

PREM 19 | 4734

CONFIDENTIAL FILE

Homosexual Rights in Central Britain
and Europe.

HOME AFFAIRS

May 1984

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
	20.9.91						
	16.10.91						
	14.11.91						
	5.12.91						
	6.12.91						
	24.1.92						
	26.2.92						
	17.7.92						
	30.3.93						
	22/12/93						
<p>PREM 19/4734</p>							
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PART

CLOSED

ca:pu.



THE LEGAL SECRETARIAT TO THE LAW OFFICERS
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9 BUCKINGHAM GATE
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T

N Newcomen Esq
PS/Home Secretary
Home Office
Queen Anne's Gate
London
SW1AH 9AT

15 December 1994

Dear Newcomen

TRANSSEXUALS

1. I refer to your letter (undated, but received here on 7 November) to Mr Wormald concerning correspondence with Members of Parliament on the subject of transsexuals. In your letter, you refer to the report commissioned in November 1990 by the then Attorney General, and remark that no final report has ever been produced. I am pleased to say that arrangements are now in hand for the report to come to a conclusion, and I will let you know when it has been finalised.

2. I am copying this correspondence to the Private Secretaries to Members of the Cabinet, as well as to Mr Wormald (Registrar General at OPCS) and to Michael Carpenter in the Treasury Solicitor's Department.

Yours sincerely,

C A WHOMERSLEY

copy



file

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

9 May 1994

Dear Peter,

CRIMINAL JUSTICE AND PUBLIC ORDER BILL: HOMOSEXUAL ACTS

Thank you for your letter of 5 May, in which you alerted colleagues to the need for a technical amendment to the Criminal Justice Bill.

You explained that the purpose of the amendment is to preserve the agreed policy position whereby an offence is committed under the Criminal Justice (Scotland) Act 1980 when a homosexual act takes place in public or without the consent of both parties or with a person under the age of 21 (prospectively 18) or on board a UK merchant ship. Without the amendment to the Criminal Justice Bill, an offence will be committed only if all four criteria are met.

I agree that you should make an amendment during the Lords' consideration of the Bill to correct the position. I should be grateful, however, if you would consult Nick Ullswater on when the amendment should be made.

> I am sending a copy of this letter to the Prime Minister and members of EDH and LG, and to Sir Robin Butler, First Parliamentary Counsel, and First Scottish Parliamentary Counsel.

John [unclear]
[unclear]

WAKEHAM

The Rt Hon The Lord Fraser of Carmyllie QC



THE SCOTTISH OFFICE

From the Minister of State for Home Affairs and Health
The Rt Hon The Lord Fraser of Carmyllie QC

Dover House
Whitehall
London SW1A 2AU

The Rt Hon The Lord Wakeham FCA JP
Lord Privy Seal
Privy Council Office
Whitehall
LONDON

File

5 May 1994

Dear John,

CRIMINAL JUSTICE AND PUBLIC ORDER BILL HOMOSEXUAL ACTS

As you know, clause 140 of the Bill was a backbench amendment inserted on a free vote in the Commons to decriminalise certain homosexual acts in the armed forces and merchant navy. It has now come to my attention that, because of the way in which it was drafted, the clause's effect on Scottish legislation would unfortunately be rather more far reaching.

Currently, an offence is committed under section 80(7) of the Criminal Justice (Scotland) Act 1980 if a homosexual act takes place in public or without the consent of both parties or with a person under the age of 21 (prospectively 18) or on board a UK merchant ship. In line with Government's policy, clause 140 would delete the last of these elements. However, it would also have the unintended effect of making the remaining elements conjunctive instead of alternative. Thus, an offence would be committed only if the act takes place in public and without the consent of both parties and with a person under the age of 21 (prospectively 18) ie if all the 3 elements are present instead of any.

I would want to table a technical amendment during Lords Committee Stage to rectify the position. Its purpose is to reinstate rather than alter agreed policy and it would not appear that the further agreement of colleagues to this is required. I am, however, very much aware of the sensitivities of the issue and before tabling an amendment by the set deadline of 10 May would wish to alert colleagues to the position.

I am copying this letter to the Prime Minister, members of EDH and LG, Nick Lyell, Alan Rodger, Sir Robin Butler, First Parliamentary Counsel and First Scottish Parliamentary Counsel.

*Yours ever,
Rt Hon.*

FRASER OF CARMYLLIE

Prime Minister

You didn't have time to see this before your dinner. On the assumption that the Home Secretary does not discuss this tonight, we shall incorporate these arguments into the brief for your bilateral with him on Monday

PRIME MINISTER

From: MARK ADAMS
Date: 3 February 1994

file.

MA
3/2

W + spoke f

AGE OF CONSENT

In the margins of tonight's dinner, the Home Secretary hopes to have a brief word with you about the order of next week's amendment on the age of homosexual consent.

The normal practice would be a vote on the more extreme option first, ie a reduction to 16. If that amendment is carried, the 18 option is not considered. If 16 fails, there is then a vote on the 18 option.

The Whips are concerned that 16 has a fair chance of winning, if it goes first. They believe the best chance for the option of 18, preferred by you, the Home Secretary and most within Government is for it to be taken first. However, that would involve a procedural motion, on which the Government would whip, to change the conventional order.

William and I think it would be a mistake to try to reverse the order:

- there would then be 2 debates on the issue, when one is arguably too many for the Government at present;
- it would be transparent why the Government is whipping on the procedural motion when hitherto, the Government has successfully maintained a neutral stance. If the 18 option went first and won, there would be cries of "foul" from the Pro-16 Lobby. It was for this reason that the Home Secretary argued strongly, in similar

circumstances, that the Keep Sunday Special Option should be taken first in the Sunday Trading Bill;

- there is an outside danger that the 18 option will fail if those supporting 16 vote against it to hold out for the lower option. This would mean a straight choice between 16 and 21, neither of which would be satisfactory;
- there must be an outside risk that the procedural motion fails if supporters of the 16 option on your benches rebel.

I understand that the Home Secretary does not have a fixed view, but would like to talk over the ground with you. He is right to be concerned that there is a danger of the 16 option coming out on top, but the risks of a procedural motion seem greater.

MARK ADAMS

file → *[Handwritten signature]*

FROM: A SANDALL
DATE: 2 FEBRUARY 1994

MR SANDEMAN

c. Mr Bird
Mr Maclean
Miss Harper

VOTING ON AGE OF CONSENT

1. New clauses tabled in respect of the Criminal Justice and Public Order Bill relating to the age of consent &c are to be considered in a Committee of the whole House. Two such new clauses have been tabled: ~~by~~ by Mrs Currie (to reduce the age to 16) and Sir Anthony Durant (18).
2. New clauses (other than new clauses in the name of the Member in charge) are considered in the order in which they were tabled. Since Mrs Currie's new clause was tabled first, the vote on 16 would in the normal course precede the vote on 18.
3. There are three ways by which it might be possible to reverse this order.
4. First, the Home Secretary could put his name to Sir Anthony Durant's new clause, which would then become a new clause in the name of the Member in charge and would accordingly be taken first. I assume this is out of the question, but I mention the possibility for the sake of completeness.
5. Secondly, an amendment could be tabled to Mrs Currie's clause, to leave out 16 and insert 18. The decision on the amendment would be taken before the decision on the new clause (or the clause as amended). The Chairman might however prefer to select the new clause on 18 and accordingly not select the amendment. The illogicality of voting on the compromise position first might also make the Chairman reluctant to select the amendment.

6. Thirdly, a Government motion could be tabled to determine the order in which the new clauses were called. This would be taken at the commencement of the proceedings and would be debatable and amendable. The Chairman's powers of selection would be unaffected.

7. An ordering motion would be able not only to rearrange the age of consent new clauses, but also to ensure that the age of consent was debated first even if the first new clause on the paper related to capital punishment (or vice versa), and to ensure that divisions on the first of those subjects were concluded before the debate on the second began. (It would not be necessary to have an ordering motion merely to ensure that all the age of consent new clauses, and all the capital punishment new clauses, were debated together, since the Chairman would group all the new clauses on the same subject for debate with the lead new clause.)

8. A motion could of course take up time on the Floor, particularly if some Members objected to the order of consideration which it proposed.

AS.

A SANDALL

420



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Murdo Maclean Esq
12 Downing Street
London
SW1A 2AA

31 January 1994

nbjpr

Dear Mr Maclean

HOMOSEXUAL ACTS BETWEEN MEN IN NORTHERN IRELAND

Thank you for your letter of 26 January 1994, in response to Sir Patrick Mayhew's of 14 January.

The Secretary of State agrees with your proposal to specify in the committal motion that New Clauses relating to the age of consent in Great Britain shall be committed to a Committee of the whole House. He also feels that the Chairman of Ways and Means should be informed that it would be very disruptive to Northern Ireland to have the proposal frustrated.

I am copying this letter to recipients of yours.

Yours sincerely,

SIMON ROGERS



Richmond House 79 Whitehall London SW1A 2NS Telephone 071 210 3000

From the Secretary of State for Health

The Rt Hon Michael Howard QC MP
Secretary of State
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

WJH

28 January 1994

Dear Home Secretary,

AGE OF CONSENT FOR HOMOSEXUALS

Thank you for your letter of 24 January, in reply to mine of 14 January.

I accept, and indeed anticipated, the problems of substance and handling that we should encounter if we wished to provide some criminal sanctions against the sexual abuse of 16 and 17 year olds by care workers. Some viable solutions to the problems of substance might emerge from a fuller and more considered examination - a number of other countries acknowledge the problem and seem to have legislated for it in various ways. But the handling and timing difficulties are probably insuperable in the context of the present Bill.

As you say, criminal sanctions against non-consensual sexual relations apply in the situations of particular concern to me as well as more widely. There is often, however, particular difficulty in proving absence of consent where the victim is young and vulnerable, as you acknowledge. I agree that our departments have worked well together on the Pigot report and that in consequence the safeguards available to young witnesses in such cases are improved.

We may need to return to the unimplemented parts of Pigot when we have had more experience of the way in which the relatively new processes are working. I have however a particular point to put to you now. As was illustrated in the Beck case of 1992 protection from publicity is not given to witnesses who are adult at the time of the court hearing but were children at the time of the alleged sexual offences against them. It would seem reasonable to extend protection to those who would otherwise have enjoyed it but have reached adulthood in the meantime. This might reduce the difficulty of getting such



witnesses to testify, and is relevant to the effectiveness of the criminal sanctions against abuse of teenagers. I would be grateful if you would consider it.

I agree with the line you propose to take if Parliament votes to reduce the age of homosexual consent to 16. As I said in my letter of 14 January, a reduction to 18 would not present the same dangers in my field.

I am copying as before.

Yours sincerely,

Robert Creighton

pp VIRGINIA BOTTOMLEY

Agreed by the Secretary of State
and signed in her absence

UPV



DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

My ref:

Your ref:

28 JAN 1994

The Rt Hon Michael Howard QC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

1. Mark
2. no p.m.
WCC
28/1

Dear Michael,

Malcolm Rifkind copied to me his letter to you of 19 January asking if the amendments to Sections 1(5) and (2) of the Sexual Offences Act 1967, already agreed to in Parliamentary statements, could be made through the Criminal Justice and Public Order Bill during its forthcoming committee stage.

I agree entirely with Malcolm that the opportunity should not be missed to include these amendments to decriminalise homosexual acts in the armed forces and merchant navy. A commitment to repeal Section 2 - homosexual acts on merchant ships - was made by Steven Norris in a Written Answer to Mrs Edwina Currie as recently as 16 December 1993.

I am copying this letter to the Prime Minister, Malcolm Rifkind, the Lord Privy Seal, the Attorney General, the Lord Advocate, the Cabinet Secretary, and First Parliamentary Counsel.

Yours,
JH

JOHN MACGREGOR



Government Chief Whip

12 Downing Street, London SW1A 2AA

From the Private Secretary

File

26 January 1994

Dear Jonathan,

HOMOSEXUAL ACTS BETWEEN MEN IN NORTHERN IRELAND

The Chief Whip has seen Sir Patrick Mayhew's letter of 14 January about proceedings in Committee on the whole House on the Criminal Justice Bill relating to the age of consent for homosexual acts between men. I understand that the Home Secretary shares your Secretary of State's view that it would be unhelpful for the law in Northern Ireland to be debated and decided in this forum.

You will be aware that Harry Cohen had tabled an amendment to New Clause 1 to bring the law in Northern Ireland into line with that proposed for Great Britain. Although this amendment has now been withdrawn, another may well appear which is in order and is within the scope of the Bill. Only a specific motion agreed to by the House would prevent any such amendment being selected by the Chairman of Ways and Means. The motion would be debatable and would simply bring the issue before the House in another form. It is not a viable option.

As an alternative, it would be possible, to specify in the committal motion that New Clauses relating to the age of consent in Great Britain shall be committed to a Committee of the whole House. A draft of the motion is attached. This will not preclude the selection of amendments relating to Northern Ireland, but it will be persuasive. The Chairman of Ways and Means will have regard to the intention of the House to consider the issues so far as they relate to Great Britain.

/continued over.....

If necessary, the Chairman will be made aware of the Government's view that the law relating to Northern Ireland should be considered separately, taking into account the different background in the Province, and subject to the usual consultative procedures for legislation in Northern Ireland on matters of conscience. It is also relevant that a whipped vote on Northern Ireland in the Committee of the whole House would be a distraction and complication in the context of a series of free votes on the main issue.

I should point out that there will be nothing to preclude a similar amendment being tabled and selected for the report stage of the Bill. However, this may be easier to handle once the main issues have been resolved in the Committee. We can look at this again should the need arise.

I am copying this letter to William Chapman (No.10), Joan McNaughton (Home Secretary's Office), Dugald Sandeman (Lord President's Office), and to Stephen Mason (Parliamentary Counsel).

*yours,
Murdo.*

MURDO MACLEAN

Jonathan Stephens Esq
Private Secretary to the
Secretary of State for Northern Ireland
Old Admiralty Building
Whitehall, London SW1

BUSINESS OF THE HOUSE

Mr. Tony Newton

That, notwithstanding the committal of the Criminal Justice and Public Order Bill to a Standing Committee on 11 January, any new Clause relating to the age of consent for sexual acts between men in Great Britain or to capital punishment of which notice may be given not later than [] in respect of the Bill be committed to a Committee of the Whole House; and that, when the Committee of the Whole House has reported with respect to any such new Clause and the Standing Committee on the Bill has reported the Bill, the Bill will be proceeded with as if it had been reported as a whole from the Standing Committee.



QUEEN ANNE'S GATE LONDON SW1H 9AT

24 JAN 1994

Dear Virginia

AGE OF CONSENT FOR HOMOSEXUALS

Thank you for your letter of 14 January.

I understand your concern that the law should adequately protect vulnerable 16 and 17 year olds from abuse, particularly in a residential setting. However, I have to say that I am not persuaded that there is a case for special provision within the criminal law along the lines which you appear to be suggesting. Both on the merits of the issue and for handling reasons, I should be very reluctant indeed to give any indication that the Government was willing to contemplate change to the substantive law to accommodate your concern.

On the merits of the issue, the difficulties of retaining, or, more accurately, creating some special criminal sanction are very considerable. As you imply, there are substantial definitional problems which would need to be resolved. If the vulnerability of the "victim" is to be the determining factor, there would be little logic in restricting any provision to the residential setting. Alternatively, if it is the relationship between the parties that is to be the defining characteristic in any new provision, it seems to me that there would be an unanswerable case for a provision that went much wider than carers and young people in care. I am sure you are right to think that it would be impossible to exclude female victims from any new provision, but to include them would be to extend the scope of the current law very significantly. It would draw attention not only to the absence of any previous proposals to protect 16 and 17 year old girls beyond what the law already provides, but also to the heavier burden which would remain on the prosecution in cases not involving victims within whatever category of potential victim we might decide should receive special protection. In the case of a father charged with the rape of his 17 year old daughter for example, it could be necessary for the prosecution to prove an absence of consent, whereas no such burden would fall on the prosecution of a residential social worker charged with a similar offence.

The Rt Hon Mrs Virginia Bottomley
Department of Health
Richmond House
79 Whitehall
London SW1

/cont

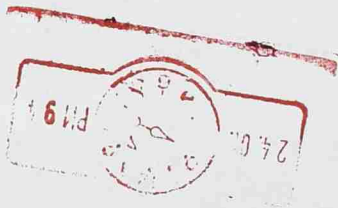
My conclusion on the merits is that there is no probably no way to provide the additional protection you want without creating a new set of anomalies and calling into question a much broader raft of sexual offences law. But I am also sceptical of the real practical value of any such additional protection under the law. I would have thought that the fundamental difficulties lie in securing evidence of sexual activity in the first place, and then in persuading a jury that it should take the word of a disturbed 17 year old against that of a mature professional. The solution must lie in the better management and supervision of institutions and in improving the procedures for securing evidence and ensuring that it gets before a jury. As to this, our Departments have been working together successfully for some time now in implementing much of the Pigot report on child evidence, and in investigating what further categories of vulnerable witness might benefit from procedural law reform.

On handling, I want to ensure that controversy over the "age of consent" issue and any other amendments to the law on sexual offences is constrained as tightly as possible. I do not wish it to deflect public attention from the real purpose of the Criminal Justice and Public Order Bill. Nor do I wish to be under pressure to bring forward related amendments or to promise future Government legislation. Moreover, I am concerned that too hasty an acknowledgement that a reduction in the age of consent to 16 could create serious difficulties in institutions for which we have some responsibility might make our decision to allow a free vote on 16 seem irresponsible and dangerous.

My strong preference, therefore, is to keep to the line that the law already provides strong protection against non-consensual sexual activity involving anyone over 16 - a protection which we have reinforced through procedural law reform (for example, in relation to the evidence of young people and of sexual offence victims more generally); that abuse in institutional and residential settings is of course, a serious matter; but that the most effective remedies are likely to be strong and effective management and supervision, with the criminal law available to punish wrongdoing when the evidence is there to support a prosecution.

I am copying this letter to the recipients of yours.

for you
Michael



MICHAEL HOWARD



c - PU

Richmond House 79 Whitehall London SW1A 2NS Telephone 071 210 3000
From the Secretary of State for Health

The Rt Hon Michael Howard MP
Secretary of State
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

n.b. per

14 January 1994

Dear Michael,

AGE OF CONSENT FOR HOMOSEXUALS

Thank you for sending me a copy of your minute to the Prime Minister of 22 December; I agree that we should not seek to prevent a free vote on any of the probable amendments to the law on the age of consent for homosexuals.

I am pleased that your officials are working on the issues which will arise if the age of consent changes. One such issue, which would only arise if the age of consent was reduced to 16, is the position of 16 and 17 year old boys in care, and in particular in residential homes or secure accommodation. In my view there is a case for looking carefully at whether some criminal sanction could be retained to protect them against sexual abuse by carers while they are still under 18 and within the care system. As girls aged 16 and 17 in the care system have no special protection at present, I suspect that we might also need to consider extending any such criminal sanctions to protect all 16-18 year olds from sexual abuse by their carers. The current requirement to prove lack of consent can hinder successful prosecution, particularly in cases where sexual abuse has occurred over a period.

In any case, depending on how the debate goes, I hope you will be ready to say that the Government will be looking quickly at the issues and to acknowledge that young people who already have serious behavioural problems are by definition of above average vulnerability.

I am sending copies of this letter to the Prime Minister, other Cabinet colleagues, the Attorney General, the Lord Advocate and Richard Ryder; and to Sir Robin Butler.

*Yours ever
Virginia*

VIRGINIA BOTTOMLEY

212/1



CF

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

file

Prime Minister ⁽²⁾

12 JAN 1994

To see. Min
prints highlighted.
WBC
14/12

✓

Dear William,

The Prime Minister indicated in his letter of 8 September to Sir Ian McKellan that he would be interested to receive a report of the meeting which Mr Maclean has now had with Michael Cashman and Angela Mason, Chairman and Chief Executive respectively of Stonewall. I attach a note of the meeting. x

As expected, discussion centred on the age of consent for homosexuals and possible amendments to the Criminal Justice and Public Order Bill. It is clear that Stonewall will be pressing for a reduction to 16. Stonewall would also like to see further de-criminalisation of homosexual activity, particularly in respect of the offence of gross indecency, although it is not clear at this stage what further amendments to the Bill they may seek to have tabled.

Yours,
James

JAMES TOON

William Chapman Esq
Private Secretary

NOTE OF A MEETING AT THE HOME OFFICE ON MONDAY 13 DECEMBER

Present: Mr Maclean Mr Cashman - Chairman, Stonewall
Mr Dawson Ms Mason - Chief Executive, Stonewall
Mr Johnston
Mr Goswell

STONEWALL

Mr Cashman thanked Mr Maclean for agreeing to meet with Ms Mason and himself to discuss the age of consent and other related issues. Mr Maclean commented that he was happy to hear their views although he may not have policy responsibility for some of the issues they may wish to raise. He would however pass any specific concerns on to the relevant departments.

2. Mr Cashman began by explaining that the Stonewall organisation had been established by Sir Ian McKellen and himself, 5 years ago. It was a non party political organisation which was concerned with promoting equality for lesbians and gays. It was actively involved in lobbying for changes to homosexual laws, particularly those which operated in the Isle of Man; the armed services regulations which discriminated against homosexuals in the armed forces, as well as campaigning against the discrimination of homosexuals in the positive vetting process. They were also strongly lobbying for a change to the 1967 Sexual Offences Act which would allow the reduction of the age of consent for homosexuals to that which exists for heterosexuals. It had been 27 years since the age of consent had been debated in Parliament. Since that time both public and parliamentary opinions had changed. Stonewall were keen to end this legitimate discrimination of lesbians and gay men, and were lobbying for free vote in parliament on the issue. Their Parliamentary network had suggested that there was cross party support for a change in the law in this area. It was also an issue which they knew to be of vital importance to the sections of the community which they represented.

3. Ms Mason commented that a change in the law concerning the age of consent was required. Any law should be fair, equitable and enforced fairly which this clearly was not. The United Kingdom had the highest age of consent for homosexuals

throughout the European community. Stonewall were currently actively backing a case which was going to the European court on human rights. The case had been submitted by three men who had been convicted of offences under homosexual law, despite being over the legal age of majority. It was a case that they would be happy to discuss with either the Home Office or Foreign and Commonwealth Office, at any stage. She went on to explain that in Scotland the Crown Prosecution Service had an official policy that they should not prosecute individuals over 18 years of age, in relation to the laws concerning the age of consent. The CPS in England, however did not have an official policy in this area, although she accepted that an unofficial one may exist. This lack of guidance placed the metropolitan police in a difficult position. The Police Commissioner had stated that he did not recognise the present laws relating to the age of consent as an operational priority. The problem faced by the police was that as soon as a complaint was made, the police were obliged to investigate. She went on to explain that one of the arguments for retaining a high age of consent for homosexuals was that it would protect young men from older men. Current research rejected this claim and concluded that there was no need for any special protection for young men. The law had been established following the recommendations of the Wolfenden report in 1957, at a time when there was a social stigma attached to being a homosexual. Both public and private attitudes had changed to the extent where large companies such as Kingfisher were undertaking surveys of views on homosexuality in the private sector. On the question of AIDS, young gay men were in the 'highest risk' category and consequently safe sex education was a high priority and needed to be targeted at this group. However, because of the way the law stood educators were not in the position to be able to target this group. The Department of Education had also recently issued guidance which stressed the importance of sex education. There were strong feelings in the lesbian/gay community about the inequality of the age of consent and it would therefore remain an issue high on the agenda until it was amended. Mr Cashman added that consent was the key word. Stonewall were keen to encourage individual responsibility and self worth for lesbians and gay men, although a change to the age of consent was a key element in this process. Their research had shown that 40% of gay teenagers had attempted suicide and consequently a main element of Stonewall's strategy was to improve the self worth of the homosexual community.

4. Mr Maclean explained that the new Criminal Justice Bill was due to be introduced into Parliament, shortly. It was a wide ranging bill although it did not include a specific proposal to change the age of consent. It would be for the House of Commons authorities to decide whether any amendment tabled on the age of consent would be in scope. If an amendment of this nature was tabled it would be for individual members to decide on whether to support it. Whether the Government took an overall view would depend on the wording/phraseology of any amendment and this in turn would affect whether there would be a free vote on the issue.

5. Mr Cashman commented that the two key elements which needed to be considered were equality and the protection of children. He was sure that both of these could be incorporated in to any amendment. Ms Mason added that they were looking for full equality, not just a change to the age of consent. They were also looking for the offences of gross indecency and buggery to be decriminalised. Ireland had recently made changes to its laws in all three areas and Stonewall were looking for similar

changes in England and Wales. Stonewall would carefully study the Criminal Justice Bill after its publication and discuss with their advisors how they should proceed.

6. In conclusion Mr Cashman commented that he felt that there was much to be gained by future liaisons with the Home Office. He was keen to engage in private discussions so as to take account of all the points of view, before preparing any amendments. Mr Dawson agreed to be the contact point.

The meeting closed.



IAN GOSWELL
Assistant Private Secretary

Private Office
16 December 1993

cc Mr Toon
Mrs Molloy
Mr Dolphin
Mr Halliday
Mr Wilson
Miss Clayton
Miss Stewart
Mr Sanderson
Mr Dawson
Mr Heaton
Mr Moorey
Mr Cameron
Mr Rock

web

037/01/P



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

William
To note X
met
11/1

11 January 1994

Dear Michael,

CRIMINAL JUSTICE AND PUBLIC ORDER BILL: CAPITAL PUNISHMENT AND AGE OF HOMOSEXUAL CONSENT

Thank you for your letter of 10 January. I am in total agreement with your proposals for the handling of these issues, as I know is Richard Ryder.

I would, however, ask you not to make any commitment about the time to be allowed for debate of these two issues. We may, as you suggest, need to allow a full day for each, but our aim is to confine them both to one day if possible. As to the exact timing that must of course depend on other pressures on Government time, but I agree with you that it would be preferable to dispose of these debates at an early stage.

lx

I am therefore content that you should respond as you propose if pressed this afternoon without giving any commitment on time or timing.

