Coronavirus Crisis Parliamentary Report 7

15th October 2020

There are three simple actions we must all do to keep on protecting each other:

- Wash hands - keep washing your hands regularly
- Cover face - wear a face covering in enclosed spaces
- Make space - stay at least 2 metres apart - or 1 metre with a face covering or other precautions

For more information and detailed guidance visit: gov.uk/coronavirus

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This is my seventh report during the COVID crisis in which I:

- share with you how I’m seeking to go about my work as MP during this coronavirus crisis,
- hear from you if you agree with how I’m approaching things and
- what further issues you think I should be addressing.

I, and my office team, continue to help constituents and to raise issues with the government or with agencies if they do not appear to have them on their agenda. Where they are aware of problems but appear to be taking too long to solve them I am pressing government to act more speedily.

I continue to support the public health guidance issued by Public Health England.

Harriet Harman

Black History Month

As we mark Black History Month this year, we must reflect honestly on the explosion of anger at the murder of George Floyd both here and in the States. And propose meaningful action to make real progress. This is not only about the appalling police brutality in the States, but also the inequality, prejudice and discrimination still faced by black people here. We have to show solidarity to those in the US and also recognise that here in the UK, too, there is inequality, prejudice and discrimination.

As Chair of Parliament’s Human Rights Select Committee, I’m leading a #BlackLivesMatter inquiry looking at the extent to which human rights of non-black people are protected. Specifically, the Committee is looking at the over-representation of black people in prison and deaths in police custody; the Windrush scandal; and the greater likelihood of black mothers to die in childbirth.

Human rights are supposed to be universal, for every human being. Yet when the Human Rights Committee conducted the biggest ever polling of black people with black-led polling company, Clearview, three in four black brits told us they don’t believe they have the same human rights as white people. And the majority of black people in UK believe they are not treated equally by the NHS. Black women especially feel unequally treated by the health service.

These findings are stark, especially as so many black people work in the NHS yet still feel that it does not value their lives equally. The fact that this is most strongly felt by black women perhaps reflects women’s greater role in caring for children and older relatives.
The results pose a major challenge to the health service, and senior figures cannot sweep them under the carpet. The state has a duty to protect life and not to discriminate. They have a duty to protect the lives of black and non-black people equally. Black women are 5x more likely to die in childbirth than white women. I am demanding the NHS set a target to reduce the racial maternal mortality gap.

In the UK, you are still 9 times more likely to be stopped and searched if you are black than if you are white. It is hard to see how this can change until we have equal numbers of non-white officers at all levels of the Met including right at the top. And we are a long way off that. I am demanding the police set a target to increase the number of black officers and publish the percentage of black police in every force by seniority. I am also urging the police to establish regular polling of the black community’s perception of policing and set a numerical target to increase confidence. Justified anger needs recognition and demands change. Everyday experiences of racism need to be recognised as fact. And there needs to be concrete change to stop it.

A succession of reports in recent years have found structural racial inequalities in our institutions, from the Home Office treatment of the Windrush Generation to David Lammy’s 2017 report on the disproportionately high numbers of black people in the Youth Justice System. The Human Rights Committee will report in the next couple of weeks and will be demanding the government implement the findings of these previous reports. Commissioning reports and failing to implement them only intensifies the lack of confidence in government on race issues.

We were appalled to hear there are no black commissioners on the Equality and Human Rights Commission. At the national level there is no black-led organisation whose responsibility it is to champion race equality and lead the drive for progress. The government must sort this urgently.

The history of Southwark, and of Britain, is a history of migration. Yet fewer than 10% of students learn this at school. This must change. Our understanding of history informs our national identity. Teaching black history one month a year is not enough. We need to embed the celebration of the immense contribution of Black Britons to this country in our school syllabus and accurately reflect our history to help ensure that injustices like the Windrush scandal can never happen again.

The Joint Committee on Human Rights published research on whether black people feel their human rights are protected as part of the Inquiry: Black people, racism and human rights

The Committee commissioned ClearView Research to conduct polling about black people’s experiences in the UK in relation to whether they feel their human rights are equally protected.
You can read the report by Clearview Research [here](#).

The research found, amongst other things, that:

- The majority (over 75%) of black people in the UK do not believe their human rights are equally protected compared to white people;

- The vast majority (85%) of black people in the UK are not confident that they would be treated the same as a white person by the police; and

- The majority of black people (over 60%) in the UK do not believe their health is as equally protected by the NHS compared to white people.

**Southwark News**

Southwark Police has been unable to confirm the exact number of black police officers and their rank working in the borough, or share data from public opinion polling, despite ‘years’ of questioning by Harriet Harman.

