

Rt Hon Harriet Harman QC MP
Member of Parliament for Camberwell and Peckham
Mother of the House of Commons

Coronavirus Crisis Parliamentary Report 8

19th November 2020

 HM Government



CORONAVIRUS 5 November to 2 December in England

NATIONAL RESTRICTIONS

Meeting Indoors You cannot meet anybody socially indoors unless they are in your household or support bubble.	Meeting Outdoors You can meet with 1 person from another household in outdoor public spaces, following social distancing. Children under 5 and anyone dependent on continuous care do not count towards the 2 person limit.	Weddings and Funerals Weddings and civil partnership ceremonies can only take place where one of those getting married is seriously ill and not expected to recover. Funerals can take place with up to 30 people in attendance.	Working from home You must work from home if you can. If you cannot work from home you should continue to go to work (unless you are clinically extremely vulnerable).
Essential Shops Open. Essential shops should follow COVID-secure guidelines.	Non-essential Retail Closed. Can only open for click-and-collect and delivery services.	Exercise You can exercise outside on your own or with your household, your support bubble, or one person from another household.	Leisure and Gyms Closed. Except for allotments and outdoor playgrounds.
Hospitality Closed except for takeaway, click-and-collect, drive through and delivery services. Takeaway not permitted after 22:00.	Education Early years, schools and FE colleges open. Universities must reflect wider restrictions.	Healthcare Services You can leave home for any medical reason.	Residential Care Care homes are encouraged to provide safe, COVID-secure visiting opportunities. See the guidance for details on how to keep visits safe.
Travel You must not travel in the UK or overseas other than for permitted reasons, including work, education, medical reasons, caring responsibilities or for essential retail.	Public Transport You may still use public transport, but should only travel for permitted reasons and should look to reduce the number of journeys you make, avoid travelling at peak times, and walk or cycle where you can.	Overnight Stays Overnight stays and holidays away from primary residences are not allowed, except for work and other exempt purposes.	Entertainment and tourism Entertainment venues are closed. Public gardens at visitor attractions are open.
Vulnerable People If you are 60+ or clinically vulnerable, be especially careful to follow the rules and minimise contacts with others. If you are clinically extremely vulnerable you are advised to stay at home as much as possible, except to go outdoors for exercise or to attend essential health appointments.	Worship Closed. Except for: funerals, broadcasting acts of worship, and individual prayer.	Childcare Registered childcare and childcare activities open to enable parents to work, or for respite care. Parents can form a childcare bubble with another household for informal childcare, where the child is 13 or under.	Youth Clubs and Activities Some youth services are able to continue, such as 1-1 youth work and support groups, but most youth clubs and groups will need to cease for this period.

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

 HANDS  FACE  SPACE



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This is my eighth 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 pressuring government to act more speedily.

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

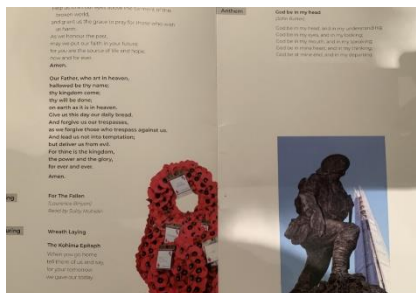
Haniel Hamman

Remembrance Sunday 2020

This year marked 75yrs on from VE Day & VJ Day and it was a privilege to lay a wreath at a special, socially distanced, service at Southwark Cathedral.

Even though we weren't able to stand together in the usual way I joined, the Mayor of Southwark, Helen Hayes and Council staff at the special service to pay my respects to those who have fallen and to those who continue to serve. Lest we forget. We will remember them.

You can watch the service [here](#).



Meeting with Leader of Southwark Council – Cllr Kieron Williams

It is impossible to overstate how important it is to people in Camberwell and Peckham, especially those who are struggling, that they have a strong, progressive Labour council on their side. I have total confidence that the new leader of Southwark Council, Kieron Williams, and indeed all our Labour councillors, do everything they can to support people and implement progressive measures despite the vindictiveness of the Tory government towards councils in general and Labour councils in particular. It is not an easy time to be leading a council with mounting need and when the Tory Government is cutting funds for vital services. I for my part,



will be working closely with the borough's 2 other Labour MPs to support the council, applauding the strides they are able to make and the constraints they are under.

The Government must get their act together on testing, stop boasting and start delivering and listening to local councils.

Once again, the issue of testing is of huge importance in the battle against Covid.



Obviously, no one wanted to see us back in national lockdown but it's clear that there was no alternative.

As the infection rate is doubling and redoubling more people get ill, more end up in hospital and more in intensive care.

With the awful prospect of the NHS being totally full-up so literally it is not there for you when you need it, for Covid or for anything else. The people who argue against this latest lockdown just don't answer that point.

We can't have a situation where people are turned away from hospital when they need treatment that could have saved their life. We should have locked down earlier, in September, when the Government's scientific advisors recommended it.

Then it could have been shorter and we could have been more certain of it working. As it is, we're not even sure these latest restrictions will end on December 2. We can only hope that the infection rate will come down enough for families and businesses all to unlock before Christmas.