I am copying this letter to the Prime Minister, Cabinet colleagues, the Chief Whip, the Attorney General and the Lord Advocate, and to Sir Robin Butler and First Parliamentary Counsel.

h *etc.*
Tony

TONY NEWTON

Rt Hon Michael Howard QC MP
Home Secretary
Home Office
50 Queen Anne's Gate



QUEEN ANNE'S GATE LONDON SW1H 9AT

10 JAN 1994

1 cc Alex - to be aware for

No 12 tomorrow;

2/ William

William
 A full day on each is a
 ghostly prospect. Why not
 1/2 day each? AB

Dear Tony

CRIMINAL JUSTICE AND PUBLIC ORDER BILL : CAPITAL PUNISHMENT AND AGE OF HOMOSEXUAL CONSENT

You will have seen a copy of my minute of 22 December to the Prime Minister about how we should handle amendments to the Bill to amend the age of homosexual consent.

It looks as though this question and the question of capital punishment are ones on which backbench amendments are inevitable and on which a free vote will need to be allowed. In 1990 (during the passage of what became the Criminal Justice Act 1991), free votes were allowed on several amendments which could have restored capital punishment for particular categories of murder and removed it for treason and piracy.

I am likely to be asked during the Second Reading Debate tomorrow to confirm that the Government will make time available for debates on both the capital punishment and 'age of consent' issues; and I think that we will need also from that time, to be in a position to let our own backbenchers know privately how we would expect them to proceed.

I suggest that during the Second Reading Debate I or David Maclean should (if necessary; I do not propose to volunteer any pronouncement) say that:

- it will be for the House Authorities to consider whether such amendments are within the scope of the Bill;
- subject to that, the Government accepts that it is reasonable for the consequent debate on capital punishment to be the "Once per Parliament" debate and to take place on the floor of the House;
- similar considerations apply to any amendments on the age of homosexual consent, where it will make for more orderly debate, and a better reflection of the opinion of the House, if the debates take place in a Committee of the whole House;

The Rt Hon Tony Newton OBE MP

\- both of

POLICY IN CONFIDENCE

- both of these are issues on which a free vote will be permitted on the Government side; and
- we will make time available for these debates at a relatively early stage of the Committee proceedings.

I should be glad to know if you or any other colleagues see any difficulty about this.

... As to the mechanics, I suggest that we will need motions similar to the one used in 1990 in respect of capital punishment (copy attached for ease of reference), setting time limits for the tabling of any amendments on these issues and providing for them to be considered by a Committee of the whole House.

You and Richard Ryder will wish to reach your own view about this, but I suspect that we will need to allow a full day's debate on each of the two issues. I also think that it will be better to get the debates over at an early stage in the Bill's progress - say within three weeks of the beginning of the Standing Committee proceedings on 18 January.

But I am anxious that the Government should not be seen to be positively inciting amendments on either of these issues, or to be favouring one particular amendment rather than another from the outset, and I therefore suggest that

- the motions committing these two topics to a Committee of the whole House should appear only after at least one amendment has been tabled on each issue;
- we should not suggest that discussions should concentrate on any particular set of amendments or best "test case" (for example 18 or 16 as the age of homosexual consent; or capital punishment for the murder of police and prison officers), but should simply leave them to emerge as they may and to be marshalled by the Chairman on the day and voted upon as he sees best.

We should, however, make it clear that we will be providing for a debate on the floor of the House and a free vote only on the question of the age of homosexual consent (and not, for example, about other aspects of homosexual law reform, still less the age of heterosexual consent).

POLICY IN CONFIDENCE

POLICY IN CONFIDENCE

Finally, there is the rather awkward question whether any amendments which may be carried on the age of homosexual consent should extend to Scotland and Northern Ireland, which have their own legislation, and whether any guidance on this question should be offered to Members contemplating amendments. On the one hand, past experience suggests that any such amendment will be particularly unwelcome to Northern Ireland Members. On the other hand, there is an obvious case for equality throughout the United Kingdom; and it may be thought that past experience suggests that it is disproportionately troublesome to have to deal with Northern Ireland separately on this issue. Ian Lang and Patrick Mayhew will wish to consider this point.

I am copying this letter to the Prime Minister, the Lord Privy Seal and other members of the Cabinet, to the Chief Whip, to the Attorney General and Lord Advocate and to the Secretary of the Cabinet and First Parliamentary Counsel.

A handwritten signature in cursive script, appearing to read "Michael Howard". The signature is written in dark ink and is positioned above the printed name.

MICHAEL HOWARD

Ordered, That so much of the Lords Message [12th November] as relates to the Clyde Port Authority Bill, the London Underground (Victoria) Bill, the Tees and Hartlepool Port Authority Bill and the Shard Bridge Bill be now considered.

The House accordingly proceeded to consider so much of the said Message.

Ordered, That the Promoters of the Bills may, notwithstanding anything in the Standing Orders or practice of this House, proceed with the Bills, in the present Session; and the Petitions for the Bills shall be deemed to have been deposited and all Standing Orders applicable thereto shall be deemed to have been complied with;

That the Bills shall be presented to the House not later than the seventh day after this day;

That there shall be deposited with each Bill a declaration signed by the Agents for the Bill, stating that the Bill is the same, in every respect, as the Bill at the last stage of its proceedings in this House in the last Session;

That each Bill shall be laid upon the Table of the House by one of the Clerks in the Private Bill Office on the next meeting of the House after the day on which the Bill has been presented and, when so laid, shall be read the first, second and third time and shall be recorded in the Journal of this House as having been so read;

That no further Fees shall be charged in respect of any proceedings on the Bill in respect of which Fees have already been incurred during the last Session.—(*The Chairman of Ways and Means.*)

Message to the Lords to acquaint them therewith.

12 Income Tax.—*Resolved*, That the draft Debts of Overseas Governments (Determination of Relevant Percentage) Regulations 1990, which were laid before this House on 15th October, in the last Session of Parliament, be approved.—(*Mr Francis Maude.*)

13 Criminal Justice Bill.—*Ordered*, That any new Clause relating to capital punishment of which notice may be given not later than 12th December in respect of the Criminal Justice Bill be committed to a Committee of the whole House; and that, when the Committee of the whole House have reported with respect to any such new Clause and the Standing Committee on the Bill have reported the Bill, the Bill be proceeded with as if it had been reported as a whole from the Standing Committee.—(*Mr Neil Hamilton.*)

14 Adjournment.—*Resolved*, That this House do now adjourn.—(*Mr Neil Hamilton.*)

And accordingly the House, having continued to sit till seven minutes to Twelve o'clock, adjourned till to-morrow.

[Adjourned at 11.53 p.m.]

Bernard Weatherill
Speaker

Mr Speaker will take the Chair at half-past Two o'clock.

APPENDIX

Tuesday 4th December 1990

Papers presented or laid upon the Table:

Papers subject to Negative Resolution:

- 1 Betting, Gaming and Lotteries.—Gaming and Gaming Machine (Variation of Charges) Order (Northern Ireland) 1990 (S.R.(N.I.), 1990, No. 403), dated 20th November 1990 [by Act] [Mr Secretary Brooke].



Prime Minister file
To note. The Home Sec is clearly
right to offer a free vote on any
probable amendment.

23/12

Prime Minister

AGE OF CONSENT FOR HOMOSEXUALS

You will recall that we recently agreed a "line to take" on this issue, which has subsequently formed the basis for a number of letters to parliamentary colleagues and leading campaigners. Essentially, we agreed that it was not for the Government to bring forward proposals for change, but that if a private member were to secure a debate, MPs would be allowed to vote according to conscience. Adopting this line, you told Edwina Currie in your letter of 11 November that "the issue of the age of consent for homosexuals should be a matter for individual conscience and there are therefore no Government plans to bring forward proposals for change". You went on to say that if there were to be a debate on this issue, "the Government would accept the will of Parliament at its conclusion".

It seems certain that campaigners will seek to table amendments to the Criminal Justice and Public Order Bill seeking a reduction in the age of consent for homosexuals, and that such amendments may well be within scope. The question therefore arises as to whether we should take a view as a Government on any of those potential amendments and take steps to defeat any which we believe, collectively, to be against the public interest.

My advice is that we cannot and should not seek to prevent a free vote on any of the probable amendments. Clearly, a proposal for a new age below 16 would be unacceptable but I very much doubt that such an amendment would be tabled and it would attract no support if it were. The key amendment, however, would certainly be one for a new age of consent for homosexuals of 16, and many of our supporters would feel deeply uneasy about such a proposal. However, 16 has undoubtedly become the focal point of the public debate and I judge that to prevent a free vote on it would be seen as reneging on the public commitment that we have both given.

There are a number of other matters on which we are likely to be pressed if the age of consent changes. Officials here are working on the detail of these, and I shall write to colleagues as necessary in due course on those matters.

I am copying this letter to Cabinet colleagues, the Attorney General, the Lord Advocate, Richard Ryder and Sir Robin Butler.

M. H.

22

December 1993

RESTRICTED ^{file}



ppsj/ hudson. as
SUBJECT ✓
MASTER cc WEC

10 DOWNING STREET
LONDON SW1A 2AA

Filed on:

From the Principal Private Secretary

1 October 1993

Dear Suzanne

BILATERAL WITH THE PRIME MINISTER: AGE OF CONSENT

At their bilateral this morning, the Prime Minister and the Home Secretary had a brief conversation about what the Home Secretary might say when he was asked in an interview with one of his constituents about the age of consent for homosexual activity.

The Home Secretary and the Prime Minister agreed that the Home Secretary would take the following line:

"I personally am not convinced of the need to change the age of consent. The Government has no proposals to bring forward at this time. If a Private Member or anyone else brings forward proposals, that will be a matter for individual consciences. I myself will listen to the arguments very carefully and make a final decision at that stage."

It was agreed that if the Home Secretary was asked about the Prime Minister's views, he would say:

"No doubt when the time comes, I would discuss this with the Prime Minister."

Yours
Alex

ALEX ALLAN

Mrs. Suzanne McCarthy,
Home Office.

RESTRICTED

PRIME MINISTER

AGE OF CONSENT

I am sorry that it was not possible to "refer" about the attached minute today. But your schedule over-ran all the way through.

You are, of course, seeing Mr. Howard for a bilateral tomorrow. You may wish to let him know whether you are content with his lines to take in his interview with his constituent.

On the same general question of the Government's attitude should a backbencher table an amendment to next Session's Criminal Justice Bill to reduce the age of consent, you may wish to have more time for reflection before going on this with the Home Secretary. He, of course, takes a more traditionalist line on this than I think you do. There will be plenty of time to consider this properly before the Bill is introduced.

Christoph

WILLIAM CHAPMAN

30 September 1993

p\consent.kk

PRIME MINISTER ⁽¹⁾

Michael H. wants to see us.
I should see him.
We'll discuss this then.
N. refer. ✓

AGE OF CONSENT

X The Home Secretary has recently received a request from a constituent of his, who is also the editor of a gay newspaper, for an interview on the age of consent and related matters. The Home Secretary does not feel that he can refuse a constituent.

The editor intends to base the interview on five questions which are attached, with the Home Secretary's proposed lines to take. He would be grateful to know if you are content.

In addition to these lines, the Home Secretary might be pressed on apparent differences between his views and yours on the issue of the age of consent. If so, he could take the following line which the Home Office and I have discussed:

"This is a matter for each individual Member's conscience. [This applies as much to Ministers as other Members.] ^{I don't know the A.M. or W.} What the Prime Minister may think is therefore a matter entirely for him. My position is that I am not currently persuaded of the case for change but of course I listen to all the arguments put to me from all sides of the debate."

(The Home Office have not had time to clear this with Mr. Howard but will do so overnight.) Are you content?

In addition, we have a number of letters outstanding on the question of the Government's attitude to reform of the age of consent. After discussion with

the Home Office, Lucy and I propose to take the following line:

"This is an area where traditionally MPs have been allowed to vote according~~ly~~ to conscience. If a Private Member were to put forward proposals for legislative reform, that would be a matter entirely for the Member concerned and the House authorities. The Government, however, has no current plans for its own legislation on this issue."

Are you content?

You were due to discuss the age of consent at a bilateral with the Home Secretary before the Recess. In the event, the meeting was taken up with the Government's proposed reforms of the last Criminal Justice Act. Given that a Backbencher is almost certain to seek to table an amendment to next Session's Criminal Justice Bill to reduce the age of consent, you may wish this put on the agenda for a bilateral with the Home Secretary. The next one, on Friday, will be too soon but you and the Home Secretary should clear your lines at a bilateral later this year, if you agree?

WCC

WILLIAM CHAPMAN

29 October 1993

p\consent.kk

ANNEX

Questions from Mr Brian Bick, Editor, "Our View" news magazine.

1. Regarding Mr Major's agreement with the lowering of the age of consent, does the Home Secretary envisage this being addressed in the lifetime of this Parliament?

- There are no Government plans to introduce legislation on this issue. Any initiative from a Private Member would be entirely a matter for that Member and the House authorities.

2. In line with neighbouring EC member states, would parity with the heterosexual age of consent (16) not be the best option?

- Not in my opinion. It is too simple to equate heterosexual activity with homosexual. There is evidence that males mature more slowly than females, and on those grounds I consider that a disparity in the ages of consent can be justified. I am not at present convinced that the age of consent for homosexuals needs to be reduced at all, but, were a debate to take place, I would reach a final view only having heard and considered very carefully all the arguments that were put.

3. Section 28 has received broad condemnation - further, it tends to dissolve under examination into something unworkable. Would it not be a good thing to see this acutely modified, or removed?

- Section 28 sent an important signal to local authorities that were actively seeking to promote homosexuality. But it has not prevented local authorities from offering the full range of their services to homosexuals on exactly the same basis as all their other inhabitants. It has not led to ~~the~~ censorship of the arts, ~~nor~~ prevented local authorities from ~~the~~ X

granting entertainment licenses, nor affected the range of books stocked in public libraries. I therefore see no reason to repeal it. X

4. When a responsibly conducted Harris poll (70% in favour of age of consent parity) confirms the convictions of many people, including prominent Conservatives, what can now reasonably stand in the way of continued reforms?

- I have learnt to regard opinion polls with a certain scepticism. The issue is not as simple as the terms in which the poll to which you refer put its questions. What I do know is that there are substantial numbers of people on all sides of the debate who feel very deeply that the views they hold are correct.

5. When so much has already been achieved, in many ways by the present Conservative Government, should we not expect continued progress?

- It would be quite wrong to measure the Government's commitment to the rights of homosexual people by legislative change alone. There have certainly been important changes - the Prime Minister's decision in 1991 to remove the bar on the employment of homosexuals in the Foreign Office, for example. In my own area of responsibilities, I would point to the initiatives that many police forces have taken on equal opportunities for homosexuals in their own ranks, and in improving their response to attacks on homosexuals. I am pleased to continue the dialogue between Government and the homosexual community, and David Maclean, the Minister of State at the Home Office with responsibility for criminal law matters, is to meet representatives of Stonewall later in the year to do just that.

CEP



* long preceding note

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT
27 SEP 1993

cf [initials]
where is it?

Dear Mark,

AGE OF CONSENT

TOP ENCLOSURE

You wrote to Suzanne McCarthy on 1 September on this subject suggesting an amendment to the stock reply that we currently use in this area. We were a little confused by the amendment you suggested, because it is not the Home Secretary's view that the Government should in any sense be seen to "give a fair wind" to a backbench amendment along the lines you suggest; nor would he envisage that the Government should "take a position" if a debate on the issue were to occur. We suggest instead something along these lines:

"This is an area where traditionally MPs have been allowed to vote according to conscience. If a Private Member were to ~~seek to initiate a debate~~, that would be a matter entirely for the Member concerned and the House authorities. The Government, however, has no current plans for legislation on this issue."

table in amendment not found proposals for legislative action

Coincidentally, the Home Secretary has recently received a request from a constituent of his, who happens also to be the editor of a gay newspaper, for an interview on these matters. The Home Secretary does not feel that he can turn down a request from a constituent. The request was accompanied by a list of five questions. I attach as an annex to this letter the questions and the lines to take that the Home Secretary is inclined to adopt. As you will see, these indicate that the Home Secretary is not at present persuaded of the case for change (although he would of course consider the arguments in any debate very carefully and only reach a final view at the debate's conclusion). It is possible that some might seek to exploit this as a difference of view between the Home Secretary and the Prime Minister, who is widely assumed to favour a reduction in the age of consent to 18. Our current assessment is that this is unlikely to give rise to any widespread coverage, and of course, were it to do so, we would have a ready answer in that this is traditionally a matter we leave to individual conscience.

Mark Adams Esq
Private Secretary
10 Downing Street
London SW1

/cont

Perhaps I could also mention that, so far as we are aware, there remain outstanding correspondence with John Bowis MP, who wrote to the Prime Minister on this issue on 27 July last year. The Home Secretary's predecessor minuted the Prime Minister on 23 February this year, enclosing a draft reply to Mr Bowis. We have not received a reply to that minute, nor any copy of a reply to Mr Bowis (who of course has now joined the Government). We would be grateful to know whether the correspondence is now to be regarded as closed or whether the Prime Minister requires anything further in relation to the correspondence from Mr Bowis.

It would be very helpful to know if you foresee any difficulties in the Home Secretary responding to his constituent's questions along the lines set out in the annex to this letter. He plans to write before leaving for the Party Conference, in preparation for a possible interview at his next constituency surgery on 9 October. It would be helpful therefore if you could let me know by close on Thursday, 30 September (if at all possible) that there is no objection to the Home Secretary proceeding as he proposes.

Yours sincerely,
James Toon

JP JAMES TOON

ANNEX

Questions from Mr Brian Bick, Editor, "Our View" news magazine.

1. Regarding Mr Major's agreement with the lowering of the age of consent, does the Home Secretary envisage this being addressed in the lifetime of this Parliament?

- There are no Government plans to introduce legislation on this issue. Any initiative from a Private Member would be entirely a matter for that Member and the House authorities.

2. In line with neighbouring EC member states, would parity with the heterosexual age of consent (16) not be the best option?

- Not in my opinion. It is too simple to equate heterosexual activity with homosexual. There is evidence that males mature more slowly than females, and on those grounds I consider that a disparity in the ages of consent can be justified. I am not at present convinced that the age of consent for homosexuals needs to be reduced at all, but, were a debate to take place, I would reach a final view only having heard and considered very carefully all the arguments that were put.

3. Section 28 has received broad condemnation - further, it tends to dissolve under examination into something unworkable. Would it not be a good thing to see this acutely modified, or removed?

- Section 28 sent an important signal to local authorities that were actively seeking to promote homosexuality. But it has not prevented local authorities from offering the full range of their services to homosexuals on exactly the same basis as all their other inhabitants. It has not led to ~~a~~ censorship of the arts, nor prevented local authorities from ~~X~~

granting entertainment licenses, nor affected the range of books stocked in public libraries. I therefore see no reason to repeal it. X

4. When a responsibly conducted Harris poll (70% in favour of age of consent parity) confirms the convictions of many people, including prominent Conservatives, what can now reasonably stand in the way of continued reforms?

- I have learnt to regard opinion polls with a certain scepticism. The issue is not as simple as the terms in which the poll to which you refer put its questions. What I do know is that there are substantial numbers of people on all sides of the debate who feel very deeply that the views they hold are correct.

5. When so much has already been achieved, in many ways by the present Conservative Government, should we not expect continued progress?

- It would be quite wrong to measure the Government's commitment to the rights of homosexual people by legislative change alone. There have certainly been important changes - the Prime Minister's decision in 1991 to remove the bar on the employment of homosexuals in the Foreign Office, for example. In my own area of responsibilities, I would point to the initiatives that many police forces have taken on equal opportunities for homosexuals in their own ranks, and in improving their response to attacks on homosexuals. I am pleased to continue the dialogue between Government and the homosexual community, and David Maclean, the Minister of State at the Home Office with responsibility for criminal law matters, is to meet representatives of Stonewall later in the year to do just that.



10 DOWNING STREET
LONDON SW1A 2AA

file copy
c- LWR

From the Private Secretary

1 September 1993

AGE OF CONSENT

I understand you have spoken to William Chapman about the stock responses you send out on the subject of the age of consent for homosexuals. William has asked me to pursue this in his absence. If the Government intend to give a reasonably fair wind to a back bench amendment to the Criminal Justice Bill on this issue, it might be sensible to moderate the line we are taking somewhat. I should be grateful if you could consider the following suggested amendment to your stock reply, to incorporate a form of words along the following lines:

"There are no current plans for Government legislation in this area. This is, however, an area where traditionally MPs have been allowed to vote according to their consciences and if an MP were to put down an amendment to forthcoming legislation the Government would, of course, need to consider its position."

MARK ADAMS

Mrs Suzanne McCarthy
Home Office

file

MARK ADAMS

AGE OF CONSENT

At Jonathan Hill's suggestion just before he went on leave, Political Office passed me a number of letters (attached) on this subject. Jonathan asked me what line we would be taking.

I have asked Suzanne McCarthy for their stock responses and these have now arrived (also attached).

Jonathan is a bit concerned that, if the Government were to give a fair wind to a backbench amendment to the Criminal Justice Bill next session, we should perhaps now soften our line slightly. This makes sense to me.

I have spoken to Suzanne who, you will not be surprised to hear, thinks this should not be done. Apparently, when she spoke to the Home Secretary a month or so ago about this he gave the impression that he would be prepared to accept a reduction of the age to 18 but would not want to do anything to promote it.

This has a slightly different feel from the message I got from Patrick Rock, his Special Adviser, who has told me in the fairly recent past that Howard recognises 21 is daft, considers 16 would look too low, but would be open to consider 18 provided he could be reassured that the flood gates would not be opened to 16. He thought a holding reply, but not an unsympathetic one, would be appropriate.

Might I suggest that you try to agree with the Home Office a piece to add to the first of Suzanne's stock replies which would replace the last sentence and read:

"There are no current plans for Government legislation in this area. This is, however, an area where traditionally MPs have been allowed to vote according to their consciences and if an MP were to put down an amendment to forthcoming legislation the Government would, of course, need to consider its position."

I have a letter from Michael Brown outstanding on this but I would prefer to deal with that on my return.



W.C.
WILLIAM CHAPMAN

27 August 1993

parly\age.sm



10 DOWNING STREET

Prime Minister ^①

I'm sorry that we haven't
been able to refer back
to you on these papers
yet. There should be
time tomorrow, between
10 and 11. You may wish
to glance ~~at~~ at my note
again to refresh your
memory.

WEL
2/13

kind of
response -
tell to the
1st LWS - 27.
1/11/11 → 1/11/11
case page
1/11/11

①
PRIME MINISTER

William / Lucy / - P. Weber

AGE OF CONSENT FOR HOMOSEXUALS

The Home Secretary has minuted you (Flag A) with advice to enable you to reply fully to a letter from John Bowis (Flag B) seeking reform in the law. This follows a recent meeting between Michael Jack, John Bowis and others. A minute from Lucy is at C, and a more recent letter from Mr Bowis is at D. ✓

The Home Secretary's minute is entirely negative. Given your own views on this matter and the not unreasonable concerns of Mr Bowis you may wish to press for a more positive response, albeit not on the age of consent. ✓

The first months of your premiership raised expectations among the homosexual community who saw that they no longer faced someone with Mrs Thatcher's prejudices. You have already agreed decriminalisation of homosexual activity in the Armed Forces (although it remains a disciplinary offence). And you have reformed the rules on homosexuality in the Diplomatic and Intelligence Services. To many these are welcome as part of a process of reform, but your appointment, and your commitment to a more open society, certainly aroused expectations of more. ✓

If you do wish to continue your process of reform, the trick will be to do so in a way likely to aggravate least the constituency represented by The Sun and Mrs Whitehouse. ✓

It would obviously be unwise to press in the present climate for a reduction in the age of consent. There are however other areas of the law where sensible and modest reforms could be implemented. The Home Secretary lumps all these together as controversial, but this is not necessarily so. Lucy mentions two. There are others: for example the definition of privacy and the laws on

breach of the peace (or the implementation of them). Reforms in at least some of these areas could be presented not so much as sexual reforms, as moves in line with your commitment to a society free of unnecessary prejudices and obstacles.

You may therefore wish to write back to Mr Clarke, broadly as Lucy recommends, and in particular:

- suggesting the Home Office should consider whether a reform in one or more of the areas not involving the age of consent could be brought forward (some could form part of the Criminal Justice Bill. If you do not move next Session, it may be too late to do so before the next Election);

- floating the idea that, when the proposed Criminal Justice Bill comes forward, a free vote could be allowed, should amendments on the age of consent be tabled. (Lucy only mentions a reduction to 18, but presumably if there was an amendment to reduce to 16 a free vote could be allowed on that too in accordance with usual practice on conscience issues.)

Economic recovery and the return of the "feel good" factor may make reform in some areas seem more achievable in due course.

W.E.C.
WILLIAM E CHAPMAN
^{12 March}
~~26 February~~ 1993
parly\consent.kw

Temporarily Retained
THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

PRIME MINISTER

26 February 1993

cc Mrs Hogg
Mr Hill

AGE OF CONSENT FOR HOMOSEXUALS

The Home Secretary has now minuted you, following a meeting between Michael Jack and John Bowis MP and members of TORCHE on 1 February, proposing a negative reply to John Bowis' request for an enquiry - made in July last year.

BACKGROUND

In 1991 you met Sir Ian McKellen arousing expectations that you were willing to take steps to help the gay community. The Manifesto says "Racial and sexual discrimination have no place in our society" which reinforced these expectations.

We had some useful discussions last year with Sir John Wheeler and he agreed to try and arrange for an enquiry by the Home Affairs Committee. Whatever they recommended would have provided a basis for legislation. However, this strategy was completely undermined by Sir John's unfortunate removal from the Committee. There seems no prospect of satisfactorily bringing off the same trick under the Chairmanship of Sir Ivan Lawrence.