The Camberwell and Peckham MP, and chair of the House of Commons’ human rights committee, called on the borough commander to take immediate action to share full data on the number of black officers at every level, and explain how opinion polls were being conducted.

She argued that the radio silence from the force over her repeated requests was ‘inexplicable’.

Currently, details on the ethnic make-up of the force and diversity at every level of seniority are only available for the Met as a whole and not borough-by-borough.

In her letter to the Southwark and Lambeth commander, Chief Superintendent Colin Wingrove, Harman said without receiving these figures it will be ‘impossible’ to monitor progress in both staffing and community relations amid ongoing Black Lives Matter protests.

Black people in the UK are nine times more likely to be stopped and searched than white people. Harman believes this will continue until the Met has more diversity among its ranks including at the highest levels.

Available government data show that at the end of March 2019, across 43 police forces in England and Wales, 93.1 per cent of police officers were ‘white’, with just 6.9 per cent from other ethnic groups.

Four per cent of ‘senior officers’ were from Asian, black, ‘mixed’ or ‘other’ backgrounds.

Last year the Met recorded the highest number of officers from BAME backgrounds – fifteen per centBut the majority of these were not from black backgrounds, who account for just 3.5 per cent of officers.
Across the force as a whole, the percentage of officers who are black has increased from 1.1 per cent to 1.2 per cent in twelve years despite recruitment drives. A starting salary for an officer is around £30,000.

Harriet Harman
@HarrietHarman

When engagement important as never before, very disappointing @MPSSouthwark refusing MPs request to publish data re % Black police by seniority & benchmark rel/ship between police & Black people by local polling. @helenhayes_ @FloEshalomi @BellRibeiroAddy #BLM @metpoliceuk

More than 60 per cent of people living in Southwark are from black or other minority backgrounds. Harman says one primary school teacher from Peckham told her that by the end of year six pupils are already beginning to lose faith in the police.

“For decades the police have been promising that they would increase the number of black officers, but progress has been pitifully slow and we need to be sure not only that there are more black police officers but that they are serving at every level of seniority,” Harman explained.

"There is absolutely no justification for keeping this information secret. This is public money being spent on a public service and the public are entitled to know. The police won’t be able to face up to the depth of the problem of their relationship with the black community unless they do proper polling and get a benchmark in order to be able to measure progress year on year.”

Chief Superintendent Wingrove told the News that although full data on police officer diversity is published for the Met as a whole, more detailed information at basic command unit level (i.e. for Southwark and Lambeth) was simply not yet fully available. He denied his unit was ‘refusing’ to hand over the statistics, saying more detailed information would be shared as soon as possible.

Independent surveys into public confidence, at borough level, were conducted on a quarterly basis, he confirmed, along with regular surveys of victims of crime, with data recorded by ethnicity.

Constituency problems – update

The COVID-19 pandemic continues to bring many new problems to people in Camberwell and Peckham and make many pre-existing problems worse. So there continues to be an increase in the number of constituents seeking my help. Those who already had financial problems are finding that the COVID-19 crisis only makes them worse. My casework team continue to deal with pre-existing problems as well as the new COVID-19 problems. I have taken action on behalf of 3,518 constituents from 1st March – 30th September.

So far since the start of 2020, I have recouped £74,258.97 for constituents who have requested my assistance. This includes underpaid benefit payments, Coronavirus business grants for local business owners, waived HMRC penalties and compensation for errors and delays from housing associations and the Home Office.
Case summaries:

- I was contacted by the friend of a Peckham resident who had travelled to Dominica to attend the funeral of their late mother. Due to COVID-19 restrictions the family had been quarantined even though they had received several negative test results. They asked for my assistance because they were told they were expected to pay for their additional room and board during the quarantine period and were worried that they would miss their mother’s funeral. I contacted the Foreign and Commonwealth Office and was then contacted by the Consulate in Bridgetown, Barbados who informed me that the family had been offered consular assistance and had been released from quarantine in time to attend their mother’s funeral.

- A healthcare assistant from Walworth contacted me concerned about the health and wellbeing of her family due to severe damp and overcrowding in her property. I wrote to Southwark Council asking them to respond and to offer the family urgent assistance as she was at an increased risk of exposure to Covid-19 due to her work.

- A local sports organisation wrote to me about their application for a Coronavirus Business Support Grant. They had been awarded £10,000 in June but the money had not been received. I wrote to Southwark Council to request that the payment be expedited and shortly after the grant payment was made.

