding of how many reported crimes against children drop out before a defendant is charged. That would enable us to make improvements in criminal justice. What we know is that a shockingly low number of crimes reported result in a successful conviction.

The Office for National Statistics reported in 2020 that there were more than 12,000 crimes flagged as sexual exploitation, but fewer than 2,000 child sexual exploitation charges were brought against perpetrators. There are several different crime datasets published each year, but none follows a reported crime right through to sentencing. The police and the Crown Prosecution Service must have the right tools to prosecute perpetrators, and that is where robust and transparent data collection comes in. Proper data collection will also enable local areas to plan appropriate safeguarding responses for all children under the age of 18 who are at risk of sexual offences or modern slavery offences in their area.

Figures from the ONS have shown that children are more likely than the general population to be victims of sexual offences, with young people aged between 15 and 19 accounting for nearly a quarter—23%—of all rape offences. I hope the Government will acknowledge the importance of better data collection in their response and will commit to providing the information on an annual basis, so that we can review the effectiveness of the current disruption tools, criminal offences and attrition rates for child sexual abuse and exploitation. I look forward to the Minister's response.

**Victoria Atkins:** The Government recognise the importance of collecting data to inform policy and operational decisions and to see the effect of those decisions. I want to take this opportunity to reassure the Committee that there are already robust mechanisms

in place across Government, the police and the criminal justice system for gathering, recording and publishing data. Through the Office for National Statistics, the Government routinely publish data for child sexual abuse crimes committed against children aged under 16 years old. Data for children aged between 16 and 18 is recorded differently, as there are no specific crime codes for this age group. In 2019, however, the ONS carried out analysis of sexual offences perpetrated against 16 and 17-year-olds and published its findings as part of the England and Wales crime survey. Offences relating to child sexual exploitation will be recorded using a variety of crime codes, including those for child sexual abuse and those relating to trafficking. As such, there are no specific crime codes for CSE, and police forces are required to flag child sexual exploitation offences when providing data to the Home Office.

Modern slavery offences committed against children are recorded and published by the police, the Crown Prosecution Service and the Ministry of Justice. The Crown Prosecution Service maintains a central record of the number of offences for which a prosecution commenced, including offences charged under the Modern Slavery Act 2015. All modern slavery offences committed against children are identified through the child abuse monitoring flag, and the Crown Prosecution Service definition of child abuse covers any case where the victim was under 18 years of age at the time of the offence. Through the ONS, the Home Office already publishes both the number of recorded crimes and the number of persons charged under part 1 of the Sexual Offences Act 2003. Alongside that, the Ministry of Justice already facilitates the collection and publication of data on the number of persons prosecuted, the number of persons sentenced and the length of sentences.

**Sarah Champion:** The Minister will not be surprised that I investigate the data quite routinely, and there are two problems that she might be able to address. First, when the ONS data come out, they tend to be a big lump—the data are not broken down into specifics. Secondly, she is talking about the data collected on charging, prosecuting and outcomes, but what we are arguing for is the need to look at the number of reported crimes.

**Victoria Atkins:** I will take those points away, because it is incredibly complicated, as the hon. Lady's speech and, I suspect, my speech have demonstrated. We do not routinely publish data on the number of child victims by age, as the police record the data on offences rather than on the victims who have experienced them. I suspect that this is the nub of the hon. Lady's point. I am told that the reason for that is that an offence may come to the attention of the police, but there might not be a specific intended or identifiable victim attached to it. Additionally, the same child may be the victim of multiple offences—indeed, we know that to be the case with gang exploitation—so we have used data gathered through the crime survey in order to try to inform our understanding of the number of victims and their ages.

The Home Office also publishes data on potential child victims of modern slavery who have been referred through the national referral mechanism, which is the framework for identifying and supporting victims of modern slavery. Of course, that stands apart from the criminal justice system. Someone may be referred to the NRM but might not participate or have a part to play in

[Victoria Atkins]

the criminal justice system. There are a great many data sets, but I take the hon. Lady's point about the identification of child victims. We will see what more we can do.

**Sarah Champion:** I am grateful to the Minister for that reassurance, and I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

### New Clause 43

#### OFFENCE OF INTERFERENCE WITH ACCESS TO OR PROVISION OF ABORTION SERVICES

“(1) A person who is within a buffer zone and who interferes with any person's decision to access, provide, or facilitate the provision of abortion services in that buffer zone is guilty of an offence.