In his minute to you the Home Secretary notes that:

- * there is logic in reducing the age of consent;
- * the Policy Advisory Committee agreed as long ago as 1981 that there should be a change in the age of consent with the majority of the Committee favouring 18;
- * although the law is virtually ignored as far as enforcement is concerned, there is a possibility of a challenge under the European Convention on Human Rights however this will take a long time;
- * there are many who would still oppose a change;

- * that if we were to try to legislate other changes to the existing sexual offences law would be sought including anti-discrimination legislation; and

concludes

- * that the time is not ripe for legislative change; and
- * that on balance an enquiry would simply antagonise extremists on both sides and extend the period of scope for an uncomfortable debate.

ANALYSIS AND CONCLUSIONS

I share the Home Secretary's doubts about an enquiry. I feel that if you want to make concrete progress going for a reduction in the age of consent to 18 is much more likely to find favour within the Conservative Party than a reduction to 16. It is therefore safest to rest on the Policy Advisory Committee report. An enquiry would also generate expectations for widespread changes in the law affecting homosexuals which the Government would not be able to satisfy without alienating significant sections of the Party.

However, I think you will want to do something for homosexuals in the lifetime of this Parliament and that the Home Office should be asked to try harder. In any event the proposed reply to John Bowis is unacceptable.

I recommend that you ask William to write out saying:

- * you agree that we should avoid an enquiry of the kind suggested by John Bowis; ✓
- * it would be wrong to write in such negative terms to John Bowis. This might in fact encourage TORCHE and its supporters to go on the offensive against the Government in a damaging way; ✓
- * that there could be a case for looking, within Government, at some of the concerns homosexuals have with a view to finding a modest but solid change that ✓

could be made between now and the next Election, perhaps in the context of law reform going beyond homosexuality. Possible candidates would be "importuning" and policemen entrapping people in public lavatories. This might best be done late in the Parliament - otherwise Jonathan feels you could be criticised for progressing secondary issues rather than tackling the big issues like jobs and crime;

- * that the proposed Criminal Justice Bill dealing with juvenile offenders could attract amendments on the age of consent. Would the Home Secretary be prepared to consider offering a free vote to the House on an amendment to reduce the age of consent to 18? This might be a neat way of tackling the problem. If it failed, there would be a respectable argument that the Government had proposed a change but bowed to the wishes of the House on a conscience issue.

If the Home Secretary sees attraction in this idea, we would also need advice on if, when and how it might be signalled to John Bowis;

and asking for a revised reply to John Bowis within the next fortnight.

LNR

LUCY NEVILLE-ROLFE

160.LNR



r23/2

A

celu.

Prime Minister

AGE OF CONSENT FOR HOMOSEXUALS

I promised to offer you advice on this issue after Michael Jack had met John Bowis MP and other members of TORCHE. That meeting took place on Monday 1 February, and Michael indicated that you would now wish to respond substantively to John Bowis' letter of 27 July last year.

As I pointed out in my minute of 25 January, I accept the logic of the case for reducing the age of consent for homosexuals. The Policy Advisory Committee concluded in 1981 that there should be change, a majority favouring a new age of 18, and a minority recommending 16. At the time consensual buggery between males was made legal in certain circumstances in 1967 the age of majority was 21. It has since been reduced, of course, but the "age of consent" did not follow. Reformers make much of European comparisons, which show that 21 is unusually high (although I am quite sure we should not want to follow some of our European partners, where the age of consent is lower even than 16), but perhaps the more telling arguments are that this law is virtually ignored so far as enforcement is concerned, and now carries little more than a symbolic importance. For many homosexuals, it is a symbol of discrimination and bigotry.

On the other hand, we know that there are still many people who would strongly oppose any reduction. The issue is extremely controversial and although the age of consent is a central issue, there are many other changes to the law that reformers would like, where the difficulties are probably greater, ranging from existing sexual offences law through to demands for a new body of anti-discrimination legislation. The handling difficulties of any change, however limited in purpose, would be substantial.

There is the possibility of a challenge under the European Convention on Human Rights, particularly if it becomes clear that an opportunity for Parliament to consider the issue is unlikely to be forthcoming. Reformers would argue that the law offends against Article 8 (the right to respect for private life), whilst our defence would probably be that

Article 8(2) provides exceptions for the protection of health or morals. The outcome of any challenge would be hard to predict. Before deciding to mount a case reformers would have to weigh the chances of success carefully. They would also have to contemplate the prospect of a judgement in their favour, but

/cont

which pointed to 18, rather than 16, as an acceptable limit. In any event, an ECHR decision would be a very long time in gestation, and the threat of challenge certainly need not compel us to change the law in anticipation of an adverse outcome.

In my view, the time is not right to bring this issue to Parliament in the form of legislative change.

Whether we should set up a Committee of Inquiry is a separate and difficult question. There will be considerable anguish within TORCHE and other "moderate" elements of the reform lobby if they are rebuffed on that front as well. But I am sceptical that an inquiry would achieve a great deal. The Police Advisory Committee report of 1981 was thorough and its conclusions commanded a good deal of support at the time amongst those from whom it received evidence. The context has not changed significantly since then. On the other hand, there is a genuine debate about whether 18 or 16 would represent a proper new age of consent (as there was in 1981), and there might be value in canvassing opinion again as a more secure basis for any proposals in the future. My judgement is that a Committee of Inquiry would be likely to antagonise the extremists on both sides of the debate, and would probably serve only to extend the period and scope of an uncomfortable debate.

I therefore conclude that we should also decline to set up an inquiry.

... I attach a draft reply for you to send to John Bowis. I should of course be more than ready to discuss this further with you and with colleagues if you so wished.



23 FEB 1993

Draft letter from the Prime Minister to John Bowis MP

AGE OF CONSENT FOR HOMOSEXUALS

I am sorry that you have been waiting such a long time for a substantive answer to your letter of 28 July last year. As you know, I asked Ken Clarke to consider the issues and, I know that you recently met Michael Jack to put your case for change.

I hope that there is no doubt of my or the Government's commitment to oppose bigotry and discrimination on the grounds of a person's sexual orientation. I think we have made some practical progress, particularly in terms of the Government's own record as an employer, in removing unnecessary and outdated restrictions. The law relating to the consensual buggery of one male by another raises profound questions of concern to a great many people, however. Although many favour a reduction in the age of consent, there are many others who retain a deep seated concern that the practice of homosexual sex should be treated differently in law from the practice of heterosexual sex. Their concern may be moral or religious, but it may also spring from a practical worry about the age at which a male's approach to his own sexuality can generally be said to have matured, and the damage which a relationship later regretted might inflict.

I do not underestimate the commitment of those who argue for a reduction in the age of consent. Whilst I believe that the enforcement of the law as it stands is undertaken with restraint and compassion in the vast majority of circumstances, I understand the symbolism of the age of consent and do not belittle the fear of unjust or discriminatory treatment which some homosexuals feel.

I know that you would welcome an opportunity for a parliamentary discussion of this issue, but I have to say that the heavy burden of business which we face makes such a discussion difficult to foresee in the immediate future.

This would not be a subject to be taken lightly, and both Parliament and the country as a whole would expect a degree of attention to it from Government which we should be hard pressed to provide.

As to your suggestion of a Committee of Inquiry, I am reluctant to set up such a committee without a clearer prospect of a Parliamentary opportunity to debate its eventual findings. I am conscious, too, that the territory has been thoroughly covered by the Criminal Law Revision Committee (taking its cue on the age of consent from the Policy Advisory Committee) within the last decade. A committee of the sort you envisage might run the risk of widening still further the gap between what reformers may expect and what we can realistically expect to bring to Parliament for debate. My inclination, therefore, is not to set up such an inquiry.

I am sorry to send what I know will be a disappointing reply. I am sending a copy to Kenneth Clarke.



NIT CK
GR?

File. Nfr.

PRIME MINISTER

AGE OF CONSENT FOR HOMOSEXUALS

John Bowis wrote both to you and to me in July 1992 suggesting that the Government should set up a Committee of Inquiry on this issue. He has yet to receive a substantive reply and will be coming to meet Michael Jack here shortly to put his case in person, along with other members of TORCHE (Tory Campaign for Homosexual Equality). Before that meeting takes place I thought you should be aware of the provisional conclusions that we have reached.

Although the ^{arguments} might logically point towards a reduction in the age of consent for homosexual relations, both Michael and I am convinced that it would not be prudent politically at the moment to contemplate such a change. Legislation to alter the age of consent would be extremely controversial and would be likely to open up the whole debate about the treatment under the law of homosexuals. Although some of our backbenchers might support a move in this direction there would be many who would not, and public opinion would certainly not be wholeheartedly in favour of change (I doubt that opinion polls which have indicated support are truly representative).

We do not believe, therefore, that the time is right for the Government to become embroiled in what would undoubtedly be very difficult debates on this issue. Nor can we see that a Committee of Inquiry would be likely to shed much light on the issues, which have already been considered by the Policy Advisory Committee and the Criminal Law Revision Committee: indeed such an inquiry might serve only to extend the period and scope of a somewhat uncomfortable debate.

We recognise, of course, that colleagues will want to lobby us and we will obviously be prepared to see them and listen to what they have to say. It is in this spirit that Michael will meet John Bowis. In the light of that meeting, I will formally offer you advice on a response to him but, as I have indicated, I very much expect that advice to be in favour of maintaining the status quo and thought you should be aware of that fact in advance of the meeting.

Li

Handwritten notes:
...
...
...
...
... happened in that?

KENNETH CLARKE
25 JAN 1993

JOHN BOWIS, OBE MP



HOUSE OF COMMONS
LONDON SW1A 0AA

*Mr Spoke to Mr. Bowis
to examine him his
was not overlooked. B
3/7*

Rt. Hon. John Major MP
10 Downing Street
London
SW1A 2AA

Mr. Clarke ✓

28th July 1992

Dear Prime Minister

I am writing on behalf of the Conservative Parliamentary Group for Homosexual Law Reform to raise the matter of the Age of Consent for male homosexuals.

I am told that there was considerable disappointment in the gay community that our Party's General Election Manifesto omitted to make any reference to moves to reform the present law or even undertake a review of that law. There was however an expectation that you would be prepared to look at this matter soon after the election and I believe the notion was canvassed that the Home Affairs Select Committee, under John Wheeler's Chairmanship, might look into the matter.

Now that John Wheeler is sadly no longer Chairman or even a member of the Select Committee, I think it is unlikely that the Committee will take up this task.

I wonder therefore if a possible way forward would be for the Home Secretary to set up a committee of inquiry with the remit of a review of the law governing the age of consent and to report its conclusions early next year. This would then provide the Government with a basis for legislation as part of a Criminal Justice Bill. I suggest there would be great merit in perhaps asking John Wheeler to serve on the Committee and even to chair it.

It seems to me fairly clear that a private members bill is too susceptible to parliamentary pressures for it to succeed. It is logical that any provision to reform the age of consent should be included in a wider Government measure, for example, a Criminal Justice Bill, with, of course, the appropriate clauses subject to a free vote.

My colleagues on the Conservative Parliamentary Group would welcome an opportunity to discuss these matters with you and I hope that there may be a convenient time in the autumn.

I am sending a copy of this to Kenneth Clarke.

*Yours ever
John*

PRIME MINISTER

AGE OF CONSENT

① For movement, we need a Select Committee Report - as other way will be carried in the House. Tedrow - but hows
↑ all discuss with Ch Whip - 4/12/7

Following Sir John Wheeler's demise as Chairman of the Home Affairs Select Committee, one matter outstanding is how to take forward reform of the policy on the homosexual age of consent.

One option might have been to make clear to Sir Ivan Lawrence, the new Chairman, that you would have welcomed a report from the Committee. However, the Committee has already published its work programme (attached). It does not include the age of consent. This may be just as well, as a report from a Committee chaired by Sir Ivan might not necessarily have been helpful.

A number of possible options occur to me, although none of them as desirable as the Select Committee route:

- the Home Secretary could announce an inquiry (Royal Commission?) with membership carefully chosen - although this would not distance Government from the process in quite the same way as the Committee route. Enactment of any of the Inquiry's recommendations could be put to a free vote;
- one of the Party think tanks could be asked to produce a report, although that would be unlikely to match the authority of either the Select Committee or the independent inquiry routes;
- a backbencher could amend the next Criminal Justice Bill, perhaps with voting on alternative amendments as for the embryo legislation. However, there is little likelihood of such a Bill this Session.

There may well, of course, be other routes as well. Of the three options above, the first would probably be the best. Would you now want the Policy Unit, in liaison with the Home Office, to consider how to take this forward, including the possibility of an independent inquiry, and report back with recommendations?

WBC

WILLIAM CHAPMAN

17 July 1992

c:\parly\age (slh)



Home Affairs Committee



COMMITTEE OFFICE HOUSE OF COMMONS LONDON SW1A 0AA
(071-219 5468)

Press Notice

The following Members were nominated on Monday 13 July to serve on the Home Affairs Committee:

Mr David Ashby (Con)
Mr Gerald Bermingham (Lab)
Dr Hartley Booth (Con)
Mr Peter Butler (Con)
Mr Edward Garnier (Con)
Mr John Greenway (Con)

Sir Ivan Lawrence (Con)
Mr Chris Mullin (Lab)
Mr Michael O'Brien (Lab)
Mrs Barbara Roche (Lab)
Mr Keith Vaz (Lab)

At its meeting on Wednesday 15 July, the Committee elected Sir Ivan Lawrence QC as its Chairman.

The Committee has:

- decided to inquire into domestic violence, following up the Reports of the Inter Agency Working Party convened by Victim Support and by the Law Commission on Domestic Violence and Occupation of the Family Home. Oral evidence will be held after the Summer Recess.
- decided to appoint a Sub-Committee to consider Immigration Advice post UKIAS. Members will be nominated to the Sub-Committee in October
- decided to invite the Director of Public Prosecutions; the Home Secretary; the Metropolitan Police Commissioner and the Director-General of the Security Service to individual evidence sessions dealing with a range of their responsibilities.

A press release will be circulated after the House returns on 19 October setting out the dates and times of meetings.

For further details, please contact Paul Silk on 071 219 3260 or Chris Shaw 071 219 3282 - the Clerks of the Committee.

16 July 1992

File

PRIME MINISTER

30 JUNE 1992

cc Mr Hill

HOMOSEXUALITY

I had a very useful meeting last week with Sir John Wheeler and, as you suggested, we touched on the handling of the homosexuality issue.

His view is that the age limit of 21 is unjust and that making recommendations on its reform might be a "natural" for the Home Affairs Committee. The Committee could look at all the arguments, including the European comparisons, take evidence from psychologists and others, and recommend an appropriate age of consent. This would give the Government a firm base for legislative change.

However, Sir John emphasised that one of the senior Labour MPs likely to be appointed to the Committee is not keen on tackling the subject. He is Gerald Bermingham who is concerned about his Irish Catholic constituents in St Helen's South. Another approach would be to tackle homosexuality by an amendment to the next Criminal Justice Bill, perhaps with voting on alternative amendments as for the embryo legislation. However, this would be more controversial without a Committee report on the subject

COMMENT

Sir John's approach seems a useful one. If you are content I suggest Jonathan encourages the Whips to do what they can do to help him to secure a Committee likely to be sympathetic to a study.

LNR

LUCY NEVILLE-ROLFE

071.LNR

File

Judith
Tomy Hutt's group
would like to know
if x would be serious
re PM. You're better
placed to judge

PRESS RELEASE

February 26th 1992

TORIES LAUNCH NEW GROUP TO CAMPAIGN FOR HOMOSEXUAL
EQUALITY

than me. Could
you let me know?

A new group was launched last night by Conservatives who want to see reform of legislation that discriminates against lesbians and gay men. with
26/2.

Tories Campaigning For Homosexual Equality (TORCHE) is the result of a new mood of confidence amongst both gay and heterosexual people who support homosexual legal reform. They have been encouraged by the Prime Minister's meeting with Sir Ian McKellen and a well attended fringe meeting at last year's Party Conference in Blackpool, hosted jointly by the former Conservative Group for Homosexual Equality and Stonewall, the gay parliamentary lobbying group.

"We are not asking for any special treatment" said David Starkey, the group's chairman, "we are just seeking an end to legal discrimination against one particular group of citizens in Britain. It is indefensible that gay people should not be treated equally in the eyes of the law".

perthman. Same one telephoned me and I
cont.....
said the paragraph wasn't right! I suggested they
put away bits of "Kiss of the re-launch and
washed them well". I've quote from Tim. Judith

TORCHE will not campaign for positive discrimination for homosexuals, but only that they may enjoy the same rights as every citizen.

TORCHE believes that a large number of lesbian and gay men are natural Conservative supporters. "It is claimed that some 10% of the population are homosexual" said David Starkey. "This is a sizable section of society and for too long the issue of our rights has been hijacked by the left wing. There are many of us who are proud to be gay and proud to be Conservative".

Yesterday's launch party, held at Club 29 in Mayfair, was attended by XXX people including a number of supportive Members of Parliament.

[TORCHE has received the backing of the Prime Minister.] [John Major wrote giving his support for the new group.] [John ?
In a letter to the chairman he said "I want the Conservative Party under my Leadership to be open to everyone. I am glad that the Party's continuing strength and wide appeal are once more demonstrated by the relaunch of TORCHE and I hope it will provide a valuable forum for discussion of these issues".

- ends -

cont.....

Notes :

- i. TORCHE replaces the former CGHE which agreed to disband itself and give its support to TORCHE.
- ii. A copy of TORCHE's Policy Statement is enclosed.
- iii. Dr David Starkey is available for interviews on request

Contact: Tony Hutt or Paul Barnes on 071 582 3119

Simon McVicar on 071 630 8797

1) Mark

2) file

WAC

17/2

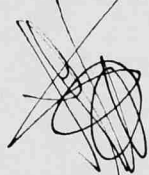
cc Mr Pugh
Mr Narey
Mr de Pulford
Mr Thew
Miss Tarrant
Mr Rimmer
Miss Wooldridge
Mr Blakeway
Mr Kerpel
Mr Grantham

From : Charles Keseru
Press Office

To : Miss Rutherford

HOMOSEXUAL ISSUES

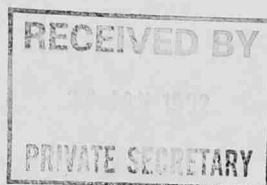
I attach cuttings from recent issues of The Pink Paper, reflecting coverage in the homosexual press of a number of issues, including policing and prosecution policy, a CICB award and a Safer Cities research grant which may be of interest in monitoring developments in these areas.



Charles Keseru

29 January 1992

cc Mr Chapman
No. 10



Think Pink campaign provokes Tory jitters

Top MP consents to gay sex at 16

Exactly six months after the launch of the Think Pink Before You Vote campaign, a senior Conservative MP has succumbed to pressure to support equality of the age of consent, writes Ben Summerskill. The promise - from parliamentary grandee Sir John Wheeler - comes just two years after the *Daily Express* quoted him as saying that "to make it so low that it brings in schoolchildren is go-

ing too far."

Sir John's admission - made to the *Pink Paper* this week -

stituents and faces a tight general election fight against a popular Labour councillor.

government to introduce gay law reform to Scotland in 1981, he has always refused to com-

outlawing the "promotion" of homosexuality. Justifying his support in a letter to a constituent on 11 January 1988 he said "there has to be a way found to stop this evil exploitation of so called 'minority causes' ". In October 1990 he declined to raise discrimination in the armed forces in the House of Commons. He said it was "a matter for the Ministry of Defence."

but there has to be a way found to stop this evil exploitation of so called 'minority causes'

U-turn if you want to: Sir John Wheeler's view of Section 28 just three years ago.

has stunned voters in his marginal Westminster North constituency in central London. He has many lesbian and gay con-

The MP - a former prison governor - has a majority of 3,310. Although he sponsored legislation at the request of the

mit himself to an age of consent lower than 21.

He also voted for Section 28 of the Local Government Act

Sir John told the *Pink Paper* this week that he now believed "we should harmonise the law so there is no distinction between males and females." Asked why he had changed his mind, he said, "It's only the policy of today that matters." He claimed that he had been misquoted in the *Daily Express* in 1990 but could not explain why he had not asked the paper to publish a correction.

Councillor Jenny Edwards, prospective Labour candidate in Westminster North, said the change "should be welcomed even though it's so late in the day. Let's hope Sir John now stops his criticism of positive work by Labour in local government," she added.

Edwards supported full equality for lesbians and gay men when she fought the 1987 general election and is committed to anti-discrimination legislation proposed by Labour.

Ann Bond, chair of the Stonewall Group which is also organising the Think Pink Before You Vote campaign, told us "This is very good news indeed. We hope other MPs will follow Sir John's example and make open statements on the age of consent."

PINK THINKS

No need for favours

The Conservative Family Campaign was delighted by this week's decision to withdraw new Scottish guidelines ending prosecutions of men between 16 and 21 for consenting sex. It will come as a surprise to them that we're not entirely disappointed either.

However curious it may seem, we share the view of right wing MPs who complain that the law was being changed "by the back door". We believe too that equality is something to be voted on by parliament.

The age of consent is a pivotal issue on our community's human rights agenda. It is as important for lesbians as for gay men because, whatever other progress is made fighting discrimination, a differing age of consent validates the prejudice of every bigot.

Prime Minister Major may be thinking of moving Britain a little closer in outlook to the rest of the civilised world. But timid steps towards equality aren't enough. And that's why the Lord Advocate's guidelines were not satisfactory.

There's no dispute that they were motivated by a sense of the injustice facing lesbians and gay men. No doubt Scotland's Lord Advocate feels (like Mr Kinnoch and the Labour Party) that equal rights are something best introduced discreetly.

But the changes proposed

were not the coup celebrated by other lesbian and gay publications. As the *Pink Paper* has pointed out before, they would have applied only where both parties were between 16 and 21. No protection was offered for a 23 year old who falls in love with someone of 20. And "guidelines" mean that freedoms are protected by discretion. All it takes is one malevolent police officer and a prejudiced crown prosecutor for guidelines to be ignored.

The *Pink Paper* believes that equality is something that should be guaranteed by parliament. And it would be supported by MPs if the issues were aired fully and fairly in public. That's what will happen if anti-discrimination legislation is put to a parliamentary vote after the next general election.

It's the responsibility of papers like ours to put those arguments into the public domain and to provide the ammunition for lesbians and gay men throughout Britain to pressure decision-makers everywhere, including ordinary voters.

With your help, we'll continue to do just that in 1992. We want lesbians and gay men to be full, unashamed and proud participants in every part of the community. Parliament should vote us that entitlement. We don't need back door favours, however well-intentioned.

Police row

The London Lesbian and Gay Policing Initiative issued a statement advising that their liaison meetings with Metropolitan Police might soon be discontinued. Spokesperson Peter Gregory claimed that police were "using the meetings for their own PR purposes."

New figures indicate 2000 crimes

Provisional figures from a north London police station suggest that there may already be more than 2000 serious anti-gay crimes each year in London. But Holloway police are concerned that - three months after they began monitoring homophobic violence - they have only been able to identify eight incidents in their division.

The station is participating in an experiment after pressure from community groups to recognise the existence of homophobic crimes. Superintendent Margaret Barker told the *Pink Paper*, "We want to move things in a more positive direction but people need to feel confident enough to come forward."

The most serious incident recorded is an attack on a man whose face and thigh were carved with a craft knife two weeks ago. Holloway's Inspector Reg White believes that this was not a first offence by the suspect involved and that other victims may have been reluctant to come forward in the past. A man has now been charged. Other offences logged include robbery and burglary.

In an indication of commitment to the new scheme, more than 200 police officers at Holloway have attended lesbian and gay awareness training.

Supt Barker admitted that lesbian officers are happy to be open about their sexual preference and this helps their value to the police force. But the same is not true of gay men. "But we do find younger officers are much more responsive to change," she explained.

Inspector White suggested that "heterosexual men still feel threatened by gay officers," although he confirmed that disciplinary action would be taken against any officer refusing to serve with a gay man.

While hoping that response to their appeals will increase during the experimental monitoring period which ends next July, Inspector White said "We couldn't necessarily justify continuing the scheme on this level of offences."

But if the total number of violent attacks on lesbians and gay men was eight every three months as recorded in just one division, this would indicate more than 2,300 serious offences annually among London's 74 divisions. This figure contrasts starkly with claims by Commander Sally Hubbard of Scotland Yard when the campaign for monitoring began that police were "not aware" of anti-gay violence.

£568,510 award for battered lover

A woman so severely battered by her lesbian lover that she was left brain-damaged has received £568,510 in compensation from the Criminal Injuries Compensation Board. The board only makes two or three awards over £500,000 per year, writes *Maggie Davis*.

Susan Craker has a paralysed arm and leg and can no longer read properly after she was attacked with a claw hammer six

years ago by Jayne Scott, when she discovered that Craker had been sleeping with her live-in lover, Debbie Fox. Scott was subsequently jailed for seven years.

The Women's Aid Federation of England (WAFE) would not comment on whether they thought a woman who had been battered by a man would receive the same level of compensation.

A spokesperson for WAFE said that few women pursue prosecution, let alone compensation claims, because they are not adequately protected by the legal system.

"For a lot of women, their abusers are still at large. Refuges are vital as a place of safety for women while they go through the legal system. This case shows the need for lesbians to have proper access to refuges."

Home Office softens

The government has granted £24,000 to a London group to study violence against gay men. The move is a remarkable admission of the extent of a problem denied by most police forces until this year.

Lewisham Gay Alliance will receive the grant to carry out independent research into gay men's experiences. Chair John Foot said "Gay men face hostility and the threat of violence every day of their lives." The group also receives grant support from Lewisham Council.

Home Office pressured

The English Collective of Prostitutes (ECP) has delivered a protest to the Home Secretary pressing for an end to police practice of using possession of condoms as evidence of loitering and soliciting.

Supporters of the letter - which calls the practice a new "sus" law - include George Melly, Claire Rayner and Michael Cashman. The ECP claims that use of possession of condoms to prosecute prostitute women undermines their efforts to protect their own health and the health of others. It also condemns the practice by police of planting condoms on women they wish to take into custody.

PRIME MINISTER (C)

B/UP for meeting on Monday

John Patten has asked me to take your mind on an invitation he has received from Robin Squire MP to meet the Stonewall Group. You will recall that this is the Group of which Sir Ian McKellan is a member. It works on an all-party basis through the Parliamentary system for changes in the law.