- I was contacted by the father of a Peckham resident concerned about his son’s mental health and asking for assistance in referring him to a rehabilitation therapy service. I contacted the team at South London and Maudsley (SLaM) to ask for their assistance and have since been informed that they have referred the son to the admissions panel for a place within a rehabilitation unit where he will be able to access the mental health support he requires.

- I was contacted by a constituent who was experiencing continuous problems with leaks from the property above. After enquiries I discovered that the upstairs neighbour is hearing impaired and unable to speak and also that the specialised doorbell that had been installed had broken, meaning they were unaware that the Council had tried to visit to fix the cause of the leak. I wrote to the Council to request a repair to the specialised doorbell so they could arrange a time to visit and gain access to fix the cause of the leak into the neighbours’ property below.

- A man from Walworth contacted me requesting my assistance with TfL. He had been fined after he used Google Pay to pay a fare and the amount was not debited. He was contacted by TfL to provide an account of what happened but subsequently received a ‘Single Justice Procedure Notice’ for not paying and was very concerned that this action would be permanently on his record. I wrote to TfL asking on whether they had issued a Pay Notice before proceeding with the Single Justice Procedure notice.

- A constituent expecting her first child wrote to me concerned about the Covid-19 visiting restrictions in place at Kings maternity service. The constituent wanted her partner present throughout the birth of their child. I wrote to Kings College Hospital and received updated guidance that my constituent’s partner could be present throughout the labour and birth.
I have received 7,513 emails from constituents on policy issues from 1st March to 30th September, the majority relating to COVID-19. Issues raised since my sixth report:

- #SaveOurStandards campaign to protect British farmers and the health of our children
- Hold Government to account on ending rough sleeping
- Take action for cleaner air
- Work for a green and fair recovery
- Calls for a reduction in beer duty to help support the pub industry
- Save nightlife culture
- Call on the Government to ensure animal sentience is protected in UK law
- Support for the School Breakfast Bill to ensure no child starts the day too hungry to learn
- Back refugee resettlement and reopen safe routes to safety
- The Coronavirus Act 2020
- Defend the Rule of Law
- Call to extend the furlough scheme for creative industries
- Give NHS staff a pay rise

**Losing control of the testing is why the government is losing control of the virus**

Losing control of testing is why the government is losing control of the virus and why we’ve ended up with more and more restrictions. If you can’t test, you can’t trace. If you can’t trace, you can’t isolate. If you don’t isolate, the virus spreads. All our efforts to adhere to social distancing rules are undermined without testing.

The government says this is due to more people wanting tests. But having, over the summer, told employees to go back to their workplaces and with the reopening of schools and universities there was obviously going to be increased demand for tests as more people mingled and inevitable got colds and flu. The government should have anticipated this and used the summer to ensure the testing system was working properly. But now because of the government’s failure to plan there are increasing numbers of teachers and pupils not able to be in school, and students are trapped in halls, miles from home, being told they may not be able to go home for Christmas. In hospitals, operations are being cancelled while NHS staff can’t work as they wait for tests. Hundreds of ill people every day are being told there are no tests.

Local headteachers tell me they are having to make very difficult decisions choices about whether a child with a cough should be sent home. If a child is positive the whole year group will be sent home. One primary headteacher told me that her school was given 10 COVID test kits. She’s used them and can’t get any more. Another head said even when they send off the tests the results don’t come back quickly enough. One of his teachers had been waiting 13 days for test results! I’m pressing the government for fast tests for staff and students so more vital school time is not lost.

The COVID restrictions will not work without testing and financial support for those who ought to be staying at home. Many businesses left out of support have no idea of
when they can safely reopen without testing. The government is neglecting whole sectors of the economy which generate billions in tax revenue and employ more than a million workers. In his latest announcement the Chancellor failed to mention businesses that are shut down or trading with reduced capacity including: the wedding industry, events and exhibitions, the nighttime economy, festivals, sports and music venues and theatres. There was no acknowledgement at all about their plight.

The vast majority of these jobs are perfectly viable with a functioning test system, and deserve support from government during pandemic restrictions. Health measures and economic measures are now dangerously out of sync. In Germany you can get a test and results the same day. In the UK, only one in 10 tests are processed in 24 hours, so most people can’t find out if they’re carrying the virus or not.

We all want to avoid getting the virus and spreading it. More than six months after the pandemic started the government needs to get a grip on the test and trace system, and fast.