(2) A ‘buffer zone’ means an area with a boundary which is 150 metres from any part of an abortion clinic or any access point to any building that contains an abortion clinic.

(3) For the purposes of subsection (1)—

‘interferes with’ means—

- (a) seeks to influence; or
- (b) persistently, continuously or repeatedly occupies; or
- (c) impedes or threatens; or
- (d) intimidates or harasses; or
- (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion; or
- (f) informs or attempts to inform about abortion services by any means, including, without limitation, graphic, physical, verbal or written means; or
- (g) sketches, photographs, records, stores, broadcasts, or transmits images, audio, likenesses or personal data of any person without express consent.

(4) A person guilty of an offence under subsection (1) is liable—

- (a) in the first instance—
  - (i) on summary conviction, to imprisonment for a term not exceeding 6 months, or
  - (ii) to a fine not exceeding level 5 on the standard scale, or
  - (iii) to both; and
- (b) on further instances—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both; or
  - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.”.—  
(Sarah Champion.)

*This new clause would introduce areas around abortion clinics and hospitals (buffer zones) where interference with, and intimidation or harassment of, women accessing or people providing abortion services would be an offence.*

*Brought up, and read the First time.*

12.15 pm

**Sarah Champion:** I beg to move, That the clause be read a Second time.

I am proud to speak to this clause, tabled by my hon. Friend the Member for Ealing Central and Acton (Dr Huq) and supported by more than 35 MPs from across the House.

As we come to the end of Committee stage, a significant portion of our debate has focused on the safety of women in public spaces, and I am grateful for that. We can all recognise, to a greater or lesser degree, that existing public order legislation does not provide the necessary framework to address women's fear and concerns in public spaces.

This new clause raises a discrete problem—harassment outside abortion clinics. The issue has been raised in the House by my hon. Friend the Member for Ealing Central and Acton for several years, with great support from other Members on both sides of the House. As hon. Members will see on the amendment paper, the new clause has cross-party support from Members from five different parties.

Although my hon. Friend was driven to raise this issue by harassment in her own constituency, this is not a local issue. Figures from the Department of Health and Social Care and abortion providers indicate that in 2019 more than 100,000 women—or more than half of everyone who has an abortion—had to attend a hospital or abortion clinic that had been targeted by anti-abortion groups.

I want to make it clear that this new clause is not about abortion. A woman's legal right to end a pregnancy is supported by the House and by the public and has been in statute since 1967. It is, however, about the ability of a woman to exercise this legal right without the fear of harassment or intimidation. Therefore, this new clause has a narrow purpose to introduce buffer zones 150 metres around abortion clinics, where certain activities designated as pressuring women about their decision to access abortion are banned.

Currently, around the country, anti-abortion groups engage in activity at the clinic gate seeking to deter or prevent women from accessing abortion care. This takes many forms, including the display of graphic images of dismembered foetuses, large marches that gather outside the clinic, filming women and staff members, following women down the street, sprinkling sites with holy water and handing out leaflets that tell women, falsely, that abortion causes breast cancer, suicidal intentions and can lead to child abuse. Recently, groups have been handing out advertisements for dangerous and unproven medication to reverse an abortion. This activity has been an almost permanent fixture outside several clinics for years. Abortion providers such as the British Pregnancy Advisory Service have collected thousands of accounts from women they have treated about the activities outside clinics and the impact it has had on them. In the past year alone, even during lockdown, this harassment has continued.

One woman, in Liverpool, reported in February:

“She told me that I should let God decide—that it will torture me for the rest of my life and don't let them do it. She told me her daughter couldn't have kids and I'm wrong for killing a baby...that I'll have no luck in the future if I kill a baby.”

Another woman, in Bournemouth, said in December 2020:

“My partner was waiting in the car and he had one woman staring at him and walking around his car whilst showing him a cross. Both my children (both under 4) were in the car waiting with my partner...I felt uncomfortable walking out of the clinic knowing they were there.”

The mother of a patient in Bournemouth just last week said:

“The protester was stood by the entrance with a banner. My daughter is autistic and this procedure is stressful and traumatic—and when she realised they were outside it caused her to have a panic attack”.