Mr Patten is concerned in particular that, if he meets the Group, he would only be able to listen and have nothing positive to say.

Apart from the fact that a listening mode meeting is hardly unusual, there are three things which Mr Patten could point to - none of which is absolutely new but all are worth repeating and one gained little or no publicity.

- The first is the recent agreement by the Home Office to fund two Safer Cities Schemes. These will involve the appointment of researchers in Islington and Lewisham to monitor homophobic attacks and, in the case of Islington, the effectiveness of the police response. The total cost is over £50,000. This got little publicity but is worth giving a push and the Minister could point to it as a sign of the Government's wish to take the concerns of the gay community seriously.
- The Isle of Man: the Tynwald is reconsidering the Sexual Offences Bill which aims to reform the island's antiquated law on homosexuality. All Tynwald stages will be completed probably by early April. After that, if the Tynwald maintains its opposition to reform, the Government here is obliged to act to decriminalise homosexual activity. While the Government has made plain its intention to do so (most recently last July) there is much scepticism about this in the gay community and Mr Patten could now at least point to April as the trigger for action by the Government. The Home Secretary is already paving the way for a Bill in the 1992/93 Session.

- Most importantly, the meeting would show that the Government was continuing to listen to the gay community, following your meeting with Sir Ian. It would send reassuring signals to that community; but, as a low key, Minister of State level meeting is unlikely to feature prominently in The Sun. (On the question of public opinion, the Stonewall Group commissioned a Gallup poll on homosexual law reform which had more favourable findings than might have been expected. You may like to see this; if so, I will arrange for a copy.)

Mr Patten could also discuss the Stonewall Group's Bill which Sir Ian mentioned to you. I have not been able to check today whether this has yet been delivered to the Home Office. If it has, Mr Patten could then discuss its implications in more detail. If it has not, he could urge the Group to make progress and send it.

Yes - if low key.

- Content for Mr Patten to say he would meet Stonewall?

Yes please

Shall I get the Gallup poll results for you (and Judith and Policy Unit) to see?

WEC

(WILLIAM E. CHAPMAN)

24 January 1992

c:\parly\stonewall (ecl)



File R2/12

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT
12 December 1991

Dear William,

When you were with the Prime Minister near Mr Patten's constituency on 29 November, Mr Patten said that he would arrange to let you have information about forthcoming moves on the question of reform of the Isle of Man's law on homosexual activity. We have held this letter, to take the outcome of the Election of the Island's Chief Minister, on 10 December, into account.

You will recall from the briefing which we provided for the Prime Minister's meeting with Sir Ian McKellen on 24 September that Tynwald has under consideration a Sexual Offences Bill which provides the opportunity to bring the Island's law on homosexuality into line with judgements of the European Court of Human Rights. Earlier this year, the reforming clauses were deleted from the Bill by the lower chamber, the House of Keys. The upper chamber, the Legislative Council, voted not to re-instate the clauses, but made certain technical amendments which have to be referred back to the Keys. This was immediately before Tynwald's summer recess. Since then, there has been a General Election in the Isle of Man (on 21 November). The Sexual Offences Bill has not, therefore, completed all its stages in Tynwald and must pass through all its Tynwald stages, with the possibility of the reforming clauses being re-instated. That fresh consideration of the Bill by the Legislature is expected to start in January.

On 10 December Tynwald re-elected the outgoing Chief Minister, Mr Miles Walker, a strong advocate of reform, by a substantial majority. The assessment of the Island's Lieutenant Governor is that Mr Walker's re-election will enhance his moral authority on the issue in the Keys, improving the prospects for reform when discussion of the Sexual Offences Bill resumes. There are, however, no divisions on party lines in Tynwald, and Members vote on an individual basis, making the outcome of any vote difficult to predict.

/Constitutionally, the

William Chapman Esq

Constitutionally, the Isle of Man, as a dependency of the Crown, enacts its own legislation, subject to the granting of Royal Assent on the recommendation of the Home Secretary. The United Kingdom has an ultimate power to legislate on behalf of the Island, against its wishes if necessary, including to achieve conformity with international obligations such as those under the European Convention on Human Rights.

This power is very rarely used. The last occasion when the United Kingdom imposed legislation on the Isle of Man was in 1967 when the Marine etc Broadcasting (Offences) Act 1967 (to control pirate radio broadcasting) was extended to the Isle of Man, against its wishes, by Order in Council. There is no known instance of a United Kingdom Act of Parliament, to deal solely with a Manx issue, being enacted against the wishes of the Isle of Man Government. Although a Westminster Bill would be very short, it would be a focus for debate of a range of controversial issues, including our own law on homosexuality and, possibly, that in dependencies for which the FCO is responsible, together with our own non-incorporation of the European Convention on Human Rights into domestic law, and the complexities of the general constitutional relationship between the United Kingdom and both the Isle of Man and the Channel Islands and other Crown dependencies.

Nevertheless, Ministers are publicly committed to introducing legislation at Westminster to reform the Isle of Man's laws on homosexuality if the Island demonstrably refuses to do so. It is the United Kingdom's responsibility, as the High Contracting Party to the ECHR, to ensure that the Court's judgements are complied with. In June 1990 Mr Patten received a delegation from the Isle of Man and made it absolutely clear to them that the United Kingdom would legislate for the Island on this issue if they did not do so themselves. On 16 July this year, Mr Lloyd re-affirmed the Government's policy in a Written Answer, a copy ... of which I enclose.

Tynwald will resume discussion of the Sexual Offences Bill in January. It is virtually certain that an attempt will be made to re-instate the reforming clauses. The Bill will receive three readings in the Keys, followed by three readings in the Legislative Council before being sent to the Home Secretary for his consideration of the grant of Royal Assent. Unless there is some resort to delaying, procedural tactics in Tynwald, it is expected that the Keys stages might be completed by mid-February and that all Tynwald stages may be completed by early April.

The point has not yet been reached, therefore, when we can say or clearly demonstrate without challenge that the Isle of Man has

/refused to

refused to amend its law. That would more clearly be reached if and when Tynwald were to submit the Sexual Offences Bill to the Home Secretary without the necessary clauses to reform the law on homosexuality. In the meantime, against the possibility that the Isle of Man does not amend its law, Ministers will have the opportunity to consider including contingent provision for a Westminster Bill to amend the Isle of Man's law in the legislative programme for 1992/3. The Home Secretary has already paved the way for collective agreement on a Bill in correspondence with the Foreign Secretary and the Attorney General.

Yours ever

Paul

PAUL REGAN
Private Secretary

Mrs. Rumbold: This information is not readily available.

Mr. Sheerman: To ask the Secretary of State for the Home Department who makes the decision on home leave for foreign national prisoners.

Mrs. Rumbold: As in the case of other applications for home leave, it is for the governor to decide, on the recommendation of the home leave board, whether the request can be approved.

Electoral Registration

Mr. Rooker: To ask the Secretary of State for the Home Department if he proposes to increase resources available for electoral registration in October.

Mrs. Rumbold: Central Government support for local authority expenditure on electoral registration is provided through the revenue support grant system. There is no provision for increasing that level of support in the current financial year.

Firefighters

Mr. Sheerman: To ask the Secretary of State for the Home Department (1) what is his policy on the future role of retained firefighters; and if he will make a statement;

(2) what proposals he has to ensure that retained firefighters play a part in the overall provision of fire and rescue services.

Mr. John Patten: We are committed to the continuation of the retained fire service in England and Wales. Retained firefighters perform a vital and extremely cost-effective role in the provision of fire cover, particularly in the more rural areas. We have encouraged fire authorities to make arrangements for whole-time firefighters to undertake retained duties in their spare time if they so wish. This will help to ensure that the retained fire service continues to play an important part in the provision of fire cover in England and Wales.

Prisoners

Mr. Sheerman: To ask the Secretary of State for the Home Department what measures he is taking to ensure that all prisoners are able to exercise their entitlement to a fortnightly visit.

Mrs. Rumbold: This is being monitored by area managers—who have to seek my right hon. Friend's approval for any temporary reduction in the visiting allowance—as part of their line management responsibilities.

Mr. Sheerman: To ask the Secretary of State for the Home Department if he will list those prisons which do not allow prisoners more than one visit a month.

Mrs. Rumbold: Convicted prisoners are normally able to receive at least two visits every four weeks, and sometimes more, at all establishments except Swansea.

Political Asylum

Mr. Allen: To ask the Secretary of State for the Home Department what response he has made to the letter from the hon. Member for Nottingham, North concerning the request of Mr. Gabrielle Purendea, currently held in Exeter prison, for political asylum.

Mr. Peter Lloyd: I shall be writing to the hon. Member shortly.

Prison Officers

Mr. Beith: To ask the Secretary of State for the Home Department why rest days are now counted for the purpose of assessing whether a prison officer has suffered more than 365 days of absence through illness over a period of four years; and whether the counting of rest days in this way is applied retrospectively to the period before the introduction of fresh start.

Mr. Rumbold: The rules governing sick absence and pay for civil servants, including prison officers, are detailed in the civil service pay and conditions of service code. Under these rules, the first six months of sick absence—182 days—during any period of 12 months are on full pay thereafter pay drops to half rate. This is subject to a maximum of 12 months—365 days—sick absence in any period of four years or less.

During a period of sick absence, all days, including Saturdays, Sundays, public and privilege holidays and rest days, count. However if they occur at the beginning or end, they are not included or reckoned.

These rules were not altered in any way by the introduction of fresh start pay and working arrangements in 1987.

Woolf Report

Mr. Sheerman: To ask the Secretary of State for the Home Department what is the timetable for full implementation of each of the measures announced in his statement on 25 February following publication of the Woolf report on prison disturbances.

Mrs. Rumbold: My right hon. Friend's response to the Woolf report, in the form of a White Paper on the future direction of the prison service in England and Wales, will review the progress of all the measures referred to in his statement of 25 February. The extension of arrangements for financially assisted visits was introduced on 1 April, opportunities for home leave were increased from 7 May, the abolition of routine censorship in all except dispersal prisons came into force on 16 May; the increase in the level of visits for convicted prisoners took effect from 17 June; and the programme for installing cardphones in all establishments which do not already have them is scheduled to be completed in May 1992.

Car Thefts

Mr. Mills: To ask the Secretary of State for the Home Department what plans he has to recommend stronger penalties for those who steal cars and then use the vehicle recklessly.

Mr. John Patten: We have no plans at present to increase the maximum penalty of six months' imprisonment for taking a motor vehicle without the owner's consent. When those who have taken a car are convicted of reckless driving, they are liable to up to two years' imprisonment, or five years, if the have caused a death.

Homosexuals (Isle of Man)

Mr. Squire: To ask the Secretary of State for the Home Department (1) by what date he expects homosexual activity to be decriminalised in the Isle of Man;

(2) what consultations have taken place with the Isle of Man Government over the wording of the Sexual Offences Bill currently before Tynwald; and if he will make a statement;

(3) if he will make a statement on the consequences of the action of the Manx Parliament in amending the Sexual Offences Bill to remove clauses decriminalising homosexual activity on the Isle of Man.

Mr. Peter Lloyd: The Isle of Man Government sent the Home Office drafts of its Sexual Offences Bill, including clauses providing for the decriminalisation of homosexual activity between consenting adults in private, as part of the usual consultative procedures. The Bill remains subject to possible amendment in Tynwald, where consideration is expected to resume after the island's general election in November.

If the island were demonstrably to refuse or to fail to amend its law satisfactorily, Her Majesty's Government would have no alternative but to introduce the requisite legislation in Parliament at the earliest suitable opportunity.

Mr. Karamjit Singh Chahal

Mr. Madden: To ask the Secretary of State for the Home Department if he will make a further statement concerning the case of Mr. Karamjit Singh Chahal.

Mr. Peter Lloyd: I refer the hon. Member to the reply I gave to him on 25 June at columns 405-6.

Shop Squatting

Mr. Cartwright: To ask the Secretary of State for the Home Department what representations he has received about the growth of illegal shop squatting and the speed of repossession procedure; and what response he is making.

Mr. John Patten: We have received a number of representations from hon. Members and others about squatting in vacant shops and problems with the speed of repossession. The effectiveness of the remedies available under the civil law is a matter for my noble and learned Friend the Lord Chancellor, but I understand that accelerated procedures are available to deal with squatters.

We are currently reviewing the criminal law as it affects the unlawful occupation of premises, including shops, and my right hon. Friend will announce the outcome of this review in due course.

Child Sex Offences

Mr. Rooney: To ask the Secretary of State for the Home Department how many persons were convicted of child sex offences in the last year for which figures are available; and, of these, how many were allowed bail prior to trial, how many pleaded guilty and how many pleaded not guilty.

Mr. John Patten: Information on the number of persons convicted of child sex crime in England and Wales is given in the table. It is only possible from the information held centrally to identify sex offences where the victim is known to be aged under 16. Reliable information is not available centrally on the numbers given bail prior to trial or how they pleaded.

Number of persons convicted of child sex offences 1988	
England and Wales	
Offence	Convicted
Buggery with a boy under the age of 16 or with a woman or an animal	183
Attempt to commit buggery with a boy under the age of 16 or with a woman or an animal	2
Indecent assault on a male aged under 16 years	406
Indecent assault on a female aged under 16 years	1,657
Unlawful sexual intercourse with a girl aged under 13 years	96
Unlawful sexual intercourse with a girl aged under 16 years	262
Incest with a girl under 13 years	100
Inciting girl under 16 years to have incestuous sexual intercourse	1
Householder permitting unlawful sexual intercourse with a girl under 16 years	1
Person responsible for girl aged under 16 causing or encouraging her prostitution, etc	1
Abduction of unmarried girl aged under 16 years	13
Gross indecency with children	219

Mr. Paul Vickers

Mr. Cousins: To ask the Secretary of State for the Home Department (1) when he proposes to reply to recent correspondence from the hon. Member for Newcastle upon Tyne, Central about the sentence of Mr. Paul Vickers;

(2) when he expects to conclude his review of the further medical evidence on Paul Vickers's sentence submitted by Mr. Vickers solicitors in October 1990;

(3) whether he has concluded his inquiries into the review of the sentence of Paul Vickers referred to in the answer given to the hon. Member for Birkenhead (Mr. Field) on 1 November 1988, *Official Report*, column 576.

Mr. John Patten: Dr. Vickers' solicitors made representations on his behalf in August 1988 suggesting that his conviction was unsafe. I wrote to the hon. Member for Newcastle upon Tyne, Central on 6 August 1990 informing him that these representations did not provide sufficient ground to justify my right hon. Friend intervening in Dr. Vickers' case. The further representations made by Dr. Vickers' solicitors in October 1990 are under consideration and my right hon. Friend hopes to reach a decision on Dr. Vickers' case shortly. I shall write to the hon. Member as soon as a decision has been reached.

Medical Advisers

Mr. Cousins: To ask the Secretary of State for the Home Department what was the scale rate of fees for pathologists and other medical advisers called in to advise his Department in the years 1988-89 to 1990-91, and currently; what sums have been expended by his Department on this in these years; what internal audit procedures there are to ensure timeliness and value for money in the tendering of such advice; and whether any such audit procedures were put into action in these years.

Mr. Kenneth Baker: The information is not available centrally in the form requested. I shall write to the hon. Member

NOTE FOR THE FILE

Prosecution policy in England and Wales is a matter for the Director of Public Prosecutions.

For the last ten years cases of consenting homosexual acts between men aged between 16-21 have rarely been prosecuted, provided that they have taken place in private. Prosecutions are only initiated when an older man is involved and generally only then when corruption or seduction has taken place; each case is looked at on its merits. If the younger partner is over 18 it would be very rare that the public interest would require a prosecution.

WAC

WILLIAM CHAPMAN

6 December 1991

c:\home\hom (slh)

File

lll



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5 December 1991

Dear William,

PRIME MINISTER'S QUESTIONS: THURSDAY 5 DECEMBER 1991
PROSECUTION OF CONSENSUAL HOMOSEXUAL OFFENCES IN SCOTLAND

Thank you for your letter of 4 December.

I attach a Speaking Note, Notes on Supplementaries and Background Note on the prosecution of consensual homosexual offences in Scotland should the matter be raised during Prime Minister's Questions this afternoon.

Yours ever,
Alan

ALAN MAXWELL
PRIVATE SECRETARY

SPEAKING NOTE

PROSECUTION POLICY IN SCOTLAND IS A MATTER EXCLUSIVELY FOR MY NOBLE AND LEARNED FRIEND THE LORD ADVOCATE. I UNDERSTAND THAT THE LORD ADVOCATE HAS DIRECTED A REVIEW OF PROSECUTION POLICY IN THIS AREA OF THE LAW BUT THAT IN VIEW OF THE MISAPPREHENSION THAT HE IS SEEKING UNILATERALLY TO ALTER THE LAW IN SCOTLAND ON THE AGE OF CONSENT, WHICH OF COURSE HE CANNOT DO, HE IS RECONSIDERING THE FORMULATION OF GUIDANCE TO PROCURATORS FISCAL IN SCOTLAND.

NOTES ON SUPPLEMENTARIES

Q. HOW LONG IS THIS REVIEW LIKELY TO TAKE?

A. IN 1989, THERE WERE ONLY 54 PROSECUTIONS IN SCOTLAND FOR HOMOSEXUAL OFFENCES OF ALL KINDS. AS SO FEW CASES ARE REPORTED FOR PROSECUTION IN SCOTLAND, THE REVIEW MAY TAKE SOME TIME.

Q. WHAT IS THE LIKELY OUTCOME OF THE REVIEW GOING TO BE?

A. THE REVIEW OF PROSECUTION POLICY WHICH IS TAKING PLACE IS AN INTERNAL REVIEW AND ITS OUTCOME WILL BE ENTIRELY A MATTER FOR THE LORD ADVOCATE AS THE SCOTTISH LAW OFFICER.

Q. WHY IS IT IN THE PUBLIC INTEREST FOR SUCH A REVIEW TO BE CARRIED OUT?

A. AS WITH OTHER FORMS OF SEXUAL OFFENCES, DECISIONS MADE ABOUT HOMOSEXUAL OFFENDING REQUIRE A CAREFUL ANALYSIS OF WHERE THE PUBLIC INTEREST LIES. THE LORD ADVOCATE HAS VESTED IN HIM A DISCRETION TO EXERCISE IN THE PUBLIC INTEREST WHEN INSTRUCTING PROSECUTION AND IT IS THEREFORE COMMONPLACE FOR REVIEWS OF PROSECUTION POLICY TO TAKE PLACE FROM TIME TO TIME.

Q. IS THIS NOT THE CASE OF THE LORD ADVOCATE CHANGING THE LAW UNILATERALLY?

A. THE LORD ADVOCATE CANNOT AND DOES NOT WISH TO MAKE ANY UNILATERAL CHANGE TO THE LAW. HIS REVIEW CONCERNS ONLY THE QUESTION OF THE CORRECT APPROACH TO TAKE IN EXERCISING HIS DISCRETION IN THE PUBLIC INTEREST. IT IS ENTIRELY PROPER FOR THE LORD ADVOCATE TO GIVE CAREFUL CONSIDERATION TO THIS SENSITIVE ISSUE.

Q. WILL THE RESULT OF THE REVIEW BE MADE PUBLIC?

A. THIS WILL BE A MATTER SOLELY FOR THE DISCRETION OF THE LORD ADVOCATE.

BACKGROUND NOTE

The Lord Advocate's review of prosecution policy in Scotland in this area of the law commenced this summer and is continuing.

Like his predecessors over many years, the Lord Advocate does not consider that the public interest is served by routinely prosecuting all persons who participate in those consensual homosexual acts in private which remain unlawful. He considers that it is preferable to prosecute only where the circumstances point to exploitation, corruption or breach of trust. Until such time when the review is completed, the Lord Advocate will issue fresh guidance to Procurators Fiscal that where-

- (1) (a) both of the participants are over 18 years but one or both are under 21 years and
 - (b) the act has taken place in private and
 - (c) where there are no circumstances pointing to exploitation, corruption or breach of trust, prosecution would not be appropriate.
- (2) Where both are over 16 years but one or both are under 18 years and the act appears to have been consensual and in private, the case should be reported to Crown Office for consideration by Crown Counsel.

In response to recent criticism that practice in relation to the form of charges has not been uniform throughout Scotland, the Lord Advocate's guidance indicates that where a prosecution is to be undertaken and the conduct would fall within the scope of an offence under section 80 of the Criminal Justice (Scotland) Act 1980, except on the express instruction of Crown Counsel, the statutory offence rather than any common law equivalent should be charged.

The Lord Advocate's guidance to Procurators Fiscal will not amount to an arbitrary lowering of the homosexual age of consent and does not represent a *de facto* change in the law. In fact, it will for the most part re-state what has been the practice of Crown Office and the Procurator Fiscal Service under successive Lord Advocates. In so far as it changes existing practice in the form of charges, its effect will be to make Procurators Fiscal adhere more closely to what Parliament has laid down in section 80 of the Criminal Justice (Scotland) Act 1980.

The Law in Scotland

The prosecution of unlawful homosexual conduct in Scotland can be instituted under section 80 of the Criminal Justice (Scotland) Act 1980. Section 80 of this Act provides that a homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of 21 years. Other than in these circumstances, it is an offence to commit or to be party to the commission of, or to procure or to attempt to procure the commission of, a homosexual act otherwise than in private or without the consent of both parties to the act, or with a person under the age of 21 years.

The common law also provides a range of crimes which can be used to prosecute acts of gross indecency of both a heterosexual and homosexual nature. These offences include breach of the peace, shameless indecency and lewd and libidinous practices.



DAS

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

4 December 1991

Dear Alan

PROSECUTION OF CONSENSUAL HOMOSEXUAL OFFENCES IN SCOTLAND

Thank you for your letter of 3 December. You mentioned on the telephone this morning that the Lord Advocate had now decided not to make any announcement at all.

You kindly agreed to send us a copy of the lines which your press will be taking in response to the questions which they are likely to get. We will then be able to use these for Prime Minister's Question Time if necessary. The sort of questions which we agreed you would need to cover are: when will the review be completed; what is the outcome or likely outcome; why is it in the public interest to make these changes; is this not the case of the Lord Advocate changing the law unilaterally?

You mentioned that the Lord Advocate was still minded to say that he was reconsidering the guidance, about which I expressed doubts. To avoid the appearance of backtracking, would it be possible for him to say that he was still considering the guidance?

It would be helpful to receive these lines during the course of tomorrow morning in time for the Prime Minister to look at them over lunch before Questions.

Yours ever,
Litha

W. E. CHAPMAN

P.S. I have just learnt that your press office has said that the guidance is being re-considered.

Alan Maxwell, Esq.
Lord Advocate's Department



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 December 1991

Dear Carol,

PROSECUTION OF CONSENSUAL HOMOSEXUAL OFFENCES IN SCOTLAND

Thank you for your letter of yesterday.

The Prime Minister was grateful for advance knowledge of the Lord Advocate's intentions. As I have already mentioned to Alan Maxwell over the telephone this morning, he would be grateful if the Lord Advocate would postpone his announcement for the time being to enable the Prime Minister to consider this matter of public policy further.

I will be writing to you again as soon as possible.

*Yours sincerely,
William*

WILLIAM E CHAPMAN

Mrs C McDivitt
Lord Advocate's Chambers



William Chapman Esq
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William, *Original*
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R 4/12

3 December 1991

Dear William,

PROSECUTION OF CONSENSUAL HOMOSEXUAL OFFENCES IN SCOTLAND

Subsequent to the discussion the Lord Advocate had with you this morning he has further refined the draft of the guidance he proposes to give to Procurators Fiscal. The relevant terms of the present draft are:-

1. Where both of the participants are over 18 years but one or both are under 21 years and the act has taken place in private and where there are no circumstances pointing to exploitation, corruption or breach of trust, prosecution would not be appropriate.
2. Where both are over 16 years but one or both are under 18 years and the act appears to have been consensual and in private, the case should be reported to Crown Office for consideration by Crown Counsel.

The Lord Advocate has introduced this change to bring his prosecution policy more closely in line with that of the Crown Prosecution Service and also to enable him to form a clearer view of the nature and extent of any difficulties in the 16-18 age group. In 1989 there were only 54 prosecutions in Scotland for homosexual offences of all kinds. He has no breakdown of the figure to show how many, if any, were consensual and in private involving someone between 16 and 18 years. He will thus be continuing the review he instituted this summer in this narrower age group.

As agreed the Lord Advocate made no announcement today and he would not now intend to issue a statement in retreat indicating a re-consideration of the formulation of the guidance. Before reaching a concluded view on the formulation of his policy, however, the Lord Advocate has asked that this change be brought to the attention of the Prime Minister and he will consider any particular considerations of the Prime Minister which may have a bearing on the matter.

He would like to issue a statement from Crown Office some time tomorrow. The Whips advise him there is a head of steam building up behind a distorted understanding of what he proposes.

Yours ever,
Alan

ALAN MAXWELL
PRIVATE SECRETARY

R312



File

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

2 December 1991

~~Mark~~
This is something
Sir Ian McKellar
may ~~know~~ not know
about.

Dear William

I understand that during the Prime Minister's recent visit to Oxford, John Patten mentioned to you two Safer Cities schemes which the Home Office has agreed to fund.

The schemes will involve the appointment of researchers in Islington and Lewisham to monitor attacks on homosexual men and lesbians in these boroughs and, in the case of Islington, the effectiveness of the police response to such attacks.

In accordance with the locally driven character of the Safer Cities programme, both schemes have been devised locally in response to the high priority given to tackling attacks on homosexuals in the local Safer Cities crime prevention action plans in these two areas of London. The police locally have helped to design the schemes are strongly supportive of the research. Centrally, the Metropolitan Police, who are already undertaking similar research of their own, have welcomed the Safer Cities initiatives.