**Schools determined to do the best they can during COVID times**

COVID and government incompetence have made it an incredibly difficult time for children, parents and schools. It is not possible for me to undertake my usual visits to schools in the constituency at present as they do not encourage visitors. So instead I’m having Zoom meetings with the head teachers of all the schools, one by one, to hear their concerns and raise them with the Department for Education. I am also thanking them personally for their commitment and dedication in such challenging times and asking them to convey my appreciation to all of their staff. They all report that attendance is high and that the children and young people are delighted to be back in school. The key concerns raised are that children from struggling families fell further behind as a result of the lockdown but the government are not giving the schools enough resources to take the action they need to support such children. Speed of testing is crucial to prevent teachers being stuck at home while they wait for results. And it’s imperative to avoid a repeat of last year’s exam chaos. I’ll report further on the schools next month.

**The Government must urgently consider the human rights implications of COVID-19 measures**

*Protecting the right to life during the Covid-19 pandemic*

Back in March, the Joint Committee on Human Rights announced that it would be scrutinising the Government’s COVID-19 response and issued a call for evidence. In particular, the Committee announced that it would be looking at legislation the Government bring forward to contain and control the COVID-19 outbreak, how those measures are then implemented, and how the response could be differently affecting different groups of people.

The Committee questioned the Lord Chancellor, Robert Buckland MP, then followed this by hearing evidence and publishing reports on:

- Human Rights and the Government’s response to Covid-19: the detention of young people who are autistic and/or have learning disabilities
- Human Rights and the Government’s response to Covid-19: children whose mothers are in prison

The scale of this crisis is unlike anything many of us will see again in our lifetime. Disruption to our normal way of life and human rights are sometimes necessary in order to lead the country through any significant emergency, but this must always be done in a way that is proportionate and justifiable in accordance with the balancing act that is protecting our human rights.

As we approached the Coronavirus Act’s six-month review, there were a number of concerns that the Government must urgently address. Confusion over what is law and what is merely guidance has left citizens open to disproportionate and unequal levels of punishment for breaking the rules, and unfortunately, it seems that once again, this is overtly affecting BAME individuals. The Government must learn from these mistakes to ensure that any additional lockdowns do not unfairly impact specific groups.

Several times now we have expressed our dismay over the Government's treatment of people in detention, and once again we must impress on the Government the urgency of resuming visits as soon as possible. We cannot know how long coronavirus will impact us, but we heard how devastating being separated from one's family can be for those in care homes, in prison and detained in mental health facilities and this cannot continue for much longer. Blanket bans on visits are not justifiable.

Parliament and the public must be kept appropriately and promptly informed about changes in policy, especially when the human rights of so many are affected in such a wide variety of ways. This is an unprecedented and uncertain time for everyone, and the Government must act in a justifiable, fair and proportionate way.

Within the Report, the Committee makes recommendations on the following:

**Lockdown regulations**

There has been confusion over the status and interpretation of guidance, and the relationship between guidance and the law in terms of the implementation of lockdown regulations across the country. The Committee has also expressed concern
about the disproportionate impact of policing decisions on young men from black, Asian and minority ethnic backgrounds. Lessons must be learnt from this period of lockdown in order to avoid the worst elements of confusion and disproportionality before any further lockdowns either at a local or national level.

Test and trace

This Committee has raised concerns around privacy, data protection and discrimination in the development of a contact tracing app. The Committee recommends that specific tailored legislation should be introduced to protect people whose data is collected as part of the Government's contact tracing programme, whether that is through an app or through the test, track and trace programme.

Rights of people in detention

The Committee is deeply concerned about the human rights of people in various types of detention. The measures taken during lockdown and beyond have breached the right to family life of both those detained and of their loved ones. Resuming visits across all settings, including prisons, hospitals and care homes must be a priority as soon as it is safe to do so.

Access to justice

The right to a fair trial and right to liberty have been engaged by measures taken by the Government with regards access to justice and the operation of the Courts. The Committee welcomes the use of live link technology as a mechanism of avoiding delays to justice, but the Government must ensure those who are digitally excluded or otherwise vulnerable are not disadvantaged and that the principal of open justice continues to apply.

School closures

The Committee is concerned at the impact that school closures have had on children and that school closures have particularly impacted the rights of those with Special Educational Needs and Disabilities (SEND). The Government must address any barriers that children with SEND may experience regarding their return to school.