Doctors and nurses are not immune to harassment, either. In Brighton in October 2020, one reported:

“There was a man in the entrance lobby—my colleague didn’t know what to do. He wouldn’t leave. He asked us if this was a place where ‘you kill babies’, if I ‘agreed with murdering babies’, and whether I was ‘happy to murder foetuses’.”

This is not a protest—the groups involved in this activity are very clear that they are not seeking to change lawmakers’ minds or amend the abortion legislation. Instead, they seek direct access to individual women who have no choice but to approach them as they access legal and essential healthcare. It is, quite simply, targeted harassment.

The solution is simple and has been used successfully across Canada, Australia and parts of the USA. We need to protect women seeking confidential medical care by making it clear that it is unacceptable to accost a woman at a clinic gate, harass her and lie to her about medical procedures.

We must also recognise that much of the legislation has been thoroughly inadequate at addressing the problem. I am sure the Minister will wish to mention that. The only law that has ever been successful in solving the problem at clinic levels is public space protection orders, which enable a council to create its own local buffer zone, but only three counties across the country have them in place, leaving more than 90% of affected clinics with nothing to protect them. That creates a postcode lottery of protection from harassment, and that is just not good enough. We need a national solution to this national problem. I hope the Minister will consider the impact of this activity on women, and I hope she will recognise that, despite the existing law, it has continued unabated for years.

**Victoria Atkins:** I am grateful to the hon. Lady for setting out the case for this new clause, tabled by the hon. Member for Ealing Central and Acton. As she rightly identifies, it is supported by parliamentarians from across the House. I approach this issue with the respect that such a widespread array of support deserves.

We have looked into this issue and kept it under very close review over the past few years, and I will set out in a moment some of the steps we have taken. I want to be very clear that I have sympathy for what the new clause seeks to achieve, in that harassment and intimidation of women who are seeking medical care is completely unacceptable.

The hon. Member for Rotherham is right to emphasise that this new clause is confined to a very narrow basis. We are not debating the provision of abortion services; we are talking about the public order element surrounding clinics and hospitals. For the benefit of colleagues and others who may be watching this debate closely, given that we are looking purely at a public order issue, on a very narrow basis, my Whips have concluded that this is not a matter of conscience, so the matter is whipped. It is in a different category from the wider issue of abortion, about which Members have many varied and strongly held opinions. We confine ourselves to the public order element of what the new clause is trying to achieve.

We keep this matter under very close review. As the hon. Lady knows, it is an offence under the Public Order Act 1986 to display images or words that may cause harassment, alarm or distress. The police have certain powers under that Act if the purpose of the assembly is

to intimidate others into doing or not doing an act. Clause 55 of this Bill strengthens those powers and enables the police to place any necessary conditions on such assemblies.

The power that has found resonance with local authorities and has been upheld by the Court of Appeal recently is the power under the Anti-social Behaviour, Crime and Policing Act 2014 to implement public space protection orders to create buffer zones around abortion clinics or hospitals, when they are satisfied on reasonable grounds that protests are having an unreasonable and persistent detrimental effect on the quality of life of people in the area. Three local authorities have imposed such orders around particular clinics. Indeed, I am led to believe that Ealing, which imposed the first such order, very recently renewed it following its expiration.

**Sarah Champion:** I thank the Minister for recognising that this is harassment rather than protest. Does she share my frustration that more councils are not using public detention orders?

**Victoria Atkins:** I will come to the figures in a moment because they will, I hope, help the Committee understand the approach that the Government are taking.

In the protests, or demonstrations—or however one wants to describe them—there can be a range of activities, and the hon. Lady has, understandably, focused on some of the most upsetting forms of activity. There are more peaceful ways of protesting, however, and I do not think it would be right for me to pretend that every single protest has the ability to harass and alarm in the way in which she has said some protests do. The advantage of PSPOs is that they are very local. They are brought by local authorities in the circumstances of their area, and the conditions imposed will reflect the conditions of the protests faced outside service providers.

**Mr Goodwill:** I was going to make a similar point to that made by the hon. Member for Rotherham. Is it not the case that many local authorities find the process complex and expensive? Will the Minister consider providing a toolbox or other assistance to local authorities to enable them to do this in a way that does not put them outside their comfort zones in the areas in which they have been working?