But, in the meantime, it's beyond frustrating that we still don't have a proper testing system. It really is the key to so much. If relatives could be tested regularly they could visit their loved ones in care homes.

As it is they are barred because they might be infected. Whole classes are sent home from school because a student or a teacher becomes ill when they wouldn't be necessary if a quick test could show it's just a cold.

And worst of all, there's a shortage of tests for those working in hospitals. No one in the NHS wants to infect patients but without regular testing that is what can happen.

And testing is key to ensuring that those who have the infection but have no symptoms can be alerted so they don't pass it on to anyone else. We've been hearing about the supposed testing breakthrough since March this year.

But it's still not materialised. We were told it was going to be "world-beating". But it's not doing the job. We were told there was going to be a "moon-shot" strategy. But the promises made by the Government have proved hollow.

From the outset local councils, who all have professionally qualified Directors of Public Health, have been telling the Government that it can't be done just at national level. It needs painstaking work on the ground from those who know their local areas.

So the Government must get their act together on testing, stop boasting and start delivering and listening to local councils.

The virus is a terrible adversary. It needs the Government to stop being incompetent and start being super- efficient in backing up our schools, businesses, families and the NHS. That's what Government is for. Only they can do it. We need them to be the best they can be.

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 **4,057** constituents from 1st March – 31st October.

So far since the start of 2020, I have recouped **£74,687.90** 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 a young Sierra Leonean woman who travelled to the UK as a child in 2010. When she turned 18 the humanitarian organisation that previously assisted her immigration affairs were no longer able to help due to funding constraints. She had applied for Indefinite Leave to Remain a year ago but was yet to receive a response. I made representations with UKVI, and she has now been granted Indefinite Leave to Remain.
- A Camberwell woman had booked a trip to New York in Spring 2020. Due to the coronavirus crisis her flights were cancelled. She wrote to Virgin on three occasions to request a refund but received no response. I wrote to Virgin to and she has since received a full refund.
- A man from Peckham emailed me about his daughter's immigration status, as she is under 18 and has No Recourse to Public Funds. He was unable to get the conditions of her visa changed as she had travelled with her mother. I wrote to UKVI to request that they reconsider their position. UKVI are investigating.
- A number of Camberwell residents have written to me about traffic issues on John Ruskin Street, including both speeding and idling. I have contacted the Camberwell Green Councillors to ask if they have plans improve traffic management in the local area.
- I was contacted by a constituent regarding his request to take over his late mother's council property in Nunhead. I wrote to Southwark Council explaining that the case was complicated as the tenants had been moved recently to Nunhead from the Aylesbury Estate to facilitate the Aylesbury regeneration. After assessing the circumstances, the Council have now approved the succession request.

- A man from St Giles wrote to me regarding a red ant infestation at his home. He told me that Pest Control had attended but the problem persisted and the ants were starting to bite his infant son. I urgently contacted Southwark Council to request that they sort it out.
- I was contacted by a Peckham man whose 2017 immigration application on grounds of 'Family and Private Life' was refused by the Home office in 2018. Following the refusal he submitted an appeal but received no response. I contacted the Home Office, his appeal was allowed and he was granted stay in the UK.

I have received **8,549** emails from constituents on policy issues between 1st March & 31st October, the majority relating to COVID-19. Other issues raised since my seventh report:

- Opposition to Overseas Operations bill
- Support for Animal Welfare (Sentencing) bill
- End indefinite detention
- #EndSars and human rights violations in Nigeria
- Support for #RightToKnow equal pay campaign
- Global wildlife trade and COVID-19
- RCN Fair Pay For Nursing campaign
- Opposition for use of Fire and Rehire tactics
- Supertrawlers and support for greater protection for MPAs (marine protected areas)
- Support for getting Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori - home by Christmas
- Protecting safe and legal routes to asylum
- Support the Sewage (Inland Waters) Bill
- Campaign to close the schools during Autumn lockdown

#EndSARS Protests Against Police Brutality in Nigeria

I co-signed a letter to the Foreign Secretary, Dominic Raab with 59 other MPs asking that the UK government immediately call on President Buhari and his security forces to stop killing protesters and condemn the violence against protesters in Lagos on the 20 October.

We also asked that he urgently report what discussions he had with Nigerian representatives regarding the SARS protests and the massacre in Lagos.

You can read a copy of the letter that was sent by Kate Osamor MP as Chair of the APPG on Nigeria [here](#).



Harriet Harman 
@Harrietharman

Terrible reports of deaths & injuries. In the face of Lagos governor brazen denials @FCDOGovUK must insist on full investigation, proper accountability & reform. Solidarity with peaceful Nigerian demonstrators & diaspora community in UK

 **UN in Nigeria** @UN_Nigeria · 21/10/2020

The @UN Secretary-General calls for an end to reported police brutality and abuses. He condemns the violent escalation on 20 October in Lagos which resulted in multiple deaths and caused many injuries. [un.org/sg/en/content/...](https://un.org/sg/en/content/)

Dulwich Hamlet Football Club - Distribution of the £10 million in National Lottery funding

Together with 6 MPs who also represent football clubs in the National League I wrote to Brian Barwick, the Chairman of the National League to urge him to appoint an independent review panel to assess the process for distributing the lottery funds and to ensure it is carried out as fairly as possible.