The Islington scheme will involve a number of measures, including the provision of a telephone line to allow the victims of such assaults to report incidents in confidence and to allow an independent assessment of how the police respond. A full-time worker will be employed for six months to undertake qualitative interviews with victims and with the police officers who dealt with them. The aim will be to produce a report on anti-homosexual/lesbian violence and its policing in Islington, with recommendations for community safety, the local authority, police and victim support schemes. The schemes will be managed by GALOP (Gay London Policing Group), an organisation recognised both by the gay community and the police as having an important role to play in community safety and victim support. To help to ensure that an objective report is produced, the Home Office has provided advice about suitable candidates to undertake the work. The cost of the research will be £18,613.

The Lewisham proposal is more broadly based and in certain respects complementary. The scheme will involve the engagement of a Community Safety consultancy service (Safe Neighbourhoods Unit) to undertake a four month action research project to establish the nature and extent of crime, violence and harassment against homosexual men in the borough. The approach is a

2.

traditional one, involving assessment of the problem with a view to recommending various ways in which the personal safety of a vulnerable group can be improved. The cost here will be £23,922.

Yours
Paul

P W PUGH

William Chapman, Esq.
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2 December 1991

William Chapman Esq
Private Secretary
10 Downing Street
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SW1A 2AA

file

Dear Mr Chapman,

PROSECUTION OF CONSENSUAL HOMOSEXUAL OFFENCES IN SCOTLAND

file with WEL
You will recollect that in September, Crown Office, Edinburgh provided briefing notes for the Prime Minister on the Lord Advocate's approach to the prosecution of homosexual offences in Scotland for a meeting with Sir Ian McKellen on gay issues. The information provided in the briefing notes included reference to the Lord Advocate's review of prosecution policy which was to be concluded this autumn.

The review has now been concluded and the Lord Advocate will issue new guidance to Procurators Fiscal in the near future. The guidance will not be made public, but its general effect will be made known. The Lord Advocate as the public prosecutor in Scotland does not consider that the public interest is served by routinely prosecuting all persons who participate in those consensual homosexual acts in private which remain unlawful. Where both of the participants are over 16 years but one or both are under 21 years and the act has taken place in private and where there are no circumstances pointing to exploitation, corruption or breach of trust, prosecution would not be appropriate.

The Lord Advocate was also aware of recent criticism of prosecution practice in Scotland in relation to the types of charge brought in such cases. Apart from the statutory provision made under the Criminal Justice (Scotland) Act 1980, the common law in Scotland also provides a range of crimes which can be used to prosecute acts of gross indecency of both a heterosexual and homosexual nature. The Lord Advocate has now directed that where a prosecution is to be undertaken and the conduct would fall within the scope of an offence under the statutory provision, except on the express instruction of Crown Counsel, the statutory offence rather than any common law equivalent should be charged.

This/



- 2 -

This policy will, for the most part, restate what has been the practice of Crown Office and the Procurator Fiscal Service under successive Lord Advocates. The Lord Advocate hopes that this guidance will ensure a consistent approach by all Procurators Fiscal in the prosecution of cases of this nature throughout Scotland.

Yours sincerely,

Carol McDivitt

MRS C McDIVITT
Private Secretary

Home Affairs:

Homosexual Rights

May 84



PRIME MINISTER (1)

PROSECUTION OF HOMOSEXUAL OFFENCES IN SCOTLAND

You will have seen weekend press reports of a review by the Lord Advocate of prosecution policy in Scotland in respect of consensual homosexual acts involving men aged between 16-21. There is also an EDM (attached at A). Sarah wishes to discuss at breakfast tomorrow.

I today received a letter from the Lord Advocate's office reporting the conclusion of the review and the Lord Advocate's intention to issue new guidance to Procurators Fiscal (letter at flag B). The most important conclusion is that prosecution would not be in the public interest when both participants are over 16 but one or both are under 21, and the act has taken place in private without exploitation, corruption or breach of trust being involved. This would regularise the prosecution practice which many Procurators Fiscal already follow.

What the letter does not say, is that the Lord Advocate intends to announce this change of policy tomorrow afternoon. (Dominic has already got the announcement moved until after Questions.)

I attach a note (at flag C) from Carolyn Sinclair. She suggests that the Lord Advocate be asked to circulate his letter to colleagues on HS Committee and that no action should be taken until they have considered the politics of "moving in Scotland but not in England".

Carolyn's recommendations are based on her understanding that the Lord Advocate's proposals would take the prosecution policy out of line with that in England and Wales. In fact they would bring them into line. I have spoken to the Crown Prosecution Service who say it has been their policy for the last 10 years not to prosecute, generally speaking, in cases where consensual acts take place between participants aged between 16 and 21 in private, with no corruption or seduction involved. Prosecution will become more likely if an older man is involved but, again, there needs to be the likelihood of corruption or seduction. So

far as I am aware, this is not public knowledge. (The press reports over the weekend did not reflect it.) The Lord Advocate's proposed announcement would inevitably flush out CPS's longstanding policy.

The Lord Advocate is, of course, in roughly the same relation to the Government as the Attorney General. He cherishes his independence. He may not respond well to a request to submit his decision to HS Committee. It looks a bit heavy-handed. I know he will be reluctant to postpone his announcement.

On the other hand, you may feel he should have given colleagues the chance to comment on a matter of public policy. Nor will the controversy it seems set to stir up make it easier for you to pursue the lines you indicated following your meeting with Sir Ian McKellen.

You may wish to sound out the Lord Chancellor tomorrow morning over the phone, or to ask Carolyn to go and see him, to get his reading of the situation urgently, before deciding whether to get HS views. (I have warned the Lord Advocate's office that you may wish to comment tomorrow morning.) The Lord Chancellor could then put pressure on the Lord Advocate if necessary. His announcement could be postponed until a more propitious occasion.

Coincidentally, Mr. John Patten asked me on Friday to take your mind on an invitation he has received to meet the Stonewall Group. You will recall that this is the Group of which Sir Ian McKellen is a member. Mr. Patten is concerned in particular that, if he meets the Group, he would only be able to listen and have nothing positive to say.

It seems to me this is an opportunity to take a small step forward presentationally on your social agenda at little cost to the Government, even though the meeting may now have to be played long because of the Lord Advocate's review. There is obviously a balance to be struck. You do not want your meeting with Sir Ian McKellen to be seen as a piece of empty PR (which is what will increasingly happen if there is no follow-up for some months). Equally, any significant moves at this time are

obviously risky. A meeting at Minister of State level would enable the dialogue to continue in a more low-key way. And it could be timed to coincide with an announcement of the Government's intention to require the Isle of Man to bring its law into line with that of the mainland. This would be seen as a very positive move by the gay community and its sympathisers; it is one that is inevitable anyway; and of all the options is the least likely to arouse Sun readers' ire.

Agree to seek the Lord Chancellor's views before asking the Lord Advocate to consult HS?

Agree that Mr. Patten should meet the Stonewall Group but not until next year and only after a delayed response to their invitation, to allow the fuss over the Lord Advocate to die down?] ?

WEC

WILLIAM E. CHAPMAN

2 December 1991

C:\home\prosecution (pmg)

PROSECUTION OF HOMOSEXUAL OFFENCES IN SCOTLAND

The Lord Advocate's office have written saying that following a review, the Lord Advocate is proposing to issue new guidance to Procurators Fiscal in the near future. This will advise against routine prosecution of consensual homosexual offences by those over 16.

The letter was not copied to the Lord Chancellor nor to anyone else. It seems bizarre to go ahead and ignore the law in Scotland, but not in England, on this matter. Moreover, it comes hard on the heels of the Sunday trading issue, another case where the Government is technically not upholding the law.

The Lord Chancellor learnt by chance of what is proposed when he was in Edinburgh this weekend. I believe he is a bit disconcerted. His department have been telling the Press today that they have no plans to change practice in England.

The news is out, so whatever we do next must take account of that.

I recommend:

- (a) that the Lord Advocate's office be asked to circulate their letter to all colleagues on HS Committee (thus catching the Law Officers and the Home Secretary);
- (b) that no action should be taken in Scotland until colleagues have expressed a political view on moving in Scotland but not in England;

[but we've already moved 1
in England]
LRL

(c) that you hold back your response on John Patten's suggested meeting with the Stonewall group. If homosexuality becomes a live issue, you will want to move very cautiously, even on the Isle of Man.

A handwritten signature in cursive script, reading "Carolyn Sinclair". The signature is written in dark ink and is positioned above the printed name.

CAROLYN SINCLAIR

089 . CS

286 *PROMOTION OF HOMOSEXUALITY IN PUBLIC INSTITUTIONS*

27:11:91

Mr Bill Walker
 Sir Nicholas Fairbairn
 Sir Marcus Fox
 Sir Teddy Taylor
 Mr Tim Janman
 Mrs Ann Winterton

★ 12

Mr William Ross Rev Martin Smyth Sir George Gardiner
 Mr Jacques Arnold Mr Christopher Gill Mr Nicholas Winterton

That this House notes with concern that a homosexual group has prepared a sex education leaflet which depicts homosexual acts and promotes homosexual activity; deplores the distribution of this leaflet to pupils aged 11 to 16 years attending Haverstock School, Camden; and calls for legislation to forbid the promotion of homosexuality in public institutions.

287 *LOWERING OF THE AGE OF HOMOSEXUAL CONSENT IN SCOTLAND*

27:11:91

Mr Bill Walker
 Sir Nicholas Fairbairn
 Sir Marcus Fox
 Sir Teddy Taylor
 Mr Tim Janman
 Mrs Ann Winterton

★ 10

Mr William Ross Sir George Gardiner Mr Nicholas Winterton
 Rev Martin Smyth

That this House notes with concern the intention of the Lord Advocate to instruct procurators fiscal generally not to prosecute men involved in homosexual activity with young males aged between 16 and 21 years; notes that this is an arbitrary lowering of the homosexual age of consent in Scotland which has not been debated by Parliament; considers that such a policy will put adolescent males and females at risk; and calls on the Secretary of State for Scotland to request the Lord Advocate to enforce the law.

★ The figure following this symbol gives the total number of names of Members appended, including those names added in this edition of the Notices of Questions and Motions.

○ Note:

CF - 18/11

WBC

19/11

Spoke to Tony Wells. He'll
come back to clarify his
permit. Pass - whether
homosexuality will cease to
be an offence but still
result in dismissal.

Then clear direct reply with
CS (CARE), saying what
progress reports on 1.4.2.;
PM will certainly want to
see Ministers' proposed
decision before announced; hope

will bear in mind PM
would like to see some
moment (how much? of
note of entry or !/hck).

[Perhaps better to pass this part
of message orally.]
WAL

14/12

If no moment, PM's
credibility will be shattered.



MINISTRY OF DEFENCE
 WHITEHALL LONDON SW1A 2HB
 Telephone 071-21 82111/3

SECRETARY OF STATE

MO 21/8/5J

4th November 1991

Dear William,

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In your letter of 27th September recording the meeting the Prime Minister held with Sir Ian McKellen on 24th September you asked for a note on the progress in preparing the Government response to the recommendation of the Select Committee on the Armed Forces Bill that homosexual activity of a kind which is legal in civilian law should not constitute an offence under Service law. The Select Committee looked to the Government to propose an appropriate amendment to the law before the end of the next Session of Parliament, but accepted that the time has not yet come to require the armed forces to accept homosexuals or homosexual activity.

Work is in hand to assess the impact of accepting the recommendation. This includes discussions with officers with recent command experience and senior non-commissioned officers in all three Services. We are examining prosecutions under Service law in recent years to see whether any arose simply as a result of homosexual activity of a kind that is legal in civil law. We are also in contact with other Government Departments with an interest, including the Department of Transport, in respect of merchant seamen since they too are not subject to the provisions of the Sexual Offences Act 1967.

We expect a response to be recommended to Ministers in the New Year. Whatever the outcome, it is clear that homosexual activity will continue to be unacceptable in all three Services.

I am copying this letter to Paul Pugh (Home Office) and Paul Ahearn (Dept of Health).

*Yours sincerely,
 Bryan Wells*

(B H WELLS)
 Private Secretary

W G Chapman Esq
 10 Downing Street



HONG KONG AFFAIRS: Homosexual Rights.
May 84.



011455D

FACSIMILE MESSAGE

TO:

WILLIAM CHAPMAN

FROM:

BRYAN WELLS
SECRETARY OF STATE'S OFFICE
ROOM 6164
MAIN BUILDING
MINISTRY OF DEFENCE
WHITEHALL
LONDON SW1

(Tel: 071 218 7899)
(Fax: 071 218 7140)

DETAILS OF DOCUMENT TO BE TRANSMITTED

CLASSIFICATION:

RESTRICTED/UNCLASSIFIED

TITLE:

DATE OF DOCUMENT:

TWO PAGES TO FOLLOW

MY LETTER TO YOU OF 4/11/91
ON HOMOSEXUALITY IN THE ARMED FORCES
REFERS TO YOU ASKED FOR THE RELEVANT
SECTION OF THE SELECT COMMITTEE'S
REPORT

problems as compiling statistics on bullying; it may be hard to tell whether a black soldier is being bullied because of his race or for some other reason. It might therefore be better to record all incidents of bullying or assault where the victim was from a racial minority; while this might well overstate the incidence of racial harassment, it would show whether members of racial minorities are bullied disproportionately to their numbers and would allow comparison over time. **We recommend that MoD consider how best to identify incidents of racial harassment in the Armed Forces and keep records accordingly.**

Racial Discrimination

35. In addition to complaints of racial harassment within the Armed Forces, the last five years have seen criticism levelled against the Armed Forces for allegedly discriminating against members of ethnic minorities, in recruitment and in employment. In order to combat allegations of discrimination at the recruitment stage, MoD now conducts ethnic monitoring of applicants and recruits. However, the introduction of ethnic monitoring of serving personnel has been resisted on the grounds that this would be "divisive".¹ Without ethnic monitoring it is very difficult to demonstrate that there is equality of opportunity for all Service personnel, of whatever racial background. **We recommend that MoD reconsider its opposition to ethnic monitoring of Service personnel.**

Women in the Services

36. The last five years have seen a considerable change in the position of women in the Armed Forces. The roles which Servicewomen perform have increased significantly and Servicewomen now serve alongside men in many operational units, including fighting ships. To have men and women living and working together in such very close quarters as a ship provides inevitably entails potential disciplinary problems. That so few have emerged is to the credit of all concerned. During our visit to Portsmouth, we went on board the navigation training frigate HMS JUNO, whose crew includes a contingent of Wrens. Both men and women testified that all was going well, despite, in some cases, earlier misgivings. Rules are laid down forbidding intimate behaviour or open displays of affection on board ship—a "no touching" rule—but we were assured that—"there is no intention of regulating normal relationships between the sexes ashore".² All three Services prohibit relations between the sexes which give the impression of partiality, or might compromise the chain of command or undermine good order or discipline.³ **We see no reason at present for these matters to be codified further.**

37. The terms of service of Servicewomen differ from those of their male colleagues in regard to the minimum age of enlistment. While men may join at 16, the minimum age for women is 17.⁴ This is now under review, and we were told that, at least from the Navy's point of view, the age of entry for women would be brought down to 16 "as soon as we possibly can".⁵ **We recommend that the minimum age of enlistment for women be brought into line with men without further delay, with the same safeguards for voluntary release before the age of 18 as their male counterparts.**

Homosexuality

38. Perhaps the most controversial area that we examined during our inquiry is the attitude of the Armed Forces to homosexuality. Neither homosexuality nor homosexual activity are permitted in the Armed Forces, and any Serviceman or woman found to be homosexual, even if not practising, is liable to be discharged the Service. Furthermore, homosexual activity of any kind may still constitute an

¹ Qq. 760, 795. In contrast, ethnic monitoring has been introduced throughout the Civil Service, MoD included, and the Armed Forces themselves have recognised the usefulness of monitoring religious composition in Northern Ireland.

² Q. 819; see also Qq. 820 and 821.

³ Where married couples are involved, effort is made to arrange joint postings. However, service on the same ship would not be permitted, and an officer married to an other rank would if possible be posted to separate units within the same geographical area to avoid any impression of partiality. Qq. 822-824.

⁴ Evidence, pp. 148, paragraph 1. The minimum age for men in the RAF is to reduce from 16½ to 16 this year.

⁵ Qq. 468 and 469.

offence under Service law.¹ The Sexual Offences Act 1967, which legalised certain homosexual acts in private between adult men over the age of 21, specifically stated that it did not prevent an act from constituting a Service offence.² In the last four years 9 Servicemen have been dismissed the Navy, 22 the Army and 8 the Royal Air Force following conviction for an offence involving homosexual activity. It is not recorded whether this activity was of a kind that would have been legal or illegal under civilian law.³ A further 296 were discharged as a result of administrative action, in other words without any formal disciplinary charge being laid against them. It is noteworthy that the Services are no more lenient of lesbianism than of homosexuality in men. Of those discharged from the Army by administrative action over the last four years, over half were women.

39. It is the contention of the Stonewall Group that homosexuality should no longer be a bar to membership of the Armed Forces.⁴ They argue, *inter alia*, that present policy threatens security by opening homosexual personnel to blackmail, causes a loss of good personnel and creates considerable unnecessary distress. They argue further that homosexuals are accepted in the Armed Forces of a number of our allies, without any damage to their morale or fighting effectiveness. MoD, on the other hand, opposes any change, principally it seems on the grounds that the presence of homosexuals would be disruptive.

40. That the present policy causes very real distress and the loss to the Services of some men and women of undoubted competence and good character is beyond dispute. Society outside the Armed Forces is now much more tolerant of differences in sexual orientation than it was, and this may also possibly be true in the Armed Forces. Nevertheless, there is considerable force to MoD's argument that the presence of people known to be homosexual can cause tension in a group of people required to live and work sometimes under great stress and physically at very close quarters, and thus damage its cohesion and fighting effectiveness. It may be that this will change, particularly with the increasing integration of women into hitherto all-male units: **We are not persuaded that the time has yet come to require the Armed Forces to accept homosexuals or homosexual activity.**

41. We understand why homosexual activity is considered unacceptable in the Armed Forces, but we see no reason why Service personnel should be liable to prosecution under Service law for homosexual activity which would be legal in civilian law. **We recommend that homosexual activity of a kind that is legal in civilian law should not constitute an offence under Service law. We look to the Government to propose an appropriate amendment to the law before the end of the next Session of Parliament.**

Representation

42. In response to many of the issues that we have raised, MoD witnesses have replied that it is not a matter that seems to concern Servicemen and women. The question has then arisen: how do they know? By tradition the Services have relied on the chain of command to transmit grievances. Nowadays this is supplemented with regular attitude surveys sent out to a random selection of personnel, and with questions to those who give notice to leave. The results of these surveys do not reveal great concern about disciplinary matters, but it must be said that the questions asked are somewhat generally phrased.⁵ Some form of staff federation, perhaps akin to that which operates in the Police, might allow a more direct channel for transmitting grievances and views. However, **in the absence of any clear indication that such an organisation would be welcomed by Service personnel, or that the present system is unsatisfactory, we would not recommend that a staff federation be created.**⁶

¹ Homosexual activity is not an offence itself, but it may be considered to be disgraceful conduct of an indecent kind, conduct prejudicial to good order and Service discipline, or scandalous conduct by officers: Q. 621.

² Section 1(5) of the Sexual Offences Act 1967 c. 60.

³ Evidence, p. 176.

⁴ Evidence, pp. 167-171; Qq. 684-718; see also AT EASE's Evidence, Qq. 330-339.

⁵ See Evidence, p. 135 for details.

⁶ See Qq. 586-592.

→ Cf
M Box 7/11
WB
GU
William



10 DOWNING STREET

Select Ctee
report
attach

William

~~David~~ Thomas Could
write Select Ctee's

Your record of 27/9 - precise
recommendations

Home office say:- please.

(a) the outcome of the police 5/11
pilot ~~photo~~ project on homophobic
assaults will be sent to the PM.
in due course.

(b) the Home secretary does not
wish to make any comments on
Sir Ian's points at this moment
in time.

David A/11

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NOT FOR CIRCULATION

Sir John Wheeler came to see the Prime Minister on 2 October. Homosexual law reform was discussed.

Sir John thought that there would be considerable support in the House for this. The Tory Party had, over the last twelve years, alienated groups of potential supporters, including the homosexual community - which was usually conservative and often Conservative. He had canvassed the idea of forming a group of Conservative MPs to argue for reform, drawn from all wings of the Party, but Cranley Onslow had advised against it before an election and he had put the idea on ice.

Sir John thought that reform should address the age of consent; the current law was being broken which only undermined respect for the law generally. The right tone was very important in addressing the homosexual community. The Prime Minister had set the right tone by meeting Sir Ian McKellen. The meeting had benefited the Prime Minister's and the Party's reputation.

Sir John did not think there needed to be a dramatic commitment to reform in the Manifesto but it could say generally that the Conservative Party would look at social questions "objectively" in the 90s. The Home Affairs Select Committee could perhaps carry out an inquiry.

The Prime Minister said that the possibility of an inquiry had occurred to him. It could be attractive to say in the Manifesto that the Government would invite the Select Committee to examine the present law, look at its adequacies and inadequacies, comment on possible areas of discrimination and make recommendations on any changes that might be necessary. One option would be for a Private Member's Bill to embody the changes, and the Government could make time for it. It would avoid procedural difficulties, however, if it was a Government Bill and it would be easier to produce a Government Bill if it reflected all-Party recommendations. This would be a novel procedure but not necessarily impracticable for that.

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NOT FOR CIRCULATION

- 2 -

The Prime Minister said that there were some things that could not be put right because of unchanging social attitudes - for example, much of the public would continue to find the sight of two men kissing in public unacceptable. But the position over, for example, consenting homosexual acts in hotel rooms was a nonsense.

The Prime Minister considered that the subject could not be raised in high profile this side of an election but he was aware that a number of problems needed to be looked at - the law affecting consenting homosexual acts; the police (he was not satisfied that harrassment did not take place); the age of consent; the armed forces; wills and tenure; and press abuse.

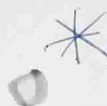
Sir John said that he saw no immediate problems with the possibility of a Select Committee inquiry after the election. He thought that most or all of the members, especially given that it would contain new members, would be prepared to hold such an inquiry.

The Prime Minister did not want this note circulated as he had not yet discussed the issue with the Business Managers. He had, however, discussed it with the Chairman of the Party.

WILLIAM E. CHAPMAN

16 October 1991

c:\home\wheeler (pmg)



Angus.

Please advise.

Thanks,

Helea

10/2

10 DOWNING STREET

Request for Judy (Political)

pm's exchanges with
Ian McClellan (Homosexual
Rights) etc - 2/3 years
ago.

Ta

e

Angus

Is it acceptable for Judy
to see this document?

Helea
10/2/97

a:\gay (kk)

HOMOSEXUAL ISSUES: NOTE OF A MEETING BETWEEN THE PRIME MINISTER
AND SIR IAN MCKELLEN, HELD ON 24 SEPTEMBER

The Prime Minister explained that this was not a meeting to take decisions, but the Prime Minister wanted to hear about the issues so that he could discuss them in a more informed way with colleagues and others as appropriate.

Sir Ian said that a lot of people were expecting great things from the meeting but he realised they were wrong to do that. He did, however, think that they were right to be hopeful. Many people had already been given great hope by the Government's recent announcement about the Security Services.

Sir Ian explained that he belonged to the Stonewall Group, although he was not representing them officially. The Group wanted equality under the law for lesbians and gay men. This was a very simple principle. Society was changing in its attitudes but, as the changes grew, so did the protests from those who resisted the changes. But change was slower in the UK than in the USA and much of Europe. Certain changes would improve the quality of individual lives tremendously; society would benefit too. People were increasingly aware of the issues and more sympathetic. There was a growing constituency for equality; this did not include homosexuals and lesbians only, but relatives and friends as well.

The Prime Minister asked Sir Ian to outline the main areas of discrimination and inequality as he, Sir Ian, saw them.

Sir Ian raised the subject of the criminal law. The position was not as good as in Europe, although he was not arguing for doing everything in the same way as in continental countries. But after 1992 there could be considerable awkwardness for the United Kingdom; if gay couples moved here from Europe they would lose many of the rights which they currently enjoyed in their own countries. He pointed out that, homosexual acts were still illegal unless practised in private. If two men merely showed affection for one another in public they could be charged under the gross indecency laws or for a breach

of the peace. This was an extreme reading of the law but the police sometimes used it, or were thought to use it, as an excuse for harassment. It also encouraged public abuse and gay bashing. The only way round it was to consider revision of the laws on consenting behaviour. He was not, of course, arguing for liberalisation of the laws on coercive behaviour.

Sir Ian pointed out that almost every other country in Europe accepted the principle of equality between the sexes as a basis for legislation on the age of consent. The current position in the United Kingdom made many people under twenty-one technically criminals and discouraged openness on their part. This was particularly important in the medical field, where it could be said that the law indirectly encouraged the spread of HIV. Referring to the Government's acknowledgement of the principle of equality in its announcement on the Security Services, Sir Ian said that he would like to see a commitment to a Government-sponsored Bill on the age of consent early next Session, subject to a free vote.

Sir Ian mentioned his concern over police harassment in the streets. The police had made efforts to improve communications with gay groups in some areas. These were welcome. However, monitoring of attacks on gay men were still too slow and insufficiently thorough, and there was distrust over the investigation of murders of gay men. He would welcome a thorough Home Office inquiry into relations between the police and the homosexual community.

The Prime Minister noted that there was a pilot project underway on homophobic assaults. The Home Office had also issued guidance on entrapment.

Sir Ian raised the question of the recommendations of the Select Committee on the Armed Forces Bill. It would be good if the Government could accept the committee's recommendation. Regulations covering most NATO forces were different. It was misguided to think that homosexuals could not make good soldiers or that homosexuality would harm the armed forces. Similar sorts of objections had been raised when the recruitment of women was

first mooted and they had proved largely groundless.

The discussion then turned to general discrimination. The Prime Minister agreed that the Stonewall Group could send their draft Bill officially to the Home Office.

