# Twitter Thread by Rights of Women

**Rights of Women**
@rightsofwomen

**The debate on the Bill in @UKHouseofLords has started. We will be live tweeting on the debate here. THREAD.**

**#NoStateSanctionedVAWG**




The amendments we're supporting will allow a better, safer balance between protecting CHIS agents' cover AND protecting all of us from potentially grave crimes and abuses of power. #nostatesanctionedVAWG

BREAKING■Baroness Chakrabarti says: "This Bill unamended is one of the most dangerous I have ever seen presented to Your Lordships' house." #nostatesanctionedVAWG

Baroness Chakrabarti goes on to say that this legislation creates total advanced immunity [for CHIS]. This is certainly not the status quo. It will make a difference to the ethical behaviour of CHIS in the heat of the moment. #nostatesanctionedVAWG

Baroness Chakrabarti says: "If we allow this Bill to pass unamended today...I really do believe that we will be opening the door to countless abuses of power and scandals...and abuses of human rights potentially for many, many years into the future."
@libertyhq

The House is now hearing from Lord @AlfDubs on his amendment to allow victims of crimes committed by CHIS to seek compensation. #NoStateSanctionedVAWG

Lord Anderson is speaking to his amendments, one of which seeks to make clear that there will be criminal responsibility where an authorisation is granted corruptly.

He says some form of compensation should exist – not paid by the person who was authorised, but by the agency/state. Asks for clarification on victim being able to access Criminal Injuries Compensation if the authorisation means the CHIS's conduct is not actually a crime.

Lord Rosser agrees that Criminal Injuries Compensation should be available, and he hopes to hear from the Minister on the routes of redress open to those who are the victim of an authorised crime.

Lord Paddick observes that despite numerous Bill readings and meetings, it is still not clear exactly what this Bill seeks to achieve in terms of immunity. Many amendments are damage control and highlight the can of worms Govt is opening.

Govt has been unable to provide any evidence that a change in the law is necessary. He and other peers have made clear that they do not agree with Govt that CHIS should never be open to prosecution.

Not enough to speculate that intel has been lost, that we have failed to recruit CHIS or that CHIS have been prosecuted for doing exactly what they were asked to do. Peers have called for evidence. Govt has responded that they cannot provide any evidence.

.@GreenJennyJones
says that these points have demolished the Govt case for handing out immunity like sweeties. She is also asking how CHIS will be prevented from making money through the course of their activities.

.@MRitchieSD notes particular experience of Northern Ireland in area of handlers & agents. Living example of what happens when state commits serious crimes, including murder. Makes special plea: ensure all protections are put in place to prevent any nefarious activity.

Lord Cormack agrees that victims should be properly compensated, including for an injury not deliberately inflicted. He invites a good answer from the Minister. The answer may lie in acceptance of amendment 22 (which ensures eligibility for criminal injuries compensation).

Lord Thomas of Cwmgiedd says we need clarity on civil and criminal responsibility, and particularly the latter. We must keep alive elements of deterrent. Assurances by the Minister will not be adequate, statute required.

Lord West of Spithead supports amendments 21 and 22 (i.e. ensuring prosecution is possible where there has been overstep plus compensation)

Lord Naseby will not support Baroness Chakrabarti's amendments, but will listen with care on other amendments.

.@JeffRookerj says authorising officer is responsible for granting authorisation - handlers aren't in control of everything, and CHIS are not on their own. He would vote against Baroness Chakrabarti's amendments for this reason.

Lord Thomas of Gresford agrees with what has already been said in support of this group of amendments. He refers to the European Convention on the Compensation of Victims - which states that compensation is available even where perpetrator cannot be prosecuted.

.@AnneCMcIntosh invites the Minister to go further on the grey area of compensation - this should be tidied up before the Bill leaves Parliament.

Lord Judd says amendments 3 and 4 are well supported. Crucially important that orgs operating this work have culture which never forgets that the essence of a society being protected is one in which accountability, transparency, the rule of law and human rights are essential.