The National League is planning to distribute lottery money according to a club's league position and not according to their average gate receipt. This is unfair and contradicts the reason the money was originally provided. The only way for lost revenues to be truly compensated and for football clubs to receive certainty about their immediate financial futures is for the funding to be allocated according to lost gate receipts.

We called for a reconsideration as to how this money is distributed and an independent panel to review it. To ensure the money is distributed as fairly and effectively as possible.

The National League have since agreed that they will establish an independent review committee to consider the distribution mechanism. Hopefully, they will decide on a fairer settlement which takes account of average gate receipts.



Government debate-ban on disabled/sick MPs is heartless and wrong. Government must u-turn and hear the Covid-19 realities from across the UK

I wrote to the Leader of the House, Jacob Rees-Mogg MP to protest about the ban on those who are voting by proxy speaking in debates remotely. You can read the letter that I sent jointly with Caroline Nokes MP who is the Chair of the Women and Equalities Committee [here](#).

The ability of MPs to vote by proxy is necessary. As is their ability to contribute remotely to Oral Questions and in Statements.

But it is wrong that they cannot contribute to debates.

Govt debate-ban on disabled /sick MPs heartless & wrong. Govt must u-turn & hear Covid realities. My & @carolinenokes letter to @Jacob_Rees_Mogg #MotheroftheHouse



Debates are different to questions and statements in that they involve interventions. But that is not enough of a difference to justify preventing MPs who are on proxy voting speaking in debates.

It is unfair to MPs with constituencies far from Parliament who face more viral exposure with longer travel. It is discriminatory towards MPs who are on proxy because they are older, disabled or have underlying health problems. It is not fair to those MPs who must minimise their risk because while they are not themselves vulnerable, live with or are caring for someone who is. It cuts across the Government's message that people should work from home if they can.

The cruel insensitivity of this was starkly illustrated when Tracey Crouch who is unable to travel to Westminster as she's undergoing chemotherapy for breast cancer was unable to speak in a debate about breast cancer.

The Government needs to hear from all MPs at this difficult time. All MPs need to be able to participate fully in Parliament as their constituents face unprecedented challenge.



Harriet Harman 
@HarrietHarman

...

It's her right to speak in Commons in debates. And you've been blocking it! All MPs should be able to speak remotely or in person. Incl those self-isolating (like PM) & all proxy voting. Not just "extremely clinically vulnerable"



Jacob Rees-Mogg 
@Jacob_Rees_Mogg · Nov 15

Who cannot be moved by @tracey_crouch among others making her brave appeal to contribute more to the Commons through virtual participation?

[Show this thread](#)



Harriet Harman 
@HarrietHarman

...

Ludicrous situation in Parlt now even PM can't speak in debates it's blindingly obvious [@Jacob_Rees_Mogg](#) rules on excluding MPs are plain wrong. He must change rules so all MPs can speak remotely, not just clinically vulnerable.

10:44 AM · Nov 16, 2020 · Twitter for iPhone

MPs are set to block Jacob Rees-Mogg's plan to restrict speaking in debate remotely only to MPs who have medical certificate as "extremely clinically vulnerable".

- Public Health advises us all to limit travel & contacts & to work from home where poss. So 62% MPs are voting by proxy. They should be able to speak in debates remotely, not be penalised for helping stop spread of the virus.
- Yes, MPs are keyworkers but we CAN do our work remotely.
- 78% of Scottish MPs are on proxy voting to avoid travel and contact. Jacob Rees-Mogg is excluding them from debates. Government & Parliament needs to hear from Scotland in debates.
- 40% of Welsh MPs are on proxy voting and Jacob Rees-Mogg is banning them from debates. Government & Parliament needs to hear from Wales in debates.

- London MPs can avoid public transport by short drive or walk to Westminster, but this is not possible for MPs in regions further away. Government needs to hear views from all round the country as well as London.
- Banning from debates older MPs who are avoiding travel and contact with others is age discrimination
- Making MPs provide medical certificates to prove their clinical vulnerability (or that of their relative) is a breach of privacy and is not needed. Jacob Rees-Mogg must allow all MPs on proxy vote to speak in debates.
- 51% of Select Committee Chairs are on proxy vote, they are able to Chair effectively from home but unable to speak in debates!



Harriet Harman
@Harrietharman

I've added my name to this amendment. Thanks @RhonddaBryant. When we were Leader & Deputy Leader of Commons (back in the day!) we wanted MPs to speak. But not, it seems @Jacob_Rees_Mogg



Chris Bryant @RhonddaBryant · 15h

I've tabled an amendment to @Jacob_Rees_Mogg motion, to allow all MPs with a public health reason to participate remotely in debates. Govt has tried to sneak motion through on 'nod or nothing' which is fo...