Sir Ian sketched in the areas where discrimination raised particular problems - especially wills; tenure; and abusive language in the press. Sometimes legislation could be circumvented, for example, by a gay couple entering into a contract, but this was not always possible. Whereas it was possible for a husband to bring in a foreign wife, for example, this was not necessarily the case with two lovers of the same sex. There was little confidence that the Press Complaints Authority would deliver. The Citizen's Charter made it plain that significant advances could be made without great fuss or expenditure. The Charter made clear that there should be no discrimination on the grounds of sex or race - he would like it to add "sexuality". Some modest but specific amendments to discriminatory laws could make a significant difference. Finally, Sir Ian hoped that ways could be established in which the views of responsible homosexuals and lesbians could be fed into official thinking.

The Prime Minister thanked Sir Ian for coming to see him. He wanted to reflect on what Sir Ian had said and discuss the matter further with colleagues and others.

MCKELLEN

FILE

SR

28/10



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

16 October 1991

The Prime Minister has agreed that Sir Ian McKellen can be sent a copy of a note of the discussion which the Prime Minister recently had with him on homosexual issues. I showed the Prime Minister an abridged version of the official note of the meeting which was intended to be "Sun-proof". The Prime Minister would, however, be grateful for the Chief Whip's views to see if he is content. I understand that the Chief Whip has already been warned of this by the Prime Minister over the weekend.

I enclose the abridged version. I suspect the reference which would be most easily mocked if the note were to reach the hands of certain journalists would be the reference to homosexual practices - sidelined on page 2. I have square-bracketed the section which could be removed and suggested a manuscript amendment.

There is one more piece which does, perhaps, sound a touch pseudo-sociological (although I am sure Sir Ian is right). I have square-bracketed this section on page 1 and this too could be removed.

I should be grateful for any comments which the Chief Whip might have.

WILLIAM E CHAPMAN

Murdo Maclean, Esq.,
Chief Whip's Office.



76
PG

cc: Carolyn Sinclair

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

16 October 1991

Dear Sir Ian,

Thank you for your letter of 28 September. It was a great pleasure to see you once again and I found the discussion most useful. I too was pleased to see the generally positive response in the media - although I am afraid that my postbag has contained more critical than sympathetic letters.

I enclose a copy of a note of the meeting, as you request.

I have asked for more information on some of the points which you raised. I have no doubt, however, that it would also help my thinking on these matters if you, or your colleagues in the Stonewall Group, were to contact Carolyn Sinclair in my Policy Unit here, as you suggest. A letter sent to her at No.10 will reach her.

Thank you very much for the book which you gave me; it provides a fascinating insight into past lives and London!

*Yours sincerely,
John Major*

Sir Ian McKellen, C.B.E.

EM



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

16 October 1991

I very much enjoyed our discussion today. As promised, I enclose a copy of the Prime Minister's letter to Sir Ian McKellen for you to forward to his current touring address.

I will be in touch about the other points you raised shortly.

(WILLIAM E. CHAPMAN)

Tony Hutt, Esq.

BA

a:\McKellen (kk)

HOMOSEXUAL ISSUES: NOTE OF A MEETING BETWEEN THE PRIME MINISTER
AND SIR IAN MCKELLEN, HELD ON 24 SEPTEMBER

The Prime Minister explained that this was not a meeting to take decisions, but he wanted to hear about the issues so that he could discuss them in a more informed way with colleagues and others as appropriate.

Sir Ian said that a lot of people were expecting great things from the meeting but he realised they were wrong to do that. He did, however, think that they were right to be hopeful. Many people had already been given great hope by the Government's recent announcement about the Security Services.

Sir Ian explained that he belonged to the Stonewall Group, although he was not representing them officially. The Group wanted equality under the law for lesbians and gay men. This was a very simple principle. Society was changing in its attitudes but, as the changes grew, so did the protests from those who resisted the changes. But change was slower in the UK than in the USA and much of Europe. Certain changes would improve the quality of individual lives tremendously; society would benefit too. People were increasingly aware of the issues and more sympathetic. There was a growing constituency for equality; this did not include gay men and lesbians only, but relatives and friends as well.

The Prime Minister asked Sir Ian to outline the main areas of discrimination and inequality as he, Sir Ian, saw them.

Sir Ian raised the subject of the criminal law. The position was not as good as in Europe, although he was not arguing for doing everything in the same way as in continental countries. But after 1992 there could be considerable awkwardness for the United Kingdom; if gay couples moved here from Europe they would lose many of the rights which they currently enjoyed in their own countries. He pointed out that homosexual acts were still illegal unless practised in private. If two men merely showed affection for one another in public they could be charged under the gross indecency laws or for a breach

of the peace. This was an extreme reading of the law but the police sometimes used it, or were thought to use it, as an excuse for harassment. It also encouraged public abuse and gay bashing. The only way round it was to consider revision of the laws on consenting behaviour. He was not, of course, arguing for liberalisation of the laws on coercive behaviour.

Sir Ian pointed out that almost every other country in Europe accepted the principle of equality between the sexes as a basis for legislation on the age of consent. The current position in the United Kingdom made many people under twenty-one technically criminals and discouraged openness on their part. This was particularly important in the medical field, where it could be said that the law indirectly encouraged the spread of HIV. Referring to the Government's acknowledgement of the principle of equality in its announcement on the Security Services, Sir Ian said that he would like to see a commitment to a Government-sponsored Bill on the age of consent early next Session, subject to a free vote.

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first mooted and they had proved largely groundless.

The discussion then turned to general discrimination. The Prime Minister agreed that the Stonewall Group could send their draft Bill officially to the Home Office.

Sir Ian sketched in the areas where discrimination raised particular problems - especially wills; tenure; and abusive language in the press. Sometimes legislation could be circumvented, for example, by a gay couple entering into a contract, but this was not always possible. Whereas it was possible for a husband to bring in a foreign wife, for example, this was not necessarily the case with a couple of the same sex. There was little confidence that the Press Complaints Authority would deliver. The Citizen's Charter made it plain that significant advances could be made without great fuss or expenditure. The Charter made clear that there should be no discrimination on the grounds of sex or race - he would like it to add "sexuality". Some modest but specific amendments to discriminatory laws could make a significant difference. Finally, Sir Ian hoped that ways could be established in which the views of responsible homosexuals and lesbians could be fed into official thinking.

The Prime Minister thanked Sir Ian for coming to see him. He wanted to reflect on what Sir Ian had said and discuss the matter further with colleagues and others.

PRIME MINISTER ①

You have agreed that Sir Ian McKellen could be sent a copy of the note of his meeting with you, but asked to see it first.

I now attach:

- Sir Ian's letter making the request;
- a reply for your signature;
- a note of the discussion.

This is based on the full note, which was anyway "Sun-proofed" in case of leaks. But it has now been made even safer by, essentially, confining itself to the points Sir Ian made. Although Sir Ian would not leak the note, other members of the Stonewall Group might.

- Content with the note?
- Content to sign the attached reply? ✓

WEC

(WILLIAM E. CHAPMAN)

11 October 1991

c:\home\mckellen (ecl)

*I've not seen it so
fully Sun-proofed. These are
unusual matters for a PM to
discuss.
Ask Clark White to look @
the notes - see if his content
is a problem to him!*

C:\home\gay (das)

HOMOSEXUAL ISSUES: NOTES OF A MEETING BETWEEN THE PRIME MINISTER
AND SIR IAN MCKELLEN, HELD ON 24 SEPTEMBER

The Prime Minister explained that he considered himself less well-briefed than he should be on public policy as it affected homosexuals. This was not a meeting to take decisions but the Prime Minister wanted to hear about the issues so that he could discuss them in a more informed way with colleagues and others as appropriate.

Sir Ian said that a lot of people were expecting great things from the meeting but he realised they were wrong to do that. He did, however, think that they were right to be hopeful. Many people had already been given great hope by the Government's recent announcement about the Security Services.

Sir Ian explained that he belonged to the Stonewall Group, although he was not representing them officially. The Group wanted equality under the law for lesbians and gay men. This was a very simple principle. Society was changing in its attitudes but, as the changes grew, so did the protests from those who resisted the changes. But change was slower in the UK than in the USA and much of Europe, and there was of course no movement at all in the Isle of Man. Society would benefit if gay men and lesbians were more at ease with themselves; there would be an immense and beneficial release of energies. The quality of individual lives would improve tremendously. People were increasingly aware of the issues and more sympathetic. There was a growing constituency for equality; this did not include homosexuals and lesbians only, but relatives and friends as well.

The Prime Minister asked Sir Ian to outline the main areas of discrimination and inequality as he, Sir Ian, saw them.

Sir Ian raised the subject of the criminal law. The position was not as good as in Europe, although he was not arguing for doing everything in the same way as in continental countries. But after 1992 there could be considerable awkwardness for the United Kingdom; if gay couples moved here from Europe they would lose many of the rights which they

currently enjoyed in their own countries. He pointed out that, homosexual acts were still illegal unless practised in a private place to which no-one else had access - so that, for example, if a gay couple made love in a hotel room, the manager was technically guilty of procuring. If two men kissed or held hands in public they could be charged under the gross indecency laws or for a breach of the peace. This was an extreme reading of the law but the police sometimes used it, or were thought to use it, as an excuse for harassment. It also encouraged public abuse and gay bashing. The only way round it was to consider revision of the laws on consenting behaviour. He was not, of course, arguing for liberalisation of the laws on coercive behaviour.

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Sir Ian sketched in the areas where discrimination raised particular problems - especially wills; tenure; and abusive language in the press. Sometimes legislation could be circumvented, for example, by a gay couple entering into a contract, but this was not always possible. Whereas it was possible for a husband to bring in a foreign wife, for example, this was not necessarily the case with two lovers of the same sex. There was little confidence that the Press Complaints Authority would deliver. The Citizen's Charter made it plain that significant advances could be made without great fuss or expenditure. The Charter made clear that there should be no discrimination on the grounds of sex or race - he would like it to add "sexuality". Some modest but specific amendments to discriminatory laws could make a significant difference. Finally, Sir Ian hoped that ways could be established in which the views of responsible homosexuals and lesbians could be fed into official thinking.

The Prime Minister thanked Sir Ian for coming to see him. He wanted to reflect on what Sir Ian had said and discuss the matter further with colleagues and others.

Content - but let me see the
Prime Minister ① note before it goes
6.10

One point is still outstanding
from my briefing note for your
discussion with Sir John Wheeler
on homosexuality issues.

Sir Ian McKellen had asked for
a copy of the note of ~~the~~ your
earlier meeting with him.

Please see the highlighted passage
on p. 2 of my attached brief.

Content with the proposal
therein?

WCC
4/10.

PRIME MINISTER ^①

HOMOSEXUAL ISSUES

You are meeting Sir John Wheeler tomorrow evening, primarily to talk about Pakistan but also to discuss homosexual rights following your meeting with Sir Ian McKellen. *Sir John's letter about the meeting is attached.*

You will recall that the main issues which concerned Sir Ian, and some or all of which you may wish to discuss with Sir John, are:

the Criminal Law (for example the privacy question which means that consenting homosexual acts are, strictly, illegal in a hotel room; or the fact that two men holding hands in public can be charged with a breach of the peace; the encouragement the law gave, or was thought to give, the police for harassment; and the encouragement it gave to public abuse and violence.

Age of consent. Sir Ian would like to see a Manifesto commitment to a Government sponsored bill on the age of consent next Session, subject to free vote.

The Police: harassment in the streets; slow or skimpy monitoring of attacks on gay men; inadequate investigation of murders of gay men.

The Armed Forces. Homosexual acts that are now legal in civilian life still constitute an offence under Service law.

The problems caused by discrimination in a variety of ways, for example, wills, tenure after a partner dies, Press abuse.

I attach a note of the meeting with Sir Ian.

I have asked, as you requested, Mr. Chris Patten for his views, in particular on the age of consent and the Armed Forces. We may have these in time for the meeting with Sir John.

I attach a note from Carolyn and Sarah advising caution in taking this matter forward. They both suggest that Parliamentary opinion may be more advanced than public opinion. Sarah is concerned that you should not get too far ahead of public opinion before a General Election.

I would only remind you of Sir Ian's point about the constituency for change i.e. it is not confined to homosexuals but extends to many relatives and friends as well. In addition, those who oppose change have nowhere else to go politically; the Labour Party and the Liberal Democrats have already set out their stalls on this issue.

Sir Ian has written to thank you for the meeting (letter attached). He asks for a copy of the note of the meeting^(attached). If I boil this down to a résumé of the points he made, plus a simple reference to your considering the matter further, I think this would be safe against inevitable leaks (not from him, but possibly from others in the Stonewall Group).

Content?

WEC

WILLIAM E CHAPMAN

1 October 1991

c:\wpdocs\home\homosexual (sr)



10 DOWNING STREET
LONDON SW1A 2AA

me VLB
cc SH
CSunder

THE PRIME MINISTER

30 September 1991

Dear Chris,

As you will know, I met Sir Ian McKellen on Tuesday, 24 September and had an interesting discussion with him on the matter of homosexual rights. I enclose the note of the meeting prepared by my Private Secretary.

I should be most grateful for your personal views on the points which Sir Ian raised, especially on the age of consent and on the armed forces. I have to say that, whilst fully recognising the sensitivities of the subject, I had considerable sympathy with some of Sir Ian's points on the grounds of simple, straightforward equity.

Yours Ever,
John

The Rt. Hon. Chris Patten, M.P.

R

Prime Minister
- note overleaf

POLICY IN CONFIDENCE

1. MRS HOGG
2. PRIME MINISTER

30th September 1991

HOMOSEXUAL RIGHTS

1. You asked for our views following your meeting with Sir Ian McKellen. I have spoken to Sir John Wheeler as you requested.

2. I trailed with Sir John the idea that the Home Affairs Select Committee might be invited to look at this issue after an election. He said that this partly depended on the composition of the Committee. The present Committee would be able to tackle the subject sensibly. (List of Committee members attached) _{WCC}

3. Sir John is, as his letter showed, very much in favour of your more open approach. He thinks it will be well received by many in the House. A good proportion of those opposed to movement in this area will be retiring soon. He wanted you to know that informal discussions revealed support for change from a wide variety of quarters - e.g. Edwina Currie, Robert Hayward.

4. This is, however, an area where Parliamentary opinion may be more enlightened than public opinion at large. One can only speculate about this, but it seems likely that:

- most people never think about the issue;
- some may feel - unfairly - that campaigners for homosexual rights are single issue extremists;


POLICY IN CONFIDENCE

- others may feel uneasy about homosexual adoption (arguably different in kind from the other rights under discussion), not least because it has been a contentious issue in some local areas.

Conclusion

It would be a very good idea to ask the Select Committee to look at homosexual rights after an election.

It is harder to judge what to say beforehand. Parliamentary opinion is probably more informed and interested than the public at large. You may want to give an enlightened lead to public opinion.



CAROLYN SINCLAIR

004.cs

Prime Minister — I would be concerned that you should not get too far ahead of public opinion before a general election. Carolyn is absolutely right about the extreme contentiousness of² homosexual adoption, for example. I am not sure about the language of "rights", which elides easily into the demand that all socio-legal arrangements governing heterosexual

relationships and emanating from the responsibilities of procreation should be applied automatically to homosexual relationships. It seems to me the emphasis should be more on concern that the threatening burden of laws against homosexuality ought to be lightened. But even that would be contentious with many people...

The select committee is a good answer, with a remit to look at the law^{*} in relation to homosexuality (a more general framework). This should happen after the election, in a less highly-charged political atmosphere, when the issues can be considered more dispassionately.

* eg on homosexual acts between consenting adults in hotel rooms.

Ian McKellen

The Rt. Hon. John Major MP
10 Downing Street
London SW1

28 September 1991

13019

Dear Prime Minister,

Thank you for giving me the opportunity to talk with you last Tuesday. I was impressed by your wanting to learn more about the problems which lesbians and gay men have to deal with. If you agreed that it would be profitable, the Stonewall Group is well-placed to explain all the issues in greater detail. They would be pleased to hear from Caroline Sinclair.

It's been encouraging to note the overwhelmingly positive response throughout the media. Perhaps this will lead to fairer reporting of lesbian and gay issues by the press.

There seems to be a general acceptance that the concerns of lesbians and gay men should now be firmly on the political agenda. I hope this might be addressed by your Party in the forthcoming months, in your Manifesto, and in your words and deeds.

With best wishes,
Yours ever,
Ian

PS. Is it in order to have William Chapman's notes of our meeting?

Temporarily Retained

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

DOORSTEP WITH SIR IAN MCKELLEN

Q. A successful meeting?

A. I shan't say much but this was a private meeting with the Prime Minister which I initiated and he welcomed it because he felt that he needed briefing on the attitudes within the lesbian and gay population on the issues which concern us. The topics which I discussed came under three headings, the criminal law, general discrimination and the armed forces attitude to homosexuality and he listened very quietly and attentively. It was a modest meeting and I don't think it will have any true lasting significance unless it's followed up by further direct communication between other people in the lesbian and gay population, the Prime Minister and the Conservative Party.

Q. Did he mention the possibility of a free vote on the age on consent in Parliament?

A. I made various proposals but really it is up to the Prime Minister to discuss with his colleagues what he thinks he should deliver to the Commons but of course I am in favour of an early debate in the next Parliament on the issue of equalising the age of consent between homosexuals and heterosexuals.

Q. Did you find him sympathetic?

A. The Prime Minister is a very sympathetic listener and that's what he said he wanted the meeting to accomplish as far as he was concerned.

Q. Moreso than Mrs Thatcher?

A. I haven't talked to Mrs Thatcher about this issue.

Q. Do you think anything concrete was achieved?

A. I think we will only understand the significance of the meeting when we see what the Prime Minister's public reaction to this is.

Q. Do you think there is any significance in the fact that you are here now and Mme Cresson is coming for talks?

A. I am sorry its raining and I wont be able to linger outside to meet Madame but I am sure I would only confirm her worst fears.

Q. Do you think her remarks were helpful at all?

A. No I don't know what those remarks were.

Q. About one in four men in England being gay do you think those remarks were helpful?

A. I think the general statistics which are accepted are that one in ten of the population throughout the world is lesbian

or gay.

Q.

A. No as I say we talked about the equalising of the age of consent and I think he understood the principle on which I would want to

Q. Did he give an indication at all of his own views on the issues at all?

A. No, I think his main view was that he was ill informed, his own words, ill briefed and wanted to know more about the whole subject from the point of view of an openly gay man.

Q. What had kindled his interest at this particular time?

A. I think this meeting follows hard on the Prime Minister's announcement in the House of Commons that in future homosexuality should not necessarily be a bar to advancement to the civil and diplomatic service. This following on from Virginia Bottomley and John Patten close colleagues having taken representations from lesbian and gay lobby groups on their own concerns suggests to me there is a shift somewhere in Downing Street and I suspect its coming from the top. That's extremely welcome because it matches shifts in Labour party thinking and of course in the Liberal Democrats. There seems to be a consensus now arriving and I hope they have a battle as to who is going to offer the best things in their manifesto.

Q. Are you going to be having further meetings with people like Ken Baker at the Home Office?

A. I think that is all I need to say.

Line to take on PM meeting with Sir Ian McKellen

The Prime Minister felt himself ill informed on the subject and wanted to hear what the concerns were from Sir Ian McKellen so that he was in a better position to understand them and consider what further might be done.

- in guidance - he has asked for further information on some of the issues raised by Sir Ian. He will want to consider this and discuss it with colleagues and interested parties in due course.

- if asked timing of any action - its too early to say, he will obviously wish to consider the additional information he has asked for first.

- if asked PM's reaction to meeting - he listened carefully and with interest and will maintain an interest in the subject.

- Not for use the PM is sympathetic and will consider with Chris Patten whether anything should be put in the manifesto about asking the Select Committee to consider the age of consent question and on allowing a free vote in the HOC. Will also be considering the position in the armed forces where homosexuality is still a criminal offence.)

SC
24.9.91

Prime Minister ①

Thanks

I attach the note to Chris Patten which you requested, following your meeting with Sir Ian McKeller.

I attach too the note of the meeting to send to Mr Patten. You'll see that it does not record your personal views - in case of embarrassing leaks.

But I'm making them known orally to Mr Baker's Private Secretary.

W:ER 27/9.

Pl. pass to Sarah H
+ Carolyn for their
copy

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SUBJECT
MASTER

free AT
(C: Home/Homosex)

Filed on:

10 DOWNING STREET
LONDON SW1A 2AA

bc = Mr. Chris Patten

From the Private Secretary

27 September 1991

HOMOSEXUAL RIGHTS

The Prime Minister met Sir Ian McKellen on 24 September. The Prime Minister opened the discussion by referring to the possible Arts for Europe Scheme. The Government would be prepared to help within reasonable limits. Ideas currently being floated were for 1993 but there would be much better opportunities in the second half of next year when the United Kingdom held the Presidency of the European Council. He would be grateful if Sir Ian could speak to Jeremy Isaacs and Richard Eyres. Sir Ian said that he would be very happy to help.

The Prime Minister expressed the hope that the advanced publicity about the meeting had not embarrassed Sir Ian. He did not know where it had come from. He himself was robust about it. He wanted Sir Ian to talk about issues on which he knew less than he should. This was not a meeting to take decisions but he wanted to hear about the problems so that he could discuss them in a more informed way with colleagues and others.

Sir Ian said that a lot of people were expecting great things from the meeting but he realised they were wrong to do that. He did, however, think that they were right to be hopeful. Many people had already been given great hope by the Government's recent announcement about the Security Services.

Sir Ian explained that he belonged to the Stonewall Group, although he was not representing them officially. The Group wanted equality under the law for lesbians and gay men. This was a very simple principle. Society was changing in its attitudes but, as the changes grew, so did the protests from those who resisted the changes. But change was slower in the UK than in the USA and much of Europe, and there was of course no movement at all in the Isle of Man. Society would benefit if gay men and lesbians were more at ease with themselves; there would be an immense and beneficial release of energies. The quality of individual lives would improve tremendously. People were increasingly aware of the issues and more sympathetic. There was a growing constituency for equality; this did not include homosexuals and lesbians only, but relatives and friends as well.

The Prime Minister asked Sir Ian to outline the main areas of discrimination and inequality.

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Sir Ian raised the subject of the criminal law. The position was not as good as it was in Europe, although he was not arguing for doing everything in the same way as in continental countries. But after 1992 there could be considerable awkwardness for the United Kingdom; if gay couples moved here from Europe they would lose many of the rights which they currently enjoyed in their own countries. He pointed out that, after Wolfenden, homosexuality had still not been made legal. It was still illegal unless practised in a private place to which no-one else had access - so that, for example, if a gay couple made love in a hotel room, the manager was technically guilty of procuring. If two men liaised or held hands in public they could be charged under the gross indecency laws or for a breach of the peace. This was an extreme reading of the law but the police sometimes used it, or were thought to use it as an excuse for harassment. It also encouraged public abuse and gay bashing. The only way round it was to consider revision of the laws on consenting behaviour. He was not, of course, arguing for liberalisation of the laws on coercive behaviour.

Sir Ian pointed out that almost every other country in Europe accepted the principle of equality between the sexes as a basis for legislation on the age of consent. The current position in the United Kingdom made many people under twenty-one technically criminals and discouraged openness on their part. This was particularly important in the medical field, where it could be said that the law indirectly encouraged the spread of HIV. Referring to the Government's acknowledgement of the principle of equality in its announcement on the Security Services, Sir Ian said that he would like to see a Manifesto commitment to a Government-sponsored Bill on the age of consent early next Session, subject to a free vote.

Sir Ian mentioned his concern over police harassment in the streets. The police had made efforts to improve communications with gay groups in some areas. These were welcome. However, monitoring of attacks on gay men were still too slow and insufficiently thorough, and there was distrust over the investigation of murders of gay men. He would welcome a thorough Home Office inquiry into relations between the police and the homosexual community.

The Prime Minister noted that no prosecutions had been brought recently on the privacy point and that there was a pilot project underway on homophobic assaults. The Home Office had also issued guidance on entrapment.

Sir Ian raised the question of the recommendations of the Select Committee on the Armed Forces Bill. It would be good if the Government could accept the committee's recommendation. Regulations covering most NATO forces were different. It was misguided to think that homosexuals could not make good soldiers or that homosexuality would harm the armed forces. Similar sorts of objections had been raised when the recruitment of women was first mooted and they had proved largely groundless.

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- 3 -

The discussion then turned to general discrimination. The Prime Minister agreed that the Stonewall Group could send their draft Bill officially to the Home Office.

Sir Ian sketched in the areas where discrimination raised particular problems - especially wills; tenure; and abusive language in the press. Sometimes legislation could be circumvented, for example, by a gay couple entering into a contract, but this was not always possible. Whereas it was possible for a husband to bring in a foreign wife, for example, this was not necessarily the case with two lovers of the same sex. There was little confidence that the Press Complaints Authority would deliver. The Citizen's Charter made it plain that significant advances could be made without great fuss or expenditure. The Charter made clear that there should be no discrimination on the grounds of sex or race - he would like it to add "sexuality". Some modest but specific amendments to discriminatory laws could make a significant difference. Finally, Sir Ian hoped that ways could be established in which the views of responsible homosexuals and lesbians could be fed into official thinking.

The Prime Minister thanked Sir Ian for coming to see him. He wanted to reflect on what Sir Ian had said and discuss the matter further with colleagues and others.

The Prime Minister and Sir Ian agreed a press line, which Sir Ian followed when questioned by journalists on leaving.

The Prime Minister would be grateful to see the outcome of the police pilot project on homophobic assaults. He would also be interested in any comments which the Home Secretary might wish to make on the points made by Sir Ian falling within the Home Office remit.

The Prime Minister would also be grateful for a factual note from the MoD on progress in preparing the Government response to the Armed Forces Bill Select Committee.

I am copying this letter to Paul Ahearn (Department of Health) and to Bryan Wells (Ministry of Defence).

W. E. CHAPMAN

Paul Pugh, Esq.
Home Office

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PRIME MINISTER (1)

MEETING WITH SIR IAN MCKELLEN: HOMOSEXUAL RIGHTS

You are meeting Sir Ian McKellen tomorrow. Carolyn Sinclair and I will be present, but no-one else. Sir Ian is a leading light in the Stonewall Group, a campaigning organisation for homosexual rights.

The topics which Sir Ian wishes to raise are:

CRIMINAL LAW

- the need for a comprehensive review of sexual offences law.
- the gay male age of consent.
- policing of lesbians and gay men.