.@HelenaKennedyQC echoes concerns of many Lords and notes serious risks of this Bill. Regrets the lumping together of the needs of different kinds of agency (i.e. requirements of security services distinctly different to those of other agencies permitted to grant authorisatons).

We are all answerable to law. Best way to uphold this is to allow for prosecution of CHIS where in the public interest. Granting of immunity changes in fundamental way the rule of law. Will support Baroness Chakrabarti's amendments.

Baroness Bryan says that, by giving prior immunity, a crime is made to be no longer a crime. Shares concerns around the rule of law. If Bill goes ahead in current state there will be public enquiries for years to come, revealing even more horrific stories.

Baroness Bryan is the first peer to specifically refer to the granting of immunity for rape. She also refers to the concerns raised by @AmnestyUK with regard to this Bill.

.@JohnHendyQC says this is a matter of conscience. He cannot support a Bill that gives the state the power to grant immunity for crimes to be committed in the future by agents on its behalf. This is contrary to the rule of law.

He does not accept that such agents should be given prospective immunity, no matter how senior or judicial the authoriser. It should only be granted retrospectively when facts of the criminal conduct are known. This is the status quo, which has worked perfectly satisfactorily.

Refers to systematic abuse of women by men with fake identities and personalities - a tactic not devised by a couple of rotten apples, but authorised by and reported to senior offices in the Met and MI5. It inspires little confidence.

Baroness Blower wants to live in a well-regulated society - but also a society which fully observes the rule of law, in which we are all equal before the law. This Bill does not legislate for the status quo - the creation of immunity is a deliberate policy decision.

This Bill would have people engage in criminal conduct that would be considered "lawful for all purposes". The risk to society is grave. "Lawful for all purposes" is unacceptable - where in this is the rule of law and equality before the law?

Also raises the issue of lack of redress for victims - this is unacceptable and victims' rights must be protected. Let us hold to the rule of law and equality before it. Given the lack of clarity on immunity, the secure route out is to accept Baroness Chakrabarti's amendments.

Lord McCrea says the use of CHIS is a legitimate and necessary tool, and the courts found that current practice did not to breach human rights [[although note this Bill goes further than current practice]].

Lord Carlile agrees with Lord West and Lord Rooker. He believes that, far from dodging the rule of law, the Govt has chosen to put this on a statutory footing. He refers to the drat Code of Practice on CHIS which requires authorisation to be 'necessary'. They must be v.careful.

Interested in Minister's response on corruption in way CHIS is authorised. Should be liable for prosecution as misconduct in public office. Amendment 21 sound in principle, amendment 22 provides balance on how compensation should be given - and it should be given.

Baroness Hamwee, like Baroness Kennedy QC, regrets that such a range of CHIS, and authorisations, is combined for the purposes of this debate. Pleased Baroness Chakrabarti is pursuing issues in her amendments. Supports amendment 21 and 22.

Will move amendment 32 unless issue of redress is remedied. This amendment would entitle a person harmed by CHIS granted a criminal conduct authorisation to apply to the Tribunal for an award under the Regulation of Investigatory Powers Act 2000.

The Minister, Baroness Williams of Trafford, is now responding to the debate. Recognises calls for rule of law and "agrees wholeheartedly with those sentiments". Not dodging rule of law, but putting CHIS beyond statutory doubt.

Addresses issue of whether CHIS should be open to prosecution. Says the approach in Bill as drafted is the right one. Not fair for different approaches to be taken here than for other investigatory powers (i.e. interception). Says most noble Lords understand the position.

Says CHIS should be protected from prosecution where doing what they were asked to do. Says we risk damaging future operation of this tactic if we take approach adopted in amendments 1 and 2 (Baroness Chakrabarti's amendments). But she can't say more.

Authorisations are of conduct which is necessary and proportionate. Not intention of Bill to close of routes of redress where not lawfully granted, or victim of conduct not covered by authorisation. Routes do remain open - crime could be reported in

normal way to police.