Public inquiry A swift lessons-learned review and a public inquiry

The Committee encourages the Government to undertake some form of swift lessons-learned review as soon as possible in order to fulfil its human rights obligations and to prevent future unnecessary deaths, and any such findings should be incorporated into the Government's planning and response to any further waves of infection. The Committee also notes that it is very likely that a public inquiry will be needed. This inquiry must consider, at least, deaths in detention settings; deaths of healthcare and care workers and the availability of PPE; deaths in care homes due to early releases from hospitals; and deaths of transport workers, police and security guards due to inadequate PPE.
The use of emergency powers

The Committee states that the Government should announce its decisions to Parliament first, and this is particularly so where emergency powers are being used. Whilst the use of emergency procedures such as fast-tracked legislation and made affirmative statutory instruments may be justified in these exceptional circumstances, the use of emergency procedures must be limited to what is absolutely necessary. This is especially the case when human rights are at stake.

Joint Committee on Human Rights tabled an amendment to the motion required under the Coronavirus Act

The Committee published its amendment to the motion that was the subject of the Coronavirus Act debate (the Government motion was debated in the House of Commons on Wednesday 30 September):

Line 1, leave out from “That” to end and add “agrees that the temporary provisions of the Coronavirus Act 2020 should not yet expire; and that the Government should introduce legislation to make specific provision for Regulations putting in place lockdown restrictions (whether national or local); such legislation must specify that (a) lockdown Regulations shall lapse 7 days from the date when they were laid before Parliament unless they are approved by both Houses of Parliament before that time; (b) fines or fixed penalty notices for breach of such Regulations may only be introduced if the Regulations also provide for an appeal or administrative review mechanism to allow such fines or fixed penalty notices to be challenged; (c) when introducing such Regulations the Minister may produce guidance but that any such guidance must make clear what conduct is unlawful and what conduct is merely being advised; (d) in any such guidance the Minister must ensure consistency between the law and the guidance when explaining what conduct that is unlawful; (e) all new lockdown Regulations (including amendment regulations) must be accompanied by a proportionality assessment; and (f) the Prime Minister must use best endeavours to seek consistency between the national Regulations put in place in the four nations, unless very different circumstances require such measures to diverge; and calls on the Government to scrupulously enforce the Ministerial Code and to amend the Code for Special Advisers to provide that special advisers are expected to comply with the law, to maintain high standards of behaviour, to protect the integrity of public life, to behave in a way that upholds the highest standards of propriety and to observe the Seven Principles of Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership.”
Confusing and inconsistent Covid rules aren’t working – changes to the Coronavirus Act are needed

22nd September 2020

The Joint Committee on Human Rights has found there is confusion over what is law and what is guidance, leaving people open to unequal levels of punishment for breaking the rules. The law needs to be much clearer going forward.

Most people recognise that to keep up with, let alone get ahead of, the deadly Covid virus, unprecedented restrictions are needed.

As we approach 6 months since Parliament granted the government unprecedented powers in the Coronavirus Act 2020, it’s time for this legislation to be reviewed. The Joint Committee on Human Rights, which conducted an inquiry into the operation of these powers, yesterday published its report and will be publishing draft amendments that we feel are needed. The law needs to be much clearer going forward.

Undoubtedly confusion was caused when guidance said people should meet in groups of no more than 6, and the law said no more than 30. If police officers all over the country, let alone the public, are to understand the rules, they need to be clear and simple. To help get the message out clearly, there needs to be consistency across the UK.

Everyone understands that local infection rates need local measures, but policy differences across England, Scotland, Wales and Northern Ireland create confusion.

For example, if children don’t count in the Rule of 6 in some parts of the UK, they shouldn’t count anywhere. As the Prime Minister is leading on this, he must do better on getting the rules agreed.

Most importantly, there needs to be a way of challenging fines. You could be hit with a £10,000 fine without any adequate explanation of why you were given that fine and have no way to appeal - only the prospect of a criminal court case.

We’ve seen over the past 6 months the police sometimes get it wrong, especially when the law changes so quickly. They might fine the wrong person by mistake or misunderstand and misapply the ever-changing law. There must be at least an opportunity for administrative review, if not a full-blown appeal.

The laws need to be consistently applied to everyone.

We are all bound by the rules and they should apply in the same way to ministers and their advisors as they do to members of the public. This is vital for us to feel like we’re all in it together. It’s time for the Prime Minister, the Cabinet and their special advisors to lead by example, or risk being fired if they put a toe out of line. The ministerial code should be amended to make this crystal clear.

Parliament should be involved.

The government has brought new laws into effect without laying them before Parliament, under the argument they don’t have time. The law should be amended so
that new powers lapse after 7 days if they are not brought to Parliament and retrospectively approved. Yesterday evening, the Committee published an amendment to the government’s motion that Parliament will debate next week, to renew powers insisting on new safeguards.

The government is under huge pressure, but their decisions need the insight and legitimacy of Parliament.