ARMED FORCES

- early implementation of the recommendation of the Special Select Committee on the Armed Forces Bill to decriminalise homosexual activity in the armed forces.

DISCRIMINATION

- the range and nature of discrimination in society against lesbians and gay men. Means of counteracting such discrimination through law reform and the promotion of good practice.

I attach briefing as follows:

- a note from Carolyn Sinclair;
- briefing on sexual offences law;
- age of consent;
- policing;

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- 2 -

Wheeler *discr.* *> H/G*
+ make account

- armed forces.
- discrimination (and a note on the Isle of Man which Sir Ian may also raise in this context).

However, as the meeting is only half an hour, and the briefing is lengthy, a summary briefing note is attached opposite.

Although Sir Ian is unlikely to mention them, I also attach notes on adoption and fostering by homosexuals and lesbians and on the Government's policies on AIDS, including AIDS and insurance companies.

You are aware from Ceefax of the reaction of the Conservative Family Campaign to your meeting. In addition, Judith has had critical phone calls from some local associations. Her (and my) view is that the Campaign has lost credibility on these issues, having recently issued a highly restrictive charter (attached) for people with AIDS which led to the resignation of a number of its leading sponsors, including some MPs, and much public criticism. Judith has been telling the associations that it is right for the Prime Minister to be aware of the views of different groups in society, homosexuals being just one of them.

Against the criticism, Sir John Wheeler has written the attached letter welcoming the meeting. And I gather The Times is planning a supportive leader tomorrow.

We will need to agree a press line with Sir Ian for after the meeting. You could propose something along the following lines to him:

"The Prime Minister and Sir Ian had an amicable and interesting conversation. The Prime Minister listened carefully to the points which Sir Ian made, which he will want to consider further."

Obviously, questions will be asked subsequently, both of the Press Office and Sir Ian. I understand that Sir Ian will not

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- 3 -

attribute any views to you and will respect the confidentiality of the meeting in talking to the press - however, Sir Ian will be meeting Robin Squire and Tony Hutt who advises Stonewall after your meeting and inevitably some of the discussion may leak out. The Press Office have been asked questions in the past on your attitude towards, for example, the age of consent and will follow the previous lines.

This is obviously a case where it is very much for your political judgment to decide how far you want to go in responding to Sir Ian at the meeting. It would probably be enough for you to listen carefully and it will be a good opportunity to explore some of the issues in an informal way without committing yourself. You may wish to touch on the difficulties at the moment of taking matters further, although I am sure Sir Ian is well aware of these.

Finally, I attach a note on the proposal for a National Theatre/Royal Opera House-based European Festival of Art, just in case Sir Ian raises it with you.



WILLIAM E. CHAPMAN

23 September 1991

C:\home\mckellen (Pmg)

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R23/9.

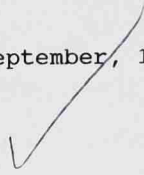


from SIR JOHN WHEELER, JP, DL, MP

Member of Parliament for
Westminster North

House of Commons
London SW1A 0AA

20th September, 1991



I am very glad that you will be meeting Sir Ian McKellen to discuss issues of concern to the homosexual community. I welcome this. As you probably may know from Richard Ryder, a number of Conservative colleagues are concerned at the negative image the Party projects in the homosexual community, as a result of "Section 28"; unquestioning support of some of the more questionable activities of the police, and more recently the furore which arose over certain clauses of the Criminal Justice Bill.

We should make a greater effort to understand the concerns of this community, not only because there are clear areas, like the age of consent for gay men, where the law needs to be reformed, but because it is sensible for our party to attract votes from a large minority community which in other respects has good reason to support us.

VIA IDS

Rt. Hon. John Major, MP.,
The Prime Minister,
10 Downing Street,
London, SW1

Stonewall

equality equality equality equality equality equality equality equality equality equality

R20/9

→ CF

William Chapman
Private Secretary to the Prime Minister
10 Downing Street
LONDON SW1

20th September 1991

Dear Mr Chapman,

**MEETING BETWEEN THE PRIME MINISTER AND SIR IAN MCKELLEN
24/9/91**

PAPERS WITH WGL

Further to your recent correspondence with Tony Hutt of GJW, concerning the agenda for this forthcoming meeting, please find attached the revised list of issues which Sir Ian intends to raise. You will note that it incorporates virtually all the matters mentioned in the previous note. In accordance with practice within the homosexual communities, we have made reference throughout to "lesbians and gay men". Please do not hesitate to contact Tony or myself to discuss any aspect of this.

Sir Ian will be attending the meeting alone. We are most grateful to you for arranging the opportunity for this discussion and are confident that it will be both constructive and successful.

Yours sincerely,



Tim Barnett
Executive Director

encl.

Stonewall
2 Greycoat Place
Westminster
London SW1P 1SB
Tel: (071) 222-9007
Fax: (071) 222-0525

1. Prinial Law

2. Amel. Law

3. General

(de-criminalisation in Ireland)
(1) (sexual relations etc/ECTA)

Reverse consenting Law

18-21

G. sponsored
Bill to equalise
consent

MINORITY REPORT

Sir Ian McKellen is the outstanding British actor of his generation. He is also gay. He has long devoted his offstage efforts to promoting gay and lesbian causes. Today he visits 10 Downing Street to report on them to the prime minister.

It is inconceivable that Mr Major's predecessor would have agreed to such an engagement. This is not to endorse the frequent suggestions from the gay community that Margaret Thatcher was homophobic. She was personally tolerant and never allowed sexual orientation in itself to block political preferment. But her power base lay on the right of the Conservative party. It embraced many moral traditionalists whom she chose not to offend. In 1989 this caused her to cut off state funds from a national survey of sexual behaviour designed to yield information on Aids. It also lay behind the so-called Clause 28 legislation, intended to bar local authorities from using public money to "promote homosexuality".

As a result homosexual persons tended to see her government as an enemy of their rights and freedoms. This in turn pushed them into an unnatural political orientation towards the left. Many gay people found that they were being spoken for by exotic left-wing spokesmen with whom they had little in common.

Mr Major's meeting with Sir Ian will alter that gay perception of the Tory party. There is plenty for the two to discuss. The legal age

of homosexual consent is 21 as against 16 for heterosexuals. Should it be lowered to 18 or 16, and will Mr Major match Labour's pledge of a free vote in the Commons on this issue? Policemen still lurk round public lavatories hoping to improve their arrest-rates with a few "gross indecencies". Will Mr Major reinforce Home Office advice that they desist? And can Mr Major endorse the recent "declaration of rights of Aids sufferers" produced by a group of organisations working with Aids victims?

Politically, Mr Major cannot lose from the meeting. Short term, he will have to take the flak from the moral right; the Conservative Family Campaign duly criticised the meeting yesterday. But come an election, its members are unlikely to switch allegiance to Labour. Conservative-minded gay men and women, however, could easily be persuaded to switch back from Labour if the government showed them understanding.

There is a national gain too. No society functions happily if a minority feels excluded from a hearing. To be sure, gay activists sometimes ask too much. But such demands should only be turned down with stated reasons after discussion, or the dangerous language of persecution will work its poison on the minds of those denied. Mr Major today need only to listen patiently to revive a tradition that wore threadbare under Mrs Thatcher: the tradition of One Nation conservatism.

as individuals

don't like discrimination
over present
" " / changing out ground behaviour
(equality under the law)

Major opens door of Downing Street to gay rights issues

By ROBERT MORGAN AND ROBIN STACEY

JOHN Major will address calls for reforming the rights of homosexuals today when he holds a Downing Street meeting with the actor, Sir Ian McKellen, a leading campaigner for homosexual and lesbian causes. The prime minister's decision to hold the meeting was welcomed by the gay movement last night as an initiative it believes would have been impossible under the Thatcher government, but the Conservative Family Campaign criticised it as sending out the wrong signal to the country.

Sir Ian, a founder member and leading figure in Stonewall, a homosexual pressure group, is likely to raise a

number of issues including the campaign to lower the age of consent for homosexual men from 21 to 18 or 16.

Other matters likely to be mentioned by Sir Ian are the law forbidding homosexual acts in the armed forces and clause 28 of the Local Government Act, which banned local authorities from using public funds to promote homosexuality. The meeting was suggested during the prime minister's visit to the Royal National Theatre during the summer. Sir Ian has since attended one of the lunches hosted by the prime minister and his wife at Chequers.

It represents a significant shift in attitude by the Conser-

vatives after a decade in which the gay community felt alienated by the nature and tone of the government's stance.

Last night the apparent rapprochement between the government and gays was roundly attacked by right-wing groups within the Conservative party.

The Conservative Family Campaign demanded an urgent meeting with Mr Major to ensure that "the subject of homosexual law liberalisation is laid to rest, once and for all". It urged him to state categorically that he was not considering changing the law.

The Tory pressure group's press officer, Stephen Green, said: "I can hardly believe that such a meeting is taking place." It could serve no useful purpose, he said, and would risk alienating the party's pro-family and Christian support. But the meeting was cautiously welcomed by the London Lesbian and Gay Switchboard, which claims to speak for the largest number of homosexuals in the country.

"This meeting seems to represent some kind of progress, but Sir Ian does not represent the whole lesbian and gay community," said a spokesman. "We can only hope that if John Major is interested in gay matters that he will seek to consult more widely. Mr Major has a reputation for being a better listener than his predecessor and time will tell if this turns out to be the case."

A spokesman for 10 Downing Street said last night: "I don't think I have heard the prime minister express a view on gay rights, but he will listen to Sir Ian and wants to find out more about their views."

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PRIME MINISTER

20 September 1991

MEETING WITH SIR IAN MCKELLAN, 24 SEPTEMBER

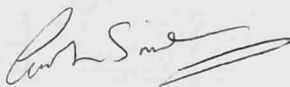
This meeting is a follow up to a discussion you had with Sir Ian over dinner.

Sir Ian will be raising issues on behalf of the Stonewall group, a campaigning organisation for homosexual rights. You want to hear his arguments, but you may want to be aware of some political background. (The fact of your meeting is already public knowledge.)

Adoption by homosexuals is a contentious issue. Nothing in law prevents it. Local authorities are responsible for adoption and fostering. Guidance says that the interests of the child should be paramount. Homosexuals should not be excluded, but it is equally contrary to the spirit of the guidance for Councils to say that they are in favour of homosexual adoption.

This fudgy position has led to some rows where Labour-led Councils have come out in favour of homosexual adoption. Conservatives have opposed this fiercely. Newcastle is the most recent case. Stonewall were involved in the campaign there and have naturally attracted Conservative ire.

✓ | Whether Stonewall have always behaved properly probably depends on your point of view on homosexuality. But in some Conservative circles, particularly among those with strong religious views of a particular kind, they are seen as a sinister force.



CAROLYN SINCLAIR

(430.CS)



William Chapman
Private Secretary
10 Downing Street
LONDON SW1

Richmond House
79 Whitehall
London SW1A 2NS
Telephone 071 210 3000
From the Secretary of
State for Health

19 September 1991

Dear William

PRIME MINISTER'S MEETING WITH SIR IAN MCKELLEN

Sandra Phillips' letter of 31 August 1991 ^{WITH WBC} to Heather Wilkinson (Home Office) on the above meeting refers.

Attached is the Department of Health's line to take on policies on fostering and adoption by homosexuals and HIV/AIDS and homosexuals, along with a background note.

I am copying this letter and enclosures to Jim Gallagher (Scottish Office) and Heather Wilkinson.

Yours sincerely
Phillip Morrison

PHILLIP MORRISON
Diary Clerk

POLICY ON FOSTERING AND ADOPTION BY HOMOSEXUALS

LINES TO TAKE

- Decisions about fostering must centre on the welfare and needs of the individual child. Local authorities are required to undertake rigorous vetting and assessment to ensure that prospective foster and adoptive parents are suitable. (Decisions about adoption are a matter for the courts).
- Local authorities should not seek to promote the rights of prospective foster carers above the welfare of the child.
- It would not be sensible to seek to impose a blanket ban on certain members of the community who may prove to be suitable carers in some cases.
- In most cases, the welfare of the child will be best served by a placement in a household with mother and father figures.
- There may be a small number of cases in which a placement with homosexual foster parents will be the best option for an individual child.

BACKGROUND NOTE

Fostering and Adoption by Homosexuals

1. There is no prohibition in law on placing a child with homosexual foster or adoptive parents, although it is not possible for two people to adopt jointly unless they are married. However, rigorous vetting and assessment of prospective foster and adoptive parents is always required to ensure that they will be suitable carers. In adoption, the final decision about placement lies with the courts.

2. Regulations and guidance on foster placement are contained in Volume 3: Family Placements in the Children Act Guidance and Regulation series. Paragraph 3.14 of this Volume states:

"Authorities [local authority social serviced departments and voluntary organisations] and those interested in becoming foster parents must understand that an authority's duty is, unequivocally and unambiguously, to find and approve the most suitable foster parents for children who need family placement. It would be wrong arbitrarily to exclude any particular groups of people from consideration. But the chosen way of life of some adults may mean that they would not be able to provide a suitable environment for the care and nurture of a child. No one has a 'right' to be a foster parent. Fostering decisions must centre exclusively on the interests of the child."

3. This guidance makes it clear that decisions about foster placement must focus exclusively on the welfare of the child. The rights of prospective foster or adoptive parents must not be placed before the child's interests.

4. A review of Adoption Law is currently taking place. One of the issues upon which views are being sought in the consultation exercise is whether adoption by homosexuals should continue to be allowed.

5. There has been a recent allegation in the press (*Time Out* and *The Pink*) following a leaked memo that Wandsworth Social Services Department have a policy of not recruiting homosexual foster carers. The Director of Social Services at Wandsworth has advised the Social Services Inspectorate that Wandsworth would consider homosexuals as foster carers in individual cases if it appeared appropriate to the needs of the child.

POLICY NOTE : HIV/AIDS AND HOMOSEXUALS : LINES TO TAKE

1. Initial effect of HIV in the UK and statistics

In many Western countries such as the UK, gay men were amongst the first to be affected by HIV. This is still reflected in current statistics and has led some to believe wrongly that AIDS solely affects certain groups, especially gay men. Figures (reported voluntarily) from 1982 to June 1991 show that of a total of 4,758 cases of AIDS, 3,699 (78%) were amongst homosexual men, of whom 2,164 have died. Of a total of 15,668 HIV reports, 9,182 (59%) were amongst homosexual men. However, the percentage increase in heterosexual spread, whilst still small in relative terms in the UK, now outstrips the rate of increase amongst homosexual men.

2. Government's AIDS Strategy

The Government has recognised HIV as a very grave threat to everyone's health. Without a cure for AIDS or a vaccine against HIV in prospect, it has made available significant resources to agencies in the statutory and voluntary sectors:-

- * to raise public awareness of and knowledge about HIV;
- * to develop a range of diagnostic, treatment and care facilities for those infected; and
- * to foster a climate of understanding and compassion towards people with HIV and AIDS and to discourage discrimination.

3. The work of gay groups and the voluntary sector

The Government applauds the enormous contribution, both individually and through many different organisations, made by many homosexual men and women to raise public awareness, to encourage behavioural change and to develop new services.

4. Education and prevention work

The Government will continue the national and local series of campaigns to alert the public and specific target audiences (including gay and bisexual men) to the risks of HIV, to guard against any sense of complacency and to build on the significant achievements that have already been made.

5. AIDS and Insurance

The Government is concerned that some of the questions asked by insurers, particularly those about 'lifestyles', may have the effect of deterring some people from seeking an HIV test. Ministers are exploring with the Association of British Insurers other ways in which information needed for insurance risk assessment can be obtained.

6. AIDS and the Police (if pressed)

The Home Office is exploring ways of increasing police officers' understanding of HIV and AIDS, including a realistic assessment of the risks of HIV transmission in the course of their work.

Background note

What are HIV and AIDS?

1. HIV (the Human Immunodeficiency Virus), is the virus which causes AIDS. HIV impairs the efficient working of the immune system. Over a period of time the body's ability to fight a range of conditions and other diseases is reduced, eventually resulting in a clinical diagnosis of AIDS (Acquired Immune Deficiency Syndrome). AIDS constitutes a spectrum of life-threatening conditions, infections and cancers. There may be a long interval between infection with HIV and the development of AIDS. Current evidence suggests that about 50% of people with HIV will have developed AIDS up to 10 years after being infected, and it is likely that the remainder will progress to AIDS over time.

Impact of HIV worldwide and in the UK

2. The WHO estimates that, by the year 2000, up to 10 million adults in the world will have AIDS, and up to 40 million people would be infected with HIV, including 10 million children. Worldwide, the most common way in which HIV is transmitted is through heterosexual penetrative intercourse. The three main transmission routes in the UK are firmly established as follows:

- * by unprotected sexual intercourse between men (anal) and between a man and a woman (both vaginal and anal);
- * by sharing infected needles and other drug-injecting equipment; and
- * from infected mother to baby, at or around the time of birth.

UK forecasts of HIV prevalence in homosexual men

3. Behavioural changes among homosexual men have led to a reduction in the forecast rise of the rate of infection. However, recent epidemiological data show a resurgence of sexually transmitted diseases, and behavioural research surveys indicate a possible upward trend in risky sexual practices, particularly amongst younger homosexuals and those in 'regular relationships'. The Government accepts that this worrying situation argues strongly for a sustained campaign of HIV education directed at gay and bisexual men.

Education campaigns aimed at homosexuals

4. Many national and local voluntary organisations (e.g. Terrence Higgins Trust, Lesbian and Gay Switchboards) have, since the mid-1980s produced educational material aimed at homosexual men, and provided advice and information services.

5. Since 1989, the Health Education Authority has run press advertising aimed at homosexual men, supported by a leaflet and a series of information cards. A press campaign aimed at bisexual men was launched in 1990 supported by special telephone Helpline. Recent mass media campaigns on television and radio have included

the personal testimonies of homosexual men infected with HIV.

6. Health Authorities have been asked to develop community-based HIV prevention initiatives including with homosexual men, and the HEA is assisting in this work by sponsoring community based projects in England.

7. Ministers have accepted that for all these campaign initiatives a practical and realistic approach to safer sexual issues is needed. They have also accepted that to be credible with the audience, material may need to be explicit (but not gratuitously offensive). Distribution must, therefore, be carefully controlled.

AIDS Unit

September 1991

AIDS Factsheet**1. Numbers of cases**

UK position as reported to Communicable Disease Surveillance Centre at 30 MAY 1991:

4,756 AIDS cases of whom 2,747 had died
15,837 HIV positive people (true figure will be higher)

2. Forecast - The Day Report, published February 1990, estimates that AIDS will be diagnosed in 7,600 people in the period 1990-1993.

Report concludes that there is evidence of behavioural changes among homosexual men and as result the predicted incidence of AIDS within this group had been reduced. However there is some evidence that this trend towards safer sexual practices is diminishing so there is a danger of increasing spread among homosexual/bisexual men and there is still the potential for widespread dissemination of HIV among heterosexuals and injecting drug users.

3. Government Policy - strategy against AIDS has five aspects:

Prevention- Public education carried forward by HEA. Consists of:

mass media work - In December 1990 a new phase of the campaign was launched featuring testimony from people infected with HIV. The Health Education Authority is developing further mass media campaigns for 1991 again including testimony from a range of people infected with HIV, supported by radio and cinema advertising, posters and leaflets.

In 1990/1991, over £51 million had been allocated to national HIV and AIDS publicity campaigns - eg summer campaign for young holidaymakers continuing work with particular groups eg school children, gay men, bisexual men, injecting drug users. All DHAs have been asked to appoint HIV Prevention Co-ordinators (DHCPs) and to develop local prevention activities, including work with drug users and at GUM (GUD) clinics. Seminar for DHCPs held in November 1990. Free national telephone advice service - over 700,000 calls made during 1990.

Development of improved infection control procedures is another important aspect of prevention:

guidance issued to health care workers and LA staff
blood donations are screened
guidance on syringe exchange schemes (for injecting drug users)

4. Other issues

Anonymised screening - leftover blood from ante-natal and genito-urinary medicine clinics, general hospitals and routine Guthrie tests on babies are being tested to give a better picture of the spread of HIV infection. Studies are being funded through the Medical Research Council and the first results were published in May this year. Information leaflets inform patients about the surveys.

Haemophiliacs- a total of £76m has been made available to help haemophiliacs infected with HIV through blood products. Payments from the Macfarlane Trust which was set up with £10m in 1988 were made according to need. A further £24m in 1990 enabled individual payments of £20,000 to be made regardless of financial circumstances. In May 1991 £42m was given to the Trust for payments to all HIV infected haemophiliacs who undertake not to pursue legal action against the Government. Payments range between £21,500 and £60,500 according to individual circumstances. The majority of these payments have now been made.

Monitoring, surveillance and research - involves Medical Research Council and the Public Health Laboratory Service.

Treatment, care and support - Each health authority is expected to have a physician in post who takes an interest in the treatment of HIV disease. Health and local authorities are being encouraged to develop treatment and care services in collaboration with the voluntary sector.

Social, legal and ethical issues - through a range of measures to foster a climate of understanding and compassion, to discourage discrimination, and to safeguard confidentiality. Work in hand includes discussions with the insurance industry.

International co-operation - UK commitment to WHO Global Programme. Hosted World Summit of Health Ministers on AIDS prevention with WHO in January 1990 leading to London Declaration by 147 countries. Plays active role in development of policies within EC. Represents UK in the Expert Advisory Committee for the EC "EUROPE AGAINST AIDS" initiative.

BULL POINTS**5. Expenditure**

Since 1985/86 the Government has allocated:

over £62m to the development of the national AIDS public education campaign

over £500m to health and local authorities for the development of AIDS related services; and

nearly £8m to agencies in the voluntary sector.

The expenditure breaks down as follows:

Year	£ Million		Vol Orgs	Education	
	HAs	LAs		DH	HEA/ Helpline
85/86	-	-	0.10	0.52	-
86/87	-	-	0.16	7.60	-
87/88	25.1	-	1.30	6.74	4.47
88/89	61.7	-	1.09	-	10.00
89/90	122.5	7.0	1.60	-	12.00
90/91	137.5	0.8	1.60	-	10.00
91/92	137.3	10.21	1.90	-	11.00

The MRC is being given £31m over 5 years for programmes on vaccines and drugs for treatment.

The UK has:

committed £16.75m in support of the WHO's Global Programme on AIDS, and is the third largest contributor;

provided £6.58m for the National AIDS Control Programmes in 15 countries in Africa and the Caribbean; and

the UK attributed share of the European Community's AIDS Programme for developing countries under the European Development Fund is £4.2 million.

6. The UK strategy is highly regarded internationally, for example by the World Health Organisation.

At home, the Social Services Select Committee report was largely supportive of the approach we have adopted.

7. The AIDS ACTION GROUP

The AIDS Action Group has been set up to identify what needs to be done in areas of increasing prevalence of HIV infection. The group will use experience gained locally to pass on lessons about good practice, and to take forward initiatives in a national context.

JOHN THOMPSON
Aids Unit
208 FRH
ext 23314

June 1991

45 West Hill Avenue, Epsom, Surrey KT19 8JX. Tel: 0372 721027
Chairman: Graham Webster-Gardiner Consultant: Dr. Adrian Rogers MB BS

CONSERVATIVE FAMILY CAMPAIGN

HIV INFECTED CITIZENS' CHARTER OF RESPONSIBILITY

CONSERVATIVE FAMILY CAMPAIGN continues to recommend that AIDS/HIV infection be made a notifiable disease without delay and that there should be mandatory testing of overseas visitors to the UK from high risk areas.

Given the current lack of precise scientific knowledge about all the ways AIDS/HIV is spread and in the absence of traditional methods of disease control, CONSERVATIVE FAMILY CAMPAIGN proposes this HIV INFECTED CITIZENS' CHARTER OF RESPONSIBILITY to protect the general public:

THE CHARTER

All HIV infected citizens have the following duties and responsibilities:

1. To recognise that they carry within them the potential to transmit HIV to others, and that they may need to sacrifice personal freedoms (like others suffering from life-threatening communicable diseases).
2. To abstain from acts of sodomy. *what it means is to have HIV already -*
3. To abstain from all other risk-related sexual activity and to abstain from procreation for the sake of the unborn child.
4. To notify all sexual partners, current and previous where known.
5. To refrain from intravenous drug abuse.
6. To let their condition be notified to the appropriate medical authority, and to consent to comply with the recommendations of that medical authority even where this may involve restrictions on personal liberties, including possible restrictions on movement, work or education.
7. To seek treatment for AIDS/HIV infection, and to accept that confidentiality may be breached when there is a risk of transmitting HIV or AIDS-related pathogens such as tuberculosis, cryptococcal meningitis.
8. Not to work with food being consumed by members of the public especially the young, the frail, the infirm and the elderly, so as to avoid risk of transmitting AIDS-related pathogens.
9. Not to seek to donate blood, sperm or body organs.
10. To make their HIV status known if members of the nursing, medical or dental professions, and to give patients the choice whether to use their services.
11. To disclose their HIV status to employers or insurance companies, either to protect others from risk of infection, or to enable others to make informed decisions about employing or insuring them.
12. To accept prison authorities' precautions to protect uninfected prisoners from risk of infection.

SPONSORS: Michael Allison MP, David Amess MP, Andrew Bowden MBE MP, John Bowis OBE MP, The Rt. Hon. Sir Bernard Braine DL MP, Julian Brazill MP, Peter Bruffwolt, The Viscount Buckmaster OBE FRGS, William Cash MP, Bryan Cassidy MEP, Sir Fred Catherwood MEP, Lady Coleman MP, Anthony Coombs MP, The Baroness Cox, Rev Peter Dawson OBE, Don Dover MP, Dame Peggy Farrow DBE MP, Dudley Fielden MP, Christopher Gill MP, Harry Greenwood MP, Conal Gregory MW MP, Peter Griffiths MP, Ken Hargreaves MP, Jerry Hayes MP, Gerald Howarth MP, Dame Jill Knight DBE MP, Lady Olga Maitland, Hon Christopher Merton, Lord Orr-Ewing, James Parry MP, Mrs. Elizabeth Peacock JP MP, William Powell MP, Mrs Marjorie Roe MP, Sir Hugh Ross MP, Sir William Shelton MP, Ivor Stanbrook MP, Teddy Taylor MA MP, Sir Walker MP, Mrs. Ann Winterton MP, The Rt. Rev. Bishop Maurice Wood DBC.