Govt therefore cannot accept amendment 3 (this amendment removes the immunity from civil liability for authorised criminal conduct and replaces it with a requirement to indemnify the person authorised to engage in criminal conduct against civil liability).

On amendment 32 (see above), Minister says this is already the case and amendment is not necessary.

Proposal to carve out certain activity form the Bill is inconsistent with approach of the Bill, which is "for al purposes". CHIS could not be authorised to profit from criminal activity as would not be necessary for approved purposes.

If authorisation did not meet requirements and was invalid, conduct is not lawful and prosecutions could be brought. If @IPCOffice felt something was improperly authorised, they would flag and could refer case direct to authorities. Courts could then decide if unlawful.

On Lord Anderson's amendment on Criminal Injuries Compensation, the Minister says the Bill does not interfere with this scheme. Adds that all authorisations must be compliant with the Human Rights Act [[although Govt narrative has previously cast doubt on this]].

Will write to all Lords before debate on Weds (continuation of Report Stage) to outline final positions.

Baroness Hamwee notes that the Bill does not "in practice" interfere with Criminal Injuries Compensation. Asks for clarification - does it limit scope for application? Minister responds that practical application will not interfere with operation.

[[This means there is still a real lack of clarity on the availability of @CICAgov that the Minister has not adequately addressed]]

Baroness Chakrabarti notes that @brianpaddick is the only former police officer who has contributed, and notes his reference to handing money to criminals for this work. Not everyone involved in this activity will be of character or ability of finest trained officers and agents.

One important rule of law principle is clarity and accessibility - so great value in putting these matters on statute. However, another rule of law principle is equality before the law, as emphasised throughout the debate. Presents a genuine conundrum.

Current approach is not through blanket immunity but availability of defences - i.e. reasonable excuse or public interest. Has not heard good enough explanation as to why we should make monumental shift in rule of law arrangements.

REMOTE DIVISION on amendments 1 and 2. A reminder that these are Baroness Chakrabarti's amendments discussed right at the beginning of the debate.

The amendments preserve the current legal status quo such that CHIS are not immune from civil/criminal liability. Instead, compliance with an authorisation will be relevant to any public interest consideration to prosecute, any existing legal defences, court considerations etc.

Ah, a technical difficulty with the remote division tech - this is doing nothing for an anxious wait to hear if Lords will support these amendments, crucial for the rule of law. House adjourned until 17.34.

We're back and remote division for amendment 1 is now open for 10 minutes.

The results are in.

CONTENT: 153

NOT CONTENT: 309

This is disappointing news.

Amendments 2, 3 and 4 are not being moved.

Amendment 5 is being moved by @AlfDubs. This amendment requires prior judicial approval of CCAs (with provision for urgent cases) - another amendment @rightsofwomen support.

Lord Dubs references former Director of Public Prosecutions, Lord Macdonald QC, who says there should be independent warrants from judges/an independent authority. Not right that, under this Bill, it is easier for a police officer to commit serious crime than, say, tap a phone.

.@PeterHain speaks to amendment 16, which would mean an authorisation may not be granted unless a warrant has been issued by the Secretary of State, and or the person is employed by the authorising authority.

Also cautions against the use of CHIS in inappropriate settings, such as the infiltration of groups fighting for women's rights. History does not inspire confidence.

It's a mystery as to why the Minister has not been able to persuade the Home Secretary to accept this amendment.

.@bricksilk speaks to amendments 33, 37, 44 and 46 (in summary, these amendments provide not for prior judicial authorisation but real time notification to a judicial commissioner).

The House will likely sit late today, so here ends our live tweeting of the debate for this evening. We will summarise and update on the remainder of the debate tomorrow.

It is a great shame that Baroness Chakrabarti's amendments did not pass - we are yet to see what will happen with judicial oversight and the preservation of routes of redress for victims, two other key asks from @rightsofwomen and many other women's orgs.

You can read the joint briefing from @rightsofwomen, @womensaid, @EVAWuk, @lawrsuk,@STagainstDA_, @faithandvawg, @cwj and @FiLiA_charity here: https://t.co/qY8kUXB3ki

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