20:27 · 18/11/2020 · Twitter for iPhone

Excluding an MP who's having chemo from a debate on cancer is disgraceful

The government should be listening not silencing.

We must change the ludicrous system which forces MPs to choose between not speaking in Parliament and risking their health.



When Parliament was shut during the pandemic in the first lockdown, it was rightly recognized, that as the government made decisions affecting life and death, parliamentary scrutiny was more, not less, important. Parliament went online, we voted on our mobile phones and then, as it started to open up, spoke from our homes via Zoom.

While it isn't the same to debate via video link – as you can't interrupt or be interrupted to challenge or support a particular point – remote participation by MPs is necessary to prevent Parliament itself contributing to the spread of the virus. The whole point of Parliament is that it's a hub for 650 constituencies in every part of the UK, so if MPs get Covid in Parliament, they'll take it back to different parts of the country.

We now have a system where MPs can vote by proxy if you don't want to travel to Westminster and the country is being urged to work from home where possible. But there's a major flaw in our system which needs to be changed immediately.

Those who are voting by proxy can question ministers including the Prime Minister, speak in Statements and Urgent questions – but not speak in debates. We have a ludicrous system where you can cast your vote as MP, but not tell the Commons why you voted as you did.

Even worse, it's discriminatory. Those MPs who aren't able to speak in a debate are at a disadvantage compared to those who are. Those who are thereby disadvantaged are MPs who are staying home because they are over 70, or because they have a disability which makes them vulnerable, an underlying health problem, or are living with someone who's shielding.

Similarly, some MPs who are not elderly or vulnerable may provide important support for a relative who is, so can't afford to expose themselves and risk having to isolate from a relative who needs them.

We've heard the criticism loud and clear that when deciding on Covid measures, the government is blind to the implications outside of London. If you're a London MP you can drive a short distance to Westminster, or even walk. That's not possible for MPs representing Scottish constituencies for whom attendance at Westminster necessitates train or plane journeys. If you're coming from the North West, you'd have to stop off at petrol stations. So there's a higher risk for MPs the further from Parliament the constituency they represent is.

The downright wrongness of all this was the situation exemplified by Tracey Crouch this week. At the age of 44, this super-active MP was diagnosed with breast cancer. She wanted to speak in a debate on breast cancer, but can't come to Westminster because she must keep her contacts to a minimum while she undergoes chemo. She wasn't allowed to in the debate because of the ban on remote speaking. I very much wanted to hear what she had to say about enduring a frightening diagnosis and tough treatment during the pandemic – and I'm not the only one. So would millions of women in the country.

The government should want to listen too to hear a personal experience about how the NHS is coping, yet they banned her from speaking unless she came in person. She's not the only one affected in this way. Barbara Keeley MP was told by her oncologist that she must minimise her exposure to other people. To participate in the debate, as she wanted, she'd have to do exactly that.

Treating someone who's having chemo as a non-person is disgraceful. If you feel up to participating in your work, you should be supported in doing so – not shut out. We do want to hear from MPs who are older or vulnerable. They are sharing the experience of many in this country who are at the sharp end of lockdown. We don't want them to be silenced.

It's wrong to make MPs choose between not speaking in Parliament, which is their duty, or risk their health. We don't want the voices of those away from London to be muffled. The virus is there too.

The government should be listening not silencing. If they did, they'd learn from what they hear.

This could easily be solved. It's my assessment that the overwhelming majority of MPs want the speech ban ended, but the government won't allow a vote on it. The spanner in the works here is the Leader of the House, Jacob Rees Mogg. He prides himself on being a traditionalist, but there's nothing quaint or eccentric in barring women who've had breast cancer from speaking in Parliament. The strain between different regions of England and between the different nations of the UK is bad enough already without Jacob Rees-Mogg making them worse.

Over the last few days women have protested openly about the male clique in the No 10 bunker. Shutting out MPs who are ill, disabled or far from Westminster is prime macho strutting. If the Prime Minister's going to re-set the culture of No 10, re-build the broken links with Parliament and hear what's really going on he could, and should, sort this right away.

The Joint Committee on Human Rights, which I chair, published their report "Black People, Racism and Human Rights" – 11 November 2020

The report concludes that the Government must urgently take action to protect the human rights of black people, including within healthcare, criminal justice, nationality and immigration and democracy.

- [Read the report summary](#)
- [Read the conclusions and recommendations](#)
- [Read the full report](#)

"The whole point about human rights is that they are supposed to be universal. Yet here in the UK it is clear that black people are in no doubt that the protection of their rights are inferior to those of white people."

We urge the government to take specific actions which will ensure black people have equal human rights. Commissioning reports and apologising is not enough."

Against the backdrop of Black Lives Matter protests and the Government's announcement of the Commission on Race and Ethnic Disparities, the JCHR launched an enquiry in July.



This week, a cross party committee of parliamentarians released a powerful report on the impact of the racism Black people in Britain face. Read more about it below. This thread highlights some of the Joint Committee's most damning findings.



