



From the Chair of the Joint Committee on Human Rights

Alex Davies- Jones MP

[Delivered by Email]

Parliamentary Under-Secretary of State

Minister for Victims and Violence against Women and Girls

13 June 2023

Dear Ms Davies-Jones,

Victims and Courts Bill

1. Thank you for your letter of 6 May 2025 concerning the Victims and Courts Bill, and for attaching the ECHR memorandum accompanying the Bill.
2. As you know, the Joint Committee on Human Rights carries out legislative scrutiny of Bills which may raise human rights issues. The Committee would be grateful for clarification of the expected effect of the provisions in the Bill concerning the parental responsibility of sex offenders.
3. Clause 3 of the Bill would amend the Children Act 1989 to impose a duty on the Crown Court to make a prohibited steps order, when it has imposed a sentence for a serious sexual offence committed against a child for whom the offender has parental responsibility. The duty is subject to a number of conditions and exceptions.
4. The Committee strongly supports the objective of this provision. As Barbara Mills KC, Chair of the Bar Council, has said: “Parental responsibility should not be regarded as an inalienable right which is retained regardless of parental behaviour and actions. Restricting parental responsibility for perpetrators of child sex offences is a strong protective measure for those left behind after acts of violence and abuse within a family.”
5. The ECHR memorandum notes that the prohibited steps order would engage the right to family life under Article 8 of the ECHR, including in particular the rights of children affected by the order.
6. The ECHR memorandum includes a thorough discussion of the case law concerning the imposition of orders restricting parental rights. As the memorandum observes, the European Court of Human Rights has confirmed that it is legitimate to impose restrictions of this sort if it is done in a proportionate manner. One of the necessary safeguards is that the court imposing the order should give priority to the best interests of the child.
7. The Committee observes that the proposed order would apply to all children for whom the offender has parental responsibility, not just the child who was the victim of the serious offence. The Crown Court could not make an order if it appeared that it would not be in the interests of justice to do so, but there is no express requirement for it to consider the interests of the children. The offender, or anyone else affected by the order, could apply to the family court after the event to vary, suspend or rescind the order.



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email JCHR@parliament.uk Website www.parliament.uk



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8. The Committee would like to know how it is expected that these provisions would apply in practice, and what assurances there would be that the Crown Court would give priority to the best interests of the children when imposing the prohibited steps order. In particular:
 - 8.1. Why does the Bill refer to the interests of justice, but make no reference to the best interests of the child? In what circumstances would it not be in the interests of justice to make an order? Is it envisaged that the Crown Court's ability to consider the interests of justice would extend to considering the interests of all affected children, including those who were not the victim of the offence?
 - 8.2. It seems the Crown Court would not have the same ability as the family court to hear from all affected people, or to consider what other orders might be appropriate to protect the children's interests. Could there be circumstances where the court would not even know the identity or circumstances of every child for whom the offender had parental responsibility? If the offender was the only person with parental responsibility for a child who was not the victim, how would the Crown Court know that this was the case, and how could it make sure that appropriate arrangements were made in relation to that child?
 - 8.3. In practice, how effectively would the family court be able to consider the effects of the prohibited steps order after it had been imposed? What would happen, for instance, if there was no one in a position to raise the circumstances of a particular child before the family court? To what extent would reliance have to be placed on the local authority? Could there be cases where the delay between the making of the order and consideration by the family court could cause harm to a child?
9. The Committee would be grateful for a response to this letter by Friday 11 July.
10. I am copying this letter to the Rt Hon Shabana Mahmood MP, Lord Chancellor and Secretary of State for Justice, and Andy Slaughter MP, Chair of the Justice Committee, for information.

Lord Alton of Liverpool

Chair, Joint Committee on Human Rights

cc.

The Rt Hon Shabana Mahmood; Lord Chancellor and Secretary of state for Justice

Andy Slaughter MP; Chair of the Justice Committee