

2 March 2022

JUSTICE and Centre for Women's Justice call on Home Office to urgently reopen 'Spy Cops' code of practice consultation



JUSTICE's Chief Executive, Fiona Rutherford, has jointly written alongside Harriet Wistrich, Founding Director of the Centre for Women's Justice, to Damian Hinds MP, the Minister for Security and Borders. The letter highlights our serious concerns with the consultation process for the draft revised Code of Practice to be issued pursuant to the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (also known as the 'Spy Cops' Bill). The letter draws attention to the fact that the Home Office has failed to proactively consult key organisations, including human rights organisations, women's groups, victims' representatives, and children's advocates.

The Code of Practice and the Act concern matters of immense importance – the authorisation of undercover operatives, including serious criminals, to undertake criminal activities, covering potentially the most serious of crimes with impunity. It requires proper scrutiny and input, in particular from those who will be impacted by the measures. In light of the Government's [commitment](#) to improving the service and support victims receive and “*guarantee that victims are at the heart of the criminal justice system*”, we would have expected the Home Office to proactively seek the views of victims' organisations. Likewise, with the safety of women and girls a [priority](#) for the Government, we would have expected the views of women's rights organisations, especially those women who suffered as a result of being deceived into relationships with undercover police officers, to have been asked to provide their views.

Paragraph F of the Government's Consultation Principles 2018 provides that consultations should “*consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist. Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it*”. It is clear that these principles have not been followed in this instance, despite such a failure being raised as a [criticism](#) of previous consultations, including that of the previous Code of Practice.

JUSTICE and the Centre for Women's Justice call on the Home Office to urgently reopen the Consultation.

JUSTICE's Chief Executive, Fiona Rutherford, said:

“Authorising undercover operatives to commit criminal offences is incredibly serious. It gives the State the potential to create new victims, including vulnerable women and children. This is why a proper consultation process is clearly essential, not only for its legitimacy, but also for creating well-evidenced and robust policy on a topic of immense importance. We are not confident that this can be said of this Consultation. We call on the Home Office to reopen the Consultation and afford it sufficient time to gather the appropriate range of views and expertise that it deserves.”

The Centre for Women's Justice's Founding Director, Harriet Wistrich, said:

“Having represented 16 women whose fundamental human rights were violated by undercover police officers who deceived them into entering long term intimate sexual relationships, I am horrified that the Government have tried to evade scrutiny by failing to advertise their consultation on the CHIS code of practice. Such consultation is meaningless if those who have experience of the ways that such powers can be abused, are not invited

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to contribute. At a time where the issue of police perpetrated abuse has become a national scandal, the Home Secretary's resistance to engage with members of the public undermines any public statement she has made indicating how lessons needed to be learned."

Notes to Editors:

1. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk.
2. The letter from Fiona Rutherford (Chief Executive, JUSTICE) and Harriet Wistrich (Founding Director, Centre for Women's Justice) to Rt. Hon Damian Hinds MP, the Minister for Security and Borders, can be read [here](#).
3. JUSTICE has briefed extensively on the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 – you can read JUSTICE's briefings [here](#).
4. Harriet Wistrich and the Centre for Women's Justice have acted for women who brought claims against the metropolitan police arising from being deceived in relationships with undercover police officers. One notable case that resulted in an unprecedented apology and substantial compensation payments was *Dil & Ors v Commissioner of Police of the Metropolis [2014] EWHC 2184 (QB) (02 July 2014)*.
5. The Home Office's Consultation on the draft Code of Practice is [here](#).
6. Please direct queries to Stephanie Needleman, Legal Director at sneedleman@justice.org.uk.