Human rights of Black people not equally protected, say Committee - Committees - UK...
committees.parliament.uk

The Committee concluded that the Government, NHS and police must now take action to end the stark inequalities in the protection of human rights of the black community, including:



House of Commons
House of Lords

Joint Committee on Human Rights

Black people, racism and human rights

Eleventh Report of Session 2019–21

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 4 November 2020

Ordered by the House of Lords to be printed 4 November 2020

The Committee commissioned [ClearView Research](#) to undertake a survey into black people's perceptions of whether their human rights are equally protected compared to white people. The research found 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.

1. The Government should set out a comprehensive cross-Government race equality strategy which has at its heart improved data collection on racial inequality, specifically on health, criminal justice, nationality and immigration, and democracy.
2. The NHS must set a target to end the maternal mortality gap whereby Black women are more than 5 times as likely to die in pregnancy or childbirth than white women.
3. The lessons learned review or public inquiry into the Government's response to Covid-19 must prioritise consideration of the unequal impact on Black people.
4. In view of the fact that 85 percent of Black people are not confident that they would be treated the same as a white person by the police, the police must Set a target to build the confidence of the Black community and undertake and publish polling on Black people's confidence in the police. The recommendations from the Lammy Review and the Angiolini Review of deaths in custody must be acted upon as a matter of urgency.
5. The Government must fulfil its promise to implement the recommendations from the Windrush Lessons Learned Review, in full, as a matter of urgency. The Home Office needs to embed the culture change needed to ensure that people are treated with humanity
6. 25 per cent of Black voters in Great Britain are not registered to vote compared to a 17 per cent average across the population. The Government should consult on the introduction of automatic voter registration to tackle the unequal franchise.
7. The Equality and Human Rights Commission (EHRC) has been unable to adequately provide leadership and gain trust in tackling racial inequality in the protection and promotion of human rights. There should be a highly visible national organisation to champion and press for progress on ending race inequality. For the EHRC to be, and be seen to be, effective, it needs more resources, Stronger enforcement powers and must include Black commissioners.

"A damning parliamentary report on racism makes it clear: the system isn't working"



10:41 · 13/11/2020 · Twitter Web App



We are committed to solidarity with Black communities, which face forms of structural racism with centuries-old roots. We commend this report by the @HumanRightsCtte. Full statement by Vice-President @AmandaBoDVP: bod.org.uk/board-of-deput...

"The Board of Deputies of British Jews is committed to solidarity with Black communities, which face forms of structural racism with centuries-old roots. In that spirit we commend the work of the Joint Committee on Human Rights in its investigation into the major inequalities faced by Black people in health, criminal justice, nationality, and immigration, and democracy. The Board of Deputies has endorsed the social justice manifesto from the Jewish Council for Racial Equality (JCORE), including calls on Government to protect the Race Disparity Unit, which monitors the extent of racial inequality in Britain, and to provide funding for a permanent memorial to the victims of the transatlantic slave trade. Now, we further endorse the recommendations of the Joint Committee, in particular that: the lessons learned from previous reviews under successive governments must, finally, be acted upon; the Equality and Human Rights Commission ought to be further empowered in its indispensable work, by Government increasing its funding and strengthening its enforcement powers; and that the Government should consider whether changes are required to equality legislation to make it more effective as a tool to enforce Black people's human rights. With the backdrop of the killing of George Floyd, it is of the utmost importance that these changes are implemented so that Black people in Britain have their human rights fully protected with no caveats."

(Legislative Scrutiny Report) Covert Human Intelligence Sources (Criminal Conduct) Bill

The Joint Committee on Human Rights published its Report, "Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill", which concludes that the Bill leaves open the possibility of serious crimes being carried out under an

authorisation, grants the power to authorise crimes more widely than is necessary and risks violating the human rights of victims.

You can read the report [here](#).

The Bill provides a statutory basis for a variety of public authorities to authorise informants, agents and undercover officers to engage in criminal conduct.

The Committee have concluded that although it may on occasions be necessary for covert human intelligence sources to commit offences, the Bill as it stands does not have the adequate safeguards and oversight in place to prevent the authorisation of criminal conduct being abused.

The Chair of the Committee, Ms Harriet Harman QC MP said:

"This Bill raises major human rights concerns. It permits officials to secretly authorise crimes on the streets of the UK and abroad. There should be added to the Bill clear limits on the scale and type of criminality which can be authorised. We cannot pass a law that leave open the possibility of state-sanctioned rape, murder or torture.

The power to authorise crime should be restricted to the public authorities whose role it is to combat serious crime and protect national security and not include bodies such as the Food Standards Agency or the Gambling Commission.

This Bill allows the State to authorise criminal conduct and grant immunity from prosecution, but lacks, clear safeguards, oversight and limits. The Government should amend this Bill to ensure that it provides effective protection for human rights."