Parliament does not want to hamstring the government, but it can help it do better.

This is no time for Government to clash with Parliament
Tuesday 29 September 20

Tomorrow, Parliament is going to review the Government’s power. Back in March when ministers ordered total lockdown and the virus was surging, there was a strong sense in Parliament that we should give the Government the powers it needed to protect us, big powers that have never been used outside wartime. The Government asked for the powers for two years but Parliament said this was too long and insisted on reviewing them in six months, and that’s what we’re going to do.

The Government has used these powers to close businesses, even whole sectors of the economy, to confine us to our homes, to decree who we can meet up with and how long we can exercise for, to close schools and to order us to wear face masks. Behind closed doors, without even getting Parliament’s approval, ministers have made more than 50 new laws backed by fines of up to £10,000. After six months of seeing how this has worked, there is a strong feeling in Parliament that it’s not wise to leave the Government to do this on their own. We want a say. When it is making literally thousands of decisions, at unprecedented speed, Government is bound to get some things wrong and Parliament can help them do better.

For example there’s no right to challenge one of these £10,000 fines, even if there’s been a mistake. You can challenge a parking ticket or speeding fine, but not a Covid Fixed Penalty Notice. If Parliament had been able to look at this, I’m sure it would have put that safeguard in. The Government will ask Parliament tomorrow for a straightforward continuation of all their powers, but MPs from all parties have said they want changes. Graham Brady, chair of the 1922 Committee of Tory MPs, has put forward an amendment to the Government motion saying that Parliament must agree any new law before it comes into effect.

The Joint Committee on Human Rights, which I chair, is saying the Government can bring in new laws right away but that the powers would lapse if Parliament hadn’t approved them within seven days. But although there are different versions, there is a single will in the Commons that Parliament must have a say. It’s rumoured that the Speaker won’t let us vote on our amendments. But even if there’s no vote, it’s obvious that Parliament has had enough and the Government would be unwise to ignore that. They’ve got enough problems to deal with. Not just Covid but Brexit too. The last thing they should be doing is starting a fight with Parliament.
Committee takes evidence on the human rights implications of the Overseas Operations (Service Personnel and Veterans) Bill

On Monday 28 September the Joint Committee on Human Rights heard from witnesses about the potential human rights implications of this bill, which had its Second Reading Debate in the Commons on 23 September.

Watch Parliament TV: Legislative scrutiny: The overseas operations (Personnel and Veterans) Bill

- Implications of the presumption against prosecution after five years:
  - Justifications for the introduction of a presumption against prosecution for service personnel and veterans;
  - The scope of the presumption against prosecution applying to all offences except sexual offences, and the risks of creating impunity for serious offences such as war crimes and torture;
  - The risk of contravening the UK’s international legal obligations and implications for the reputation of the UK Armed Forces;
  - The risk of cases against service personnel being brought before the International Criminal Court;
  - The role of the Attorney General in deciding whether to prosecute.
- Implications of the amended limitation period for civil and Human Rights Act claims:
  - Is there a problem of vexatious or unmeritorious claims being brought by Armed Forces personnel and civilians against the MOD?
  - The imposition of an absolute six-year time limit: Impact on members of the Armed Forces (who bring the vast majority of claims) and civilians.
- Duty to consider derogation from the European Convention on Human Rights in overseas operations – what are the implications?

Witnesses
1. Elizabeth Wilmshurst CMG, Distinguished Fellow, Chatham House
2. Martyn Day, Partner at Leigh Day
3. Reverend Nicholas Mercer, former Command Legal Advisor, UK 1st Armoured Division, Iraq War
4. Mark Goodwin-Hudson, former British Army Officer and head of the NATO Civilian Casualty Investigation and Mitigation Team in Afghanistan in 2016.

**Committee to question MoD Ministers on the human rights implications of the Overseas Operations (Service Personnel and Veterans) Bill**

On Monday 5 October at 2.30pm the Joint Committee on Human Rights heard from the Parliamentary Under Secretary of State for Defence, People and Veterans, Johnny Mercer and Minister of State, Baroness Goldie.