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as back up



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

POLICY - IN CONFIDENCE

17 September 1991

Dear William,

HOMOSEXUAL LAW REFORM: MEETING WITH SIR IAN MCKELLEN

.... As requested in Sandra Phillips' letter of 31 August, I enclose briefing for the Prime Minister's meeting on 24 September with Sir Ian McKellen. We have followed the agenda in Tony Hutt's letter to you of 3 August; there is rather too much ground to cover in the compass of a short meeting and the Prime Minister may wish to be selective. The briefing comprises a page of bull points and some more detailed background notes.

As you may know, Sir Ian and the Stonewall organisation raised similar issues in correspondence and meetings with John Patten, who has Ministerial responsibility for policy in this area. Mr Patten would, of course, be happy to attend the meeting if the Prime Minister wished.

.... As Sir Ian will know, the established policy on homosexual law reform has been negative. Parliamentary written replies (examples at Annex A) have said, in terms, that Government policy is not to lower the age of consent. The previous Prime Minister went out of her way to publicly condemn the Opposition's apparent willingness to see a free vote on the subject. The prohibition, by section 32 of the Local Government Act 1988, on homosexual proselytising in schools, etc., is also much resented by the homosexual lobby. More recently, the definition of serious sexual offences in the Criminal Justice Act was seen, mistakenly, by the gay lobby as a further attack - though Ministers made some concessions, mitigating its alleged possible effects on those convicted of "victimless" homosexual offences, and these were welcomed by Stonewall and others. There has also been the change in security vetting policy, to which Stonewall refers. But the general policy background must seem discouraging for reformers.

Historically, homosexual law policies have drawn on two rather different considerations. The first, older, view says all homosexual acts are unacceptable on religious and/or moral grounds and, in its strict form, declared that the criminal law has a right and duty to obtrude on the privacy of consenting adults to uphold private and public standards. The second is usually agnostic on the morality, but is concerned about physiological and psychological implications, particularly where the young are involved. It would see a role for the criminal law where a person's age suggested exploitation, corruption or that his sexual orientation was not yet settled.

The two points of view tend to overlap in practice, but in recent decades most respectable academic debate has centred on the second set of arguments. The factual bases for those arguments are by no means settled:

POLICY - IN CONFIDENCE

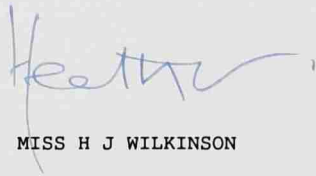
2.

in 1984 a majority of the Criminal Law Revision Committee considered that consent to buggery should not be possible in law below 18; others, apparently on the same evidence, argued for 16; while at least some of the Committee's consultees wanted the age kept at 21. It is possible that a majority of legal commentators would now support reducing the minimum age for buggery to 18, but perhaps unlikely that all would volunteer an opinion without further expert opinion on the medical aspects and on AIDS considerations, if any.

(AW)

Public and political reaction to a Government initiative in this area is not easy to predict. Our postbag suggests that public opinion is divided and that some, for example the Conservative Family Campaign, tend to see homosexual law reform as a touchstone for the debate about declining moral standards. That organisation also claims opinion polls show that a majority of people regret the 1967 homosexual law reforms; we have not ourselves seen any polls on the point.

Yours,



MISS H J WILKINSON

William Chapman, Esq.
No 10 Downing Street
LONDON, S.W.1.

SEXUAL OFFENCES REFORM

Sexual offences legislation is a complex and highly contentious field, characterised by an absence of broad consensus on most issues. The approach in recent decades has been to support private members' legislation on specific topics (e.g. kerb crawling in 1985). There are outstanding recommendations for various reforms from the 1984-85 Criminal Law Revision Committee Reports, but these are not major and implementation would probably require general overhaul and debate.

One result of the recent campaign against "Clause 25" of the Criminal Justice Bill was renewed focus on substantive sexual offences legislation. The argument, beyond the scope of the Bill, was that the law penalises homosexual offences more severely than heterosexual offences and that it criminalises certain homosexual acts, where the heterosexual equivalent is lawful.

The stated purpose of the criminal law as it relates to homosexual behaviour is to preserve public order and decency and to protect the individual from offence, injury and exploitation. The law in this area was reformed by the Sexual Offences Act 1967 under which it ceased to be an offence for two consenting males over 21, to engage in homosexual acts in private. Buggery and indecency between men in circumstances other than these, e.g. involving more than two men but still in private, remain offences, as does soliciting and procuring. The Government has made it clear that it has no present plans to either reform or review the law in this area.

The recent press reports about the Scottish prosecutions policy on homosexual offences (~~referred to by Stonewall~~) are misleading. The Lord Advocate has merely instructed a review of how homosexual offences are prosecuted, due to a perceived need for improved guidance and communication between prosecutors and police. No fresh guidance has yet been issued.



Home Office

NEWS RELEASE

15 February 1991

50 Queen Anne's Gate London SW1H 9AT
(Night line 071-273 4595)

Contact Number 071-273 4600

CRIMINAL JUSTICE BILL SENTENCING POWERS FOR VIOLENT AND SEXUAL OFFENCES

(These amendments were agreed -)

The Government has tabled amendments which clarify further the provisions in the Criminal Justice Bill relating to the powers which it gives the courts to impose heavier sentences for certain violent and sexual offenders whose activities pose a danger to the public.

This follows concerns expressed that the provisions of the Bill as it stands might have been used to justify heavier sentences for homosexual offences of a kind which do not pose a serious threat to public safety.

The Bill does not create any new sexual offences, nor does it change in any way the relative seriousness with which the law regards offences of a homosexual, as opposed to heterosexual, character. It has never been the Government's intention that the Bill's provisions should increase in a discriminatory way the penalties for homosexual offending. The only sexual offenders covered by the new powers which the Bill confers are those, whether heterosexual or homosexual, who are judged by the courts to be a serious menace to the public. This is already the effect of the Bill's drafting.

But in view of some misunderstanding of the Bill which has taken place and the genuine concerns which have been expressed, the Government has introduced amendments which will put the matter beyond all possible doubt.

The key changes will be to clause 1 of the Bill. This clause confers power on the courts to give a custodial sentence to an offender even if the offence of which the offender has been convicted is not, of itself, serious enough to justify a custodial sentence, if they consider it is necessary in order to protect the public from serious harm. The drafting of the clause has been amended to confine it purely to sexual or violent offences. In the Bill as introduced this power would have been available for other kinds of offence.

A new sub-section in clause 1 makes absolutely clear the sort of "serious harm" the public needs to be protected from in order to

justify a heavier sentence. It must be a question of, as the amendment states:

" protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed..." by the offender

This makes it quite clear that the provision is aimed at protecting potential victims from crimes such as rape or child sex abuse. By no stretch of the imagination could this provision be construed as authorising a heavier penalty than that justified by the seriousness of the offence in the case of an offender who did not represent this kind of danger to the public. The commission of acts of gross indecency between consenting adults, for example, would quite clearly not come within this criterion.

These changes are complemented by changes to clause 25 which defines sexual offences for the purposes of the powers to impose heavier sentences to protect the public. These remove from the definition three offences under the Sexual Offences Act 1967 whose commission the Government considers, on reflection, is unlikely to indicate that the offender may be someone from whom the public needs to be protected. These are:

- under section 2, homosexual acts between members of crews of merchant ships;
- under section 4, procuring others to commit homosexual acts;
- under section 5, living on the earnings of male prostitution.

Two other offences about which concern has been expressed are not deleted from clause 25. These are the offences under the Sexual Offences Act 1956 of indecency between men (section 13) and solicitation by men (section 32). Although in many cases, offences under these provisions do not involve the coercion of a victim, cases can arise where the commission of these offences does indicate that the offender may be dangerous - for example (under section 13) a schoolmaster abusing a position of trust to take advantage of pupils at the school, or (under section 32) an offender who has tried to entice (but without succeeding) a young child (of either sex) to go off with him.

But in any such case, the new wording of clause 1 will make it clear beyond doubt that a heavier sentence can be given only if there is reason to believe that an offender will, if not prevented, go on to commit more serious offences which would cause serious harm to their victims.

NOTE FOR EDITORS

The text of the amendments is attached.

Mr Secretary Baker

Clause 1, page 1, line 19, at beginning insert 'where the offence is a violent or sexual offence'.

Clause 1, page 1, line 20, leave out from 'him' to end of line 21.

Clause 1, page 2, line 24, at end insert -

'(6A) In this section and section 2 below any reference, in relation to an offender convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.'

Clause 25, page 18, line 19, leave out '(except sections 30, 31 and 33 to 36)'.

Clause 25, page 18, line 32, at end insert 'other than -

(a) an offence under section 12 or 13 of the Sexual Offences Act 1956 which would not be an offence but for section 2 of the Sexual Offences Act 1967;

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(c) an offence under section 4 or 5 of the said Act of 1967'.

AGE OF CONSENT FOR MALE HOMOSEXUALS

The minimum age of consent for male homosexuals (set at 21 years in 1967) is an abiding grievance for gay pressure groups.

The then Home Secretary's Policy Advisory Committee's Report on the age of consent, published in April 1981 (Cmnd 8216) recommended by a majority that the minimum age for consensual, male, homosexual relations should be lowered from 21 to 18.

The reasons for the Committee's decision were, principally, that 18 had for some time been the age of majority, and that by putting the minimum age at 18 (rather than 16, as with heterosexual relations), the law would continue to be a "factor in encouraging those young men who need protection and assistance to avoid homosexual relations while they are immature". A dissenting minority of five members separately recommended that the minimum age be set at 16. The Criminal Law Revision Committee in its Report on Sexual Offences, published in April 1984 (Cmnd 9213) accepted the Policy Advisory Committee's recommendation, as did the Law Commission in its draft criminal code published in April 1989.

Home Office Ministers have repeatedly made it clear that their policy is not to lower the age of consent for homosexual acts between men, most recently on 25 October last year in a written reply from Mr Patten to Martin Redmond MP to a Parliamentary Question about the age of consent.

Following a recent Question from John Bowis MP on 28 January about the age of consent in other EC countries for male homosexuals, Sir Ian McKellen wrote to the Home Office with information on the point and expressing his dissatisfaction with the fact that England had the highest age of consent in the EC for male homosexuals.

Mr. Patten's reply, which tabulates what we understand to be the true position, is attached.



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

HCC Mr Angel
Mr Gogoll
Mr Gillespie, ECCU
Mr Wake
Mr Kinney
~~Mr de Paulford~~

4 June 1991

Dear John

I am sorry that I have been so long in coming back to you after my temporising reply to your Question about the age of consent for sexual relations in EC countries (Official Report, Written Answers, 28 January 1991, Column 372). I am afraid it took rather longer than we had hoped to check the position in the respective countries, reflecting, I think, the rather complicated legal position in some of them.

The attached table sets out what appears to be the minimum ages of consent for sexual relations in the categories you asked about, together with necessary qualification. The main qualification is that although several countries appear to have very low ages of consent, they offer legal protection to those above the minimum age of consent where the partner is in a position of undue influence or authority over them.

I am arranging for a copy of this letter to be placed in the library. I am also sending a copy to Sir Ian McKellen who wrote to me on behalf of the Stonewall Group when he saw your Question.

Yours truly,
John Patten

THE RT HON JOHN PATTEN

COUNTRY	HOMOSEXUAL	LESBIAN	HETEROSEXUAL
Belgium	16	16	16
Denmark	*15/18 ¹	*15/18 ¹	*15/18 ¹
France	*15/18 ¹	*15/18 ¹	*15/18 ¹
Germany	18	16	16
Greece	17 ²	15 ²	15 ²
Ireland	Unlawful	17	17
Italy	*14/18 ³	*14/18 ³	*14/18 ³
Luxembourg	*18	*18	18
Netherlands	16	16	16
Portugal	*18	*18	18
Spain	12/16 ⁴ /18 ⁵	12/16 ⁴ /18 ⁵	12/16 ⁴ /18 ⁵
United Kingdom	21	*16	16

* Age of Consent not specifically referred to in legislation.

1. If authority exerted or undue influence used.
2. Prosecutions above this age if authority exerted.
3. Upper limit applies if exploitation involved.
4. If undue influence or deceit used.
5. If undue influence used.

ENTRAPMENT

The police need to respond to well-founded public complaints about homosexual activities in public lavatories. One approach is to mount well-publicised occasional operations to arrest offenders at particular locations. Such operations are unpopular with homosexuals who complain they are "trapped" by plain clothes "pretty" police.

Home Office guidance to the police stresses that no police officer should counsel, incite or procure the commission of a crime. The proposed new Metropolitan Police guidelines will continue to reflect the same basic policy, although one or two points will be highlighted: operations relating to male opportunising have to be authorised at a very senior (Deputy Assistant Commissioner) level; only experienced officers may take part (who should be specially instructed in the need for circumspection in carrying out these duties); and in general no person should be arrested solely on account of his behaviour towards the police officers.

ATTACKS ON GAY MEN

The gay lobby says that the police cannot be relied on to take assaults on them seriously, and want such assaults recorded. The police have traditionally rejected the accusation. Without prejudice to the general line a pilot project in four Metropolitan Police divisions to monitor "homophobic" assaults began in July. It was planned in close consultation with the London Lesbian and Gay Initiative, with which the Stonewall Group is associated. Its aim is to determine the extent of the problem and develop good practice, on the basis of constructive information. At the end of the project the knowledge gained will be assessed. The initiative was warmly received by the gay press.



ST. ANDREW'S HOUSE
EDINBURGH EH1 3DG

cc. *M. Chapman, No 10*

Heather Williamson
PS/Secretary of State
Home Office
Queen Anne's Gate
LONDON

17 September 1991

Dear Heather

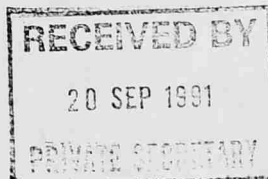
I have seen a copy of Sandra Phillips' letter of 31 August to you seeking briefing for the Prime Minister's forthcoming meeting with Sir Ian McKellen.

There are 2 issues touched on in the briefing note submitted on behalf of Sir Ian which require comment from Scotland. Firstly, the Lord Advocate's review of prosecution of homosexual offences. The Lord Advocate's Department is briefing No 10 directly on that.

The second issue is entrapment. We are not aware that any problems have arisen in Scotland, or that there have been any complaints that the police here have engaged in entrapment of homosexuals. Accordingly, we have not seen the need to issue national guidelines to Scottish police forces. If a Procurator Fiscal did receive a police report which revealed that entrapment had been used to secure evidence that an offence had been committed then he would take that into account in deciding whether prosecution was appropriate.

*Yours
Jim*

JIM GALLAGHER
Private Secretary



ANTI-DISCRIMINATION INITIATIVES

The Government does not directly monitor discrimination on grounds of sexual orientation and has said it has no plans to do so. Even if desirable, one major problem would be the difficulty in obtaining reliable information, particularly as homosexuality is not always self-evident.

Homosexual campaign groups have demanded that discrimination be monitored, and that specific anti-discrimination laws be enacted (along the lines of the Republic of Ireland's Prohibition of Incitement to Hatred Act, or the Race Relations Act). The Government's response is that it is not persuaded of the need for any such legislation, which might be open to objection on grounds of seriously eroding freedom of speech and risk of attracting malicious litigation.

Within the Civil Service discrimination on the grounds of sexual orientation is banned and harassment on these grounds is a disciplinary offence. Guidance to this effect was issued in March 1988.

On 23 July 1991 the Prime Minister announced the removal of the bars on the employment of homosexuals in sensitive overseas posts, and in the diplomatic service and security and intelligence agencies. (Vulnerability to blackmail will remain relevant but considered on an individual case basis for heterosexual or homosexual behaviour).

THE ISLE OF MAN

The effect of the Isle of Man law is to make homosexual activity between consenting adults in private a criminal offence; this violates the European Convention on Human Rights; Ministers are publicly determined that the Island's law should be brought into conformity with the Convention, preferably by Tynwald but, if necessary, by UK legislation; both chambers of Tynwald have voted against the requisite reforming clauses in the Island's current Sexual Offences Bill; but the Bill remains with Tynwald.

Although Ministers are publicly committed to introducing legislation at Westminster if necessary (i.e. if the Island demonstrably refuses to amend its law itself), they have not previously committed themselves to a timetable for this.

Ministers will not wish either to bind themselves to introducing UK legislation as a priority, or, alternatively, to imply no real commitment to that introduction.

HOMOSEXUALITY IN THE ARMED FORCES

The Armed Forces are exempted from the Sexual Offenders Act 1967 under section 1(5) of that Act; homosexual practices continue to be disciplinary offences under the Service Discipline Acts.

This exemption recognises that the conditions and discipline in the Forces are in many respects quite different from those which exist in civil life. Members of the Armed Services are often required to serve in conditions where, both on and off duty, they are unavoidably living in closed communities, sometimes under stress. Such conditions, and the need for absolute trust and confidence both within and between all ranks, require that the potentially disruptive influence of homosexual relationships and practices should be excluded.

In particular it is essential that there should be no possibility that the authority of superior rank should be exploited for sexual ends, or that junior members of the Services should be coerced into acts in which they would not choose to engage in normal circumstances. It is also important to remember that, because of the special situation of the Armed Forces, any member of the Services engaging in homosexual acts might be vulnerable to blackmail and therefore present a security risk.

Civil law provides that homosexual acts still constitute an offence where one of those involved is under 21, or withholds consent or where the acts are conducted in public.

Applicants to the Armed Forces are informed that homosexual acts are offences against the Service Discipline Acts and all recruits are given a copy of the leaflet "Your Rights and Responsibilities" which also contains this information.

Policy of other European NATO countries on homosexuality There is no discrimination against homosexual behaviour in 5 NATO countries: Belgium, Denmark, France, Netherlands, Norway. Only Greece has regulations similar to those of the UK.

The House of Commons Select Committee on the Armed Forces Bill 1991 stated that they understood why homosexual activity is unacceptable in the Armed Forces and that they were not persuaded that the time had yet come to require the Armed Forces to accept homosexuals or homosexual behaviour. However, they recommended that homosexual activity of a kind that is legal in civilian law should not constitute an offence under Service law. The Ministry of Defence is giving this recommendation careful consideration. The Stonewall organisation gave evidence to the Select Committee in support of their campaign to change the Armed Forces' policy on homosexual behaviour.

SCANNED

a. McKellen

I. AGE OF CONSENT FOR MALE HOMOSEXUALS

The minimum age of consent for male homosexuals (set at 21 years in 1967) is an abiding grievance for gay pressure groups.

The then Home Secretary's Policy Advisory Committee's Report on the age of consent, published in April 1981 (Cmnd 8216) recommended by a majority that the minimum age for consensual, male, homosexual relations should be lowered from 21 to 18.

The reasons for the Committee's decision were principally, that 18 had for some time been the age of majority, and that by putting the minimum age at 18 (rather than 16, as with heterosexual relations), the law would continue to be a "factor in encouraging those young men who need protection and assistance to avoid homosexual relations while they are immature". A dissenting minority of five members separately recommended that the minimum age be set at 16. The Criminal Law Revision Committee in its Report on Sexual Offences, published in April 1984 (Cmnd 9213) accepted the Policy Advisory Committee's recommendation, as did the Law Commission in its draft criminal code published in April 1989.

Home Office Ministers have repeatedly made it clear that their policy is not to lower the age of consent for homosexual acts between men, most recently on 25 October last year in a written reply from Mr Patten to Martin Redmond MP to a Parliamentary Question about the age of consent.

Following a recent Question from John Bowis MP on 28 January about the age of consent in other EC countries for male homosexuals, Sir Ian McKellen wrote to the Home Office with information on the point and expressing his dissatisfaction with the fact that England had the highest age of consent in the EC for male homosexuals.

Mr. Patten's reply, which tabulates what we understand to be the true position, is attached.

II. ANTI-DISCRIMINATION INITIATIVES

The Government does not directly monitor discrimination on grounds of sexual orientation and has said it has no plans to do so. Even if desirable, one major problem would be the difficulty in obtaining reliable information, particularly as homosexuality is not always self-evident.

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~~III~~. SEXUAL OFFENCES REFORM

Sexual offences legislation is a complex and highly contentious field, characterised by an absence of broad consensus on most issues. The approach in recent decades has been to support private members' legislation on specific topics (e.g. kerb crawling in 1985). There are outstanding recommendations for various reforms from the 1984-85 Criminal Law Revision Committee Reports, but these are not major and implementation would probably require general overhaul and debate.

One result of the recent campaign against "Clause 25" of the Criminal Justice Bill was renewed focus on substantive sexual offences legislation. The argument, beyond the scope of the Bill, was that the law penalises homosexual offences more severely than heterosexual offences and that it criminalises certain homosexual acts, where the heterosexual equivalent is lawful.

The stated purpose of the criminal law as it relates to homosexual behaviour is to preserve public order and decency and to protect the individual from offence, injury and exploitation. The law in this area was reformed by the Sexual Offences Act 1967 under which it ceased to be an offence for two consenting males over 21, to engage in homosexual acts in private. Buggery and indecency between men in circumstances other than these, e.g. involving more than two men but still in private, remain offences, as does soliciting and procuring. The Government has made it clear that it has no present plans to either reform or review the law in this area.

The recent press reports about the Scottish prosecutions policy on homosexual offences (referred to by Stonewall) are misleading. The Lord Advocate has merely instructed a review of how homosexual offences are prosecuted, due to a perceived need for improved guidance and communication between prosecutors and police. No fresh guidance has yet been issued.

~~IV~~. ENTRAPMENT

The police need to respond to well-founded public complaints about homosexual activities in public lavatories. One approach is to mount well-publicised occasional operations to

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Mr. Chris Smith: To ask the Secretary of State for the Home Department what steps he has taken to ensure that immigration officials do not discriminate against (a) homosexual visitors and (b) HIV seropositive visitors to the United Kingdom.

Mr. Renton: Immigration officers are aware of the need to apply the normal requirements of the immigration rules to all visitors.

Criminal Justice Bill

Mr. Worthington: To ask the Secretary of State for the Home Department, when he intends to introduce a Criminal Justice Bill.

Mr. John Patten: The Government keep the operation of the criminal justice system under regular review, and will bring forward proposals for legislative changes where these appear necessary, and when parliamentary time permits.

Hillsborough Inquiry

Mr. Hardy: To ask the Secretary of State for the Home Department what is his present estimate of the cost of the Hillsborough inquiry which will be borne by the police authority of South Yorkshire; and what is his estimate of the amount per head which this will involve.

Mr. Hard: It is not clear at this stage what the total additional costs of the Hillsborough police inquiry will be. South Yorkshire police authority has made representations which my noble Friend Earl Ferrers, the Minister of State, will be discussing with the authority shortly.

Homosexuality

Mr. Nicholas Winterton: To ask the Secretary of State for the Home Department if he will make it his policy not to implement the Law Commission proposal to lower the age of consent for buggery between men.

Mr. John Patten [holding answer 23 May 1989]: Yes.

Mr. Nicholas Winterton: To ask the Secretary of State for the Home Department whether, in the light of the draft criminal code Bill published by the Law Commission, he has any plans to introduce legislation on the age of consent for homosexual acts between males; and if he will make a statement.

Mr. John Patten [holding answer 23 May 1989]: No.

[Continued in column 641]

of acute staffing difficulty when redeploy-
an available option. About 55 posts were
partially covered by agency staff on 1 October.
charges vary and information about the charges
individual establishments is not held centrally.
establishments are encouraged to seek value for money in
purchase of such services.

Age of Consent

Mr. Redmond: To ask the Secretary of State for the Home Department whether he has any plans to bring in legislation to ensure that the age of consent for sex between (a) homosexuals, (b) lesbians and (c) heterosexuals is the same; what is the present minimum age of consent; and if he will make a statement.

Mr. John Patten: A homosexual act between two consenting men in private is not an offence if both parties have attained the age of 21 years. Sexual intercourse with a girl below the age of 16 years is an offence. Below that age a girl cannot in law give any consent which would prevent a lesbian act from being charged as an indecent assault.

We have no plans at all to amend the law in this area.

Community Charge Liability Orders

Mr. Nellist: To ask the Secretary of State for the Home Department how many poll tax liability orders have been

Mr. Peter Lloyd: No.

Marriage Guidance

Mr. Ian Taylor: To ask the Secretary of State for the Home Department what is the current level of grant provided annually by his Department to the marriage guidance counselling services; and what plans he has to review the level of assistance.

Mr. John Patten: The grants in aid to marriage guidance organisations for the present financial year are:

	£
Relate	1,300,840
Tavistock Institute of Marital Studies	329,440
Catholic Marriage Advisory Council	131,100
Family Welfare Association	20,140
One Plus One [Formerly the Marriage Research Centre]	14,650

¹ including a special grant of £300,000

Their review is under consideration.

Somalia

Mr. Parry: To ask the Secretary of State for the Home Department if he will make a statement on the current situation of Somali citizens awaiting entry into the United Kingdom.

Mr. Peter Lloyd: Under the Immigration Rules...

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Briefing note for the PM's meeting with Sir Ian McKellen

Issues likely to be raised on behalf of Stonewall

Young gay men and the age of consent

The UK has the highest age of consent for male gay sex in the European Community, at 21; the equivalent age for heterosexual and lesbian sex is 16. At present young gay men are denied the right to choose new sexual partners. The Criminal Law Review Committee has recommended a reduction to 18. The Labour Party and the Liberals have manifesto commitments to change or to a free vote for change. The recent votes facilitated by the Government on abortion and on embryo technology have created a precedent for a free vote on this kind of issue, and we would press for the Conservative manifesto to include a commitment to facilitate this.

Inquiry to look at discrimination with particular reference to the Citizens Charter

Various examples of discrimination against lesbians and homosexuals can be identified in society. The Conservative Party is understandably reluctant