The Committee have identified a number of places where the Bill needs amendment, including:

1. There is no express limit within the Bill on the type of criminal conduct that can be authorised. This raises the abhorrent possibility of serious crimes such as rape, murder or torture being carried out under an authorisation.
2. The Bill is also unclear in respect of who can be authorised to engage in criminal conduct. There is no exclusion for children. If they must be involved in criminal conduct at all it must only be in the most exceptional circumstances.
3. The Bill extends power to make authorisations to a range of public authorities, including the Food Standards Agency, the Gambling Commission and the Environment Agency. Together with allowing authorisations to be made "to prevent disorder" and to protect "economic well-being", this takes the authorisation of criminal conduct well beyond the fight against serious crime and the protection of national security.
4. A power as exceptional as the authorisation of criminal conduct, granting criminal and civil immunity, requires rigorous and effective oversight. While the



House of Commons
House of Lords

Joint Committee on Human
Rights

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

Tenth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

Bill does bring the use of criminal conduct authorisations within the oversight functions of the Investigatory Powers Commissioner, it should go further. As is required for other investigatory powers, authorising a person to engage in criminal conduct should require prior judicial approval.

5. By granting criminal and civil immunity to persons committing authorised criminal offences, the use of criminal conduct authorisations under the Bill would risk violating the rights of victims.

I voted against the Bill when it had completed its parliamentary process and the Government had rejected our amendments.

Operations (Service Personnel and Veterans) Bill is unjustifiable, ineffective and will prevent justice from being done, say Joint Committee on Human Rights

The Joint Committee on Human Rights published its Report, "Legislative Scrutiny: Overseas Operations (Service Personnel and Veterans) Bill", which concludes that the Bill does nothing to address the issue of inadequate, repeated investigations and risks breaching human rights obligations by introducing further barriers to providing justice for victims and preventing prosecutions for serious offences such as torture, war crimes, crimes against humanity and genocide.

- [Read the report summary](#)
- [Read the conclusions and recommendations](#)
- [Read the full report](#)

The Chair of the Committee, Harriet Harman MP QC said:

"Members of our Armed Forces are not above the law, nor should they be exempt from upholding human rights. There are some very troubling issues with this Bill.

This Bill creates unjustified barriers to the Service Prosecuting Authority's ability to prosecute members of the Armed Forces who commit crimes. This breaches the UK's human rights obligations and disregards the fact that there are many complexities and difficulties involved in bringing such claims to light. It is wrong that the Government should seek to use a presumption against prosecution to prevent prosecutions even for the most serious human rights violations, such as crimes against humanity, war crimes, murder, torture or genocide.

This Government seeks to use the problem of repeat investigations as a justification for the Bill, but ignores the fact we heard in evidence, which was that repeat investigations are largely a result of poor investigations that lack sufficient independence. Investigations into incidents arising from the UK's involvement in conflicts have exposed extremely serious wrong-doing, and it is therefore vital that future action to investigate and prosecute such crimes can continue unimpeded.

We object to the Ministers denigration of both of lawyers and claims. The repeated use of the term "lawfare" and "vexatious" claims in Parliament and public rhetoric



House of Commons
House of Lords

Joint Committee on Human Rights

Legislative Scrutiny: The Overseas Operations (Service Personnel and Veterans) Bill

Ninth Report of Session 2019–21

Report, together with formal minutes relating to the report

shows a failure to respect the role of the independent legal profession in upholding the rule of law, the role of the courts in striking out vexatious claims and the independence of the Service prosecution Authority. We asked the MoD Minister to inform us of any cases where he believed the courts have failed or refused to use their powers to strike out unmeritorious claims. He was not able to do so.

Without amendment, the Bill as it stands will allow those in our armed forces who perpetrate serious crimes to escape justice and prevent victims with justified claims bringing wrongdoing before the courts. It is bad for the rule of law, bad for the victims of crime and bad for our Armed Forces."

In July 2020-the Joint Committee on Human Rights launched an inquiry into The Overseas Operations (Service Persons and Veterans) Bill (OO Bill). During the course of this inquiry, the Committee heard from expert witnesses as well as Parliamentary Under Secretary of State for Defence, People and Veterans in the Ministry of Defence (MoD) and Minister for Veterans' Affairs in the Cabinet Office, Johnny Mercer, and Baroness Goldie, Minister of State, Government Spokesperson in the House of Lords on defence matters, as well as MoD officials.

The Bill contains three main elements:

- a) A statutory presumption against prosecution after 5 years;
- b) Shorter and more inflexible limitation periods for claims for human rights violations, personal injury and death; and
- c) A duty to consider derogating from the European Convention on Human Rights (ECHR) in respect of future overseas military operations.

The report expresses dissatisfaction with both the Bill itself and the Government's use of inflammatory language to describe lawyers representing those who have been harmed by unlawful mistreatment at the hands of the UK Armed Forces. The Committee has concluded the following:

1. There is no justification for introducing a "triple-lock" statutory presumption against prosecution in cases where the MoD's Service Prosecutor has decided there is sufficient evidence and that the prosecution is in the public interest.
2. MoD Ministers should stop using politicised and inaccurate language in relation to claims where the MoD did have a case to answer and in relation to the lawyers who take such cases.
3. The Bill breaches the UK's international legal obligations under international humanitarian law, human rights law and international criminal law.
4. The MoD should establish an independent, skilled and properly funded service for investigations.
5. The Bill fails to incentivise the removal from operational duties of Armed Forces Personnel known to lack adequate self-control or the ability to make sound judgements so they can be given the support they need.