**Victoria Atkins:** Very much so. Indeed, that has been part of our work with the review. We conducted the first review in 2018 and, to put this in context—I will read the figures out because I want to make sure they are correct—of the 406 clinics and hospitals identified as providing those services, providers told us that only 36 had stated that they experience any protest activity.

**Sarah Jones (Croydon Central) (Lab):** I am grateful for the opportunity to state publicly that I very much support the new clause. On the point that the Minister has just made, in my local area abortion services can be accessed in the large hospital. There is no protest there because it is a large hospital with loads of people coming and going for other things, but in areas with stand-alone abortion clinics, we all know where they are, and people are known to stand outside. Although I understand the point about things being different in different areas, when people are standing outside, holding something and not saying anything, it is still enormously

[Sarah Jones]

judgmental, scary and upsetting, even though what those people are doing perhaps does not look to the police to be as intimidating as it is. I am sure that some turn away because they cannot face going past that.

**Victoria Atkins:** I accept that, and of course, women can be in a distressed state when they are approaching clinics. They may be in turmoil and may have questions about what they are about to do—they may well have doubts. I am sympathetic to the idea that not every protest has to display the sorts of posters that the hon. Member for Rotherham has described to unsettle or upset women accessing those services.

I have a second set of figures. The figures are important because we as a Government have to look at proportionate responses. The first set of figures came out of the 2018 review. Since then, to come to the point made by my right hon. Friend the Member for Scarborough and Whitby, we have again asked service providers for their views and whether there has been an increase or decrease in activity. The figure I have been provided with is that 35 out of the 142 registered clinics are currently or have recently been affected by protest activities. Five hospitals have been affected. That compares with 32 clinics and four hospitals being affected in 2018.

I am told, incidentally, that one of the clinics that had been reviewed in 2018 has since closed down, so that may explain that difference. I give the figures because that is why we are concerned that a blanket ban across all of the service providers may not be proportionate, given that the majority of clinics and the overwhelming majority of hospitals that provide these services do not appear to have been affected by protest activity thus far. That is why we believe that a localised approach of PSPOs, with councils using the orders, is the way forward.

We have also looked very carefully at whether there is work we can do to help councils understand the powers that they have under the orders. Again, we believe that the law is in a good place at the moment, but we very much keep this under review.

**Mr Goodwill:** I thank the Minister for those assurances. Would it also be the case that where an abortion clinic is in a general hospital, the measure could unintentionally prevent people from protesting against the closure of a ward or a service, or trade unionists protesting about a particular aspect of their employment rights?

**Victoria Atkins:** My right hon. Friend raises an important point. That is why we have looked so carefully at the universality of the measures put forward by the hon.

Member for Ealing Central and Acton and why we believe that PSPOs, which are targeted and have been upheld by the Court of Appeal, seem to be the most effective way of managing these very difficult circumstances outside particular service providers.

I appreciate that this may be corrected before Report, but we are also concerned that proposed subsection (3) of the new clause potentially includes medical practitioners and others providing advice on abortion services within the confines of the buffer zone—in other words, within the clinic. Nobody—but nobody—would want that to be an unintended consequence of the new clause. My right hon. Friend has alighted on another unintended consequence—that other forms of protest may be caught by the new clause.

We very much understand the motivations behind the new clause and the work that parliamentarians have been conducting over recent years in order to shed light on this issue, but the Government do not feel able to support new clause 43.

**Sarah Champion:** I hear what the Minister says. I am still very concerned that, by the Minister's own figures, we are looking at a quarter of clinics being targeted. I am very concerned about the postcode lottery. Would the Minister be open to my hon. Friend the Member for Ealing Central and Acton working with her civil servants to try to come back with a more appropriate wording for Report?

**Victoria Atkins:** In fairness—I am sure the hon. Member for Ealing Central and Acton will back me up on this—we have been working. I do listen. I have meetings with colleagues from across the House—both those who support the intentions of the new clause and those who do not. We must acknowledge that there are colleagues and members of the public who want to defend their right to make their feelings and their views known in front of these service providers. I am very happy to meet colleagues representing the range of opinions on this issue. I have met the hon. Member for Ealing Central and Acton several times and am very happy to meet other colleagues, whichever side of the debate they may stand on.

**Sarah Champion:** With those reassurances, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

*Ordered, That further consideration be now adjourned.*  
*—(Tom Pursglove.)*

12.35 pm

*Adjourned till this day at Two o'clock.*