**Watch Parliament TV: Legislative scrutiny: The Overseas Operation (Service Personnel and Veterans) Bill**

**Purpose was to focus on the following issues:**

- Concerns with the adequacy and independence of military investigations:
  - Consistent evidence points to there being systemic failings with the independence, adequacy, timeliness and effectiveness of military investigations into allegations of wrong-doing. This has led to the problem of repeated investigations due to the inadequacy of the previous investigations. Why is this not being tackled instead?
- Implications of the presumption against prosecution after five years:
  - There are very few prosecutions of Armed Forces personnel and yet the Bill risks contravening the UK’s international legal obligations and the reputation of the UK Armed Forces – is it justified?
  - The scope of the presumption against prosecution applies to all offences except sexual crimes which risks creating impunity for serious offences such as war crimes and torture. This is incompatible with the UK’s international obligations to prosecute torture, war crimes, crimes against humanity and genocide. If the presumption is justified shouldn’t those crimes be excluded? What about the risk of cases being brought against Armed Forces personnel before the International Criminal Court?
  - The “triple locks” accompanying the presumption against prosecution are unduly onerous and effectively amount to a statute of limitation - are they all necessary?
- Implications of the amended limitation period for civil and Human Right Act claims:
  - The imposition of an absolute six-year time limit on claims will impact on members of the Armed Forces and civilians. 75% of claims are brought by service personnel. Is the MOD saying that these claims by service personnel are vexatious?
  - Isn’t this more about the MOD avoiding accountability and responsibility, including for learning lessons to prevent future unnecessary deaths and injury?
- Duty to consider derogation from the European Convention on Human Rights in overseas operations
  - The implications of introducing a duty to consider derogating from the ECHR. How would this be used and what processes would be followed?
- Wider Implications of the Bill on Military Operations:
  - Will this lead to a culture of non-compliance with IHL and IHRL among UK Armed Forces?
What will the impact be in terms of the relationship with civilian populations if this reinforces concerns that the British Armed Forces can’t be trusted to comply with the rule of law?

What will be the impact for the UK’s international reputation?

**Witnesses**

1. Baroness Goldie, Minister of State, Government Spokesperson in the House of Lords on defence matters
2. Johnny Mercer MP, Parliamentary Under Secretary of State for Defence, People and Veterans in the Ministry of Defence and Minister for Veterans’ Affairs in the Cabinet Office.
4. Katherine Willerton, Deputy Director and Head of the General Law Team, MoD Legal Advisers.

**The Covert Human Intelligence Sources (Criminal Conduct) Bill**

The Joint Committee on Human Rights launched a call for evidence into the Covert Human Intelligence Sources (Criminal Conduct) Bill that was introduced into the House of Commons on 24 September 2020.

**Inquiry: Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill**

The Bill introduces “a statutory power for the security and intelligence agencies, law enforcement agencies and a limited number of other public authorities to authorise Covert Human Intelligence Sources (CHIS) to participate in criminal conduct where it is necessary and proportionate to do so for a limited set of specified purposes.”

The Committee are concerned about the human rights implications of the Bill, particularly as it has no express limit on what criminal conduct can be authorised. Not only this, but the Bill covers the authorisation of criminal conduct by a wide range of public authorities, from the intelligence services and the police to the Gambling Commission and the Food Standards Agency.

- Is a statutory power to authorise criminal conduct by CHIS justified?
- Is the Bill sufficiently clear as to who can be authorised to carry out criminal conduct and in what circumstances? Has the Bill struck the right balance in this regard?
- Is the threshold test for making criminal conduct authorisations adequate to prevent human rights violations?
- Does the Bill contain sufficient protections for human rights?
- Are there types of offences that should never be authorised? Should there be a statutory limit on the types of offences that can be authorised under a criminal conduct authorisation?
• Is the range of public authorities who will be able to make criminal conduct authorisations appropriate?

• Particularly in light of the secret nature of criminal conduct authorisations, is oversight by the Investigatory Powers Commissioner an adequate safeguard against abuse? What other safeguards might be appropriate?

• Should the Bill also provide for compensation for the victims of authorised criminal conduct and cover how they will be treated by the state?

You can read my letter to the Home Secretary here.

I have tabled amendments to the CHIS Bill here.

Calling on Ofcom to publish data on older women in broadcasting

With Jenni Murray’s departure from Woman’s Hour aged 70, Radio loses one of its all too few wise older women.

First, a word to recognise the magnitude of what Jenni did. In the 33 years that she was at the helm of Woman’s Hour, women’s lives changed beyond recognition. Women had always worked but mothers’ work was just for ‘pin money’. There few prominent women in public life were, for the most part, those without children. Over the last 3 decades women firmly rejected the notion of having to choose between motherhood and a career. They refused to choose. They were going to do both. But that was a huge struggle for all women, not just those in high profile roles. And Jenni’s Woman’s Hour was the sounding board for that anguish; the guilt at home about whether you were being a good mother, the frustration at work of being pushed to the side-lines, the stress of the complete absence of affordable childcare. Woman’s Hour was the only place women could hear other women talking about the joys and struggles in their own lives. And whether it was celebrating women making a breakthrough or exposing the despair of domestic violence, Jenni’s mellifluous tones were the continuity for women undergoing their own social, cultural and economic revolution. And Jenni illustrated the points which, shamefully, are lost on the world of broadcasting, which is that having the responsibility of bringing up children made her better in her job and as she aged she, like men, grew.