6. The Government must understand and reflect on how this Bill may damage our international standing and the reputation of our armed forces.

I voted against the Bill when it completed its parliamentary process and the Government rejected our amendments.

The Overseas Operations Bill would put the Ministry of Defence above the law and prevent justice from being done

Prospect

*Article published 17 November 2020

When UK Armed Forces take part in military operations overseas, they are subject to the rule of law. This includes criminal law, human rights law and international humanitarian law. This is only right – we expect and support our Armed Forces in upholding and respecting the rule of law, and this does not change just because they are on overseas operations.

The law protects our own Armed Forces as well as aid workers, civilians and foreign military personnel. Sadly, we know from public inquiries and Court cases that, whilst far from commonplace, human rights abuses and serious criminal acts can and do take place during overseas operations. For example, the Baha Mousa Inquiry in 2011 found that Baha Mousa died in 2003 after an “appalling episode of gratuitous violence”. In 2017, the case of Alseran revealed the use of prohibited interrogation techniques, physical assaults and sexually humiliating treatment of detainees by British soldiers. In 2013 the UK Supreme Court found that members of the UK Armed Forces, or their bereaved relatives in the case of those who had died, were protected by the ECHR in relation to claims that their equipment was inadequate and had contributed to their injuries or deaths.

There has, however, been a long-standing problem of the inadequacy of MOD investigations into alleged wrong-doing during overseas operations. Investigations have not been fit for purpose and needed to be repeated. This has served neither the interests of justice, nor any of those involved in such investigations.

In this Bill, the Government is seeking to limit what it calls ‘vexatious’ litigation. The Bill has three main elements. It introduces a statutory presumption against prosecution after five years for crimes committed by members of the Armed Forces whilst on overseas operations; creates shorter and more inflexible periods for claims by members of the Armed Forces and civilians; against the MoD for human rights violations, personal injury and death and introduces a duty to consider derogating from the European Convention on Human Rights in respect of future overseas military operations. The Bill does not in any way tackle the problem of inadequate investigations.

Mounting opinion from those who represent veterans, senior members of the Armed Forces, NGOs and legal representatives have expressed serious concerns about the Bill. The Joint Committee on Human Rights, which I chair, has backed up those concerns. In our October report, we said that the Bill significantly diminishes the rights of members of the Armed Forces and civilians. It is unjustifiable, ineffective and will prevent justice from being done. The JCHR concluded that “the Bill breaches the UK’s international legal obligations under international humanitarian law, human rights law

and international criminal law". And it does nothing to redress the injustice caused by inadequate investigations.

The Bill creates barriers to the Service Prosecuting Authority's ability to prosecute members of the Armed Forces who commit crimes. This breaches the UK's obligations under international criminal law, international humanitarian law and human rights law. It disregards the time it takes and the many complexities and difficulties involved in bringing such claims to light. It is wrong that the Government should seek to use a presumption against prosecution to prevent prosecutions even for the most serious human rights violations, such as crimes against humanity, war crimes, murder, torture or genocide.

Introducing the Bill in parliament, the Secretary of State for Defence Ben Wallace said, "the system as it stands provides an all-too-easy route for lawyers to spark repeat investigations and multiple claims, too many chances to earn fees and too many chances to drag yet another soldier through a witness box or an interview". Yet our Committee heard evidence that repeat investigations are largely a result of poor investigations that lack sufficient independence. Investigations into incidents arising from the UK's involvement in conflicts have exposed extremely serious wrong-doing. It is therefore vital that future action to investigate and prosecute such crimes can continue unimpeded – to this end the MoD should establish an independent, skilled and properly funded service for investigations.

Ministers' repeated use of the term "lawfare" and "vexatious" claims, when applied to claims against the MOD that were neither vexatious nor a part of warfare, shows a failure to respect the role of the independent legal profession in upholding the rule of law, the role of the courts in striking out vexatious claims and the independence of the Service Prosecution Authority. We asked the MoD Minister to tell us of any cases where he believed the courts have failed or refused to use their powers to strike out unmeritorious claims. He was not able to do so. We asked the MoD Minister to inform us of any prosecution brought by the MoD's Service Prosecution Authority that he considered to be vexatious. He was also unable to do so.

Our Armed Forces are not above the rule of law. Without amendment, the Bill as it stands will allow those in our Armed Forces who perpetrate serious crimes to escape justice and prevent victims with justified claims bringing wrongdoing before the courts. It is bad for the rule of law, bad for the victims of crime and bad for our Armed Forces. The Government must understand and reflect on how this Bill may damage our international standing and the reputation of our Armed Forces.

Internal Markets Bill undermines human rights protections

The Joint Committee on Human Rights have published their Report, "Legislative Scrutiny: United Kingdom Internal Market Bill", which raises concerns about the Bill's compatibility with human rights legislation.