As men grow older, their greater experienced is acknowledged. They’re not, and don’t have to try to be, young anymore. They are something different, something wiser. But there’s always been a stigma about older women. Once a woman’s childbearing and childrearing years are behind her what is she actually for? Older women are rare as hen’s teeth in broadcasting. There are younger men and older men. There are younger women. But somehow the public needs to be protected from hearing, let alone seeing, an older woman. Those that quest to stay the course go to great lengths
to try and appear younger by subjecting themselves to dying their hair and pumping their faces with Botox.

Polling bears out that most older women feel that they are better at their jobs than when they were younger. But they also feel they become less valued. And that’s not just their imagination. The pay gap between men and women grows wider with age. That’s a problem not just because it’s unfair but because women’s income in their later years is important to help them deal with the problems they face because of their inadequate pensions.

It’s telling that while Ofcom publishes the data on the % men and women at each level of broadcasting, and the % of older broadcasters, they don’t publish the data on older men, compared to older women. They should as it would show that women are pushed out when they are over 50. There should be targets for that just as there are for other discrimination. The provisions in the 2010 Equality Act which allow for claims on the grounds of “double discrimination” have lain dormant on the statute book. They should be brought into effect now.

The role women play in the home has slowly come to be acknowledged with more nurseries, opportunities for flexible working and a growing expectation on men that they should share in the care of their children. But despite caring for older relatives as well as their grandchildren, the role of older working women is not. You can share your maternity leave with the father of your children but not with your mother who’s likely to be playing a crucial role too. That should change.

Whether it’s a woman’s role at work or in her family, she’s not past it when she’s past 60. So perhaps we should celebrate our wrinkles and even, perish the thought, stop dying our hair!

You can listen to Jenni’s last programme on Woman’s Hour [here](https://www.bbc.co.uk/sounds/100973262515).

Working differently!

I and my staff team are continuing to work remotely. I remain enormously grateful to Clare Gosbee, Papa Okyere-Asiedu and Rachel Wilbur, who are diligently continuing to help my constituents, supporting my work as an MP and as chair of the Human Rights Committee. I am also grateful to Bea Forrester who has temporarily rejoined the team to work remotely as a caseworker. They have overcome technology issues and made their homes into their offices to continue their work.
Coronavirus Help and Support

Southwark Council:

- General information on Coronavirus
- Covid-19: What can you do to help
- Financial support for residents
- Food access
- Coronavirus housing advice
- Covid-19: Support and information for businesses and employers
- Southwark COVID-19 community grants
- Voluntary sector help and advice on Coronavirus
- Impact on council services
- Advice on potential coronavirus related scams

Bereavement support:

- The government has published a bereavement support leaflet to help those who have lost a loved one. The leaflet shares information to help bereaved families, friends, or next of kin make important decisions during this national emergency, sets out what to expect next, and signposts the extra help and support that is available.

Citizens Advice – Benefit advice:


Government business advice:


- Government's Business Support Helpline on 0300 456 3565, Monday to Friday, 9am to 6pm.

HMRC:

- helpline for businesses and self-employed people who are concerned about their tax due to COVID-19.
- 08000 241222, Monday to Friday, 8am to 4pm.
Domestic violence help and support:

- **Solace Women’s Aid** - Advice Line - 0808 802 5565
- Monday - Friday 10am - 4pm. Additional 6pm - 8pm on Tuesdays.
- Email: advice@solacewomensaid.org

Mental health help and support:

- **Lambeth and Southwark Mind**
  07871 940 763 - 8am to 3pm Monday, Tuesday and Thursday
- **Samaritans** - 116 123 - 24/7

Legal advice

- **Southwark Law Centre**
- **Citizens Advice Southwark** has resumed drop-in sessions from 9.30 am to 4.00 pm 5 days a week at:
  - Peckham - 97 Peckham High Street, SE15 5RS
  - Bermondsey - 8 Market Place, Southwark Park Road, SE16 3UQ
  - Walworth - 6-8 Westmoreland Road, Walworth, SE17 2AY

Let me know your views on Coronavirus issues at harriet.harman.mp@parliament.uk
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