Read the full report [here](#).

"I am sure the Government is aware that this Bill excludes Ministers from their Human Rights Act duty to comply with Convention rights. The Government must also be aware that the Bill may prevent the courts from striking down regulations



House of Commons
House of Lords
Joint Committee on Human Rights

Legislative Scrutiny: The United Kingdom Internal Market Bill

Eighth Report of Session 2019–21

Report, together with formal minutes relating to the report

that are incompatible with human rights. It is therefore difficult to see how the Government can claim this Bill is compatible with human rights. If the Bill is meant to be compatible, which it should be, it requires amendment."

The Committee's report focuses on the human rights implications of Part 5 of the UK Internal Market Bill. This part of the Bill gives the Government the power to make regulations concerning:

- (a) the application of exit procedures to goods travelling from Northern Ireland to Great Britain; and
- (b) EU State Aid in Northern Ireland.

The Bill as originally introduced provided that regulations made under Part 5 would be effective notwithstanding their inconsistency with any domestic or international law 'whatsoever'. The Committee are pleased that the Government have now amended the Bill, so it acknowledges that this reference to domestic or international law does not include the Convention rights guaranteed by the Human Rights Act 1998.

However, the Committee are concerned that the Bill still seems to envisage Ministers not being bound by the Human Rights Act duty to act compatibly with Convention rights when making regulations. It also seeks to prevent the courts striking down regulations that are incompatible with human rights. The Committee conclude that these changes undermine human rights protections, which is very hard to reconcile with Government statements that the Bill is compatible with human rights. As such, the Committee recommends that the Bill is amended to ensure that human rights are protected.

Government Response: The Detention of Young People with Learning Disabilities and/or Autism and the implications of the Government's COVID-19 response



You can read the Government's response to the Joint Committee on Human Rights 2019 & 2020 reports on the Detention of Young People with Learning Disabilities and/or Autism and the implications of the Government's COVID-19 response [here](#).

The Government Response to the Joint Committee on Human Rights reports on the Detention of Young People with Learning Disabilities and/or Autism and the implications of the Government's COVID-19 response

It is encouraging that there has been serious engagement with our proposals to end human rights abuses. There now must be urgent action including changing the law to require community support that will end wrongful detention.



Harriet Harman
@HarrietHarman

BBC Radio 4 - File on 4, Transforming Care?

These young people & their families can wait no longer.



BBC Radio 4 - File on 4, Transforming Care?
bbc.co.uk

You can hear me discussing the report on a special programme of 'File on 4' on BBC radio 4. Click [here](#) to listen.

In 2018, File on 4 revealed the story of Bethany – an autistic teenager who had been locked in a hospital room alone for two years, her only contact with the outside world through a hatch.

17:06 · 10/11/2020 · Twitter for iPhone

What happened to her and others with learning disabilities who have been promised care in therapeutic community settings? Following what NHS England called the 'appalling scandal' at Winterbourne View, the Government promised to close up to half of all inpatient beds for people with a learning disability or autism by March 2019, under a programme called Transforming Care.

Yet this target has been missed. And almost one in 5 patients with learning disabilities still in hospital has now been there for over ten years.

A series of damning reports – most recently from the CQC – have called for urgent reform. So what has gone wrong with Transforming Care?



11:12 · 10/11/2020 · Twitter for iPhone

I'm backing BPAS' campaign to call on the Health Secretary, Matt Hancock MP to "stop the clock", as delays caused by the Covid-19 pandemic mean fertility patients face falling outside age criteria required for NHS funded care

The British Pregnancy Advisory Service, BPAS, are calling on the Health Secretary to issue guidance to CCGs, to prevent fertility patients becoming ineligible for NHS-funded IVF due to the delays caused by the pandemic.

- Across England, IVF is commissioned by CCGs, which each impose their own upper age limit on fertility funding, ranging from 34 to 42 years old for female patients.
- The closure of services during the pandemic and the continued delays to services mean that some patients will cross over the age threshold for funded treatment.

- In Scotland, Wales and Northern Ireland, there have been commitments to extend patient age limits and ensure patients will remain eligible for NHS-funded care despite the delays caused by the pandemic.

- BPAS are calling on the Health Secretary to follow the example set by the devolved administrations and issue guidance to CCGs to "stop the clock" and preserve patients' eligibility for care.

Backing Equal Pay Bill

Stella Creasy MP introduced the Equal Pay Implementation and Claims (EPIC) Bill 2020 into Parliament on 20 October, co-signed by MPs from across the House. This Bill will make access



to this essential information easier by giving women the legal right to request pay data relating to male colleagues.

Equal pay for equal work was made a legal right 50 years ago in the Equal Pay Act 1970, but pay discrimination continues.

Working differently!

I and my staff team are continuing to work remotely. I remain enormously grateful to my dedicated team who are diligently continuing to help my constituents, supporting my work as an MP and as chair of the Human Rights Committee. 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:

- <https://www.citizensadvice.org.uk/benefits/coronavirus-check-what-benefits-you-can-get/>

Government business advice:

- <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19>
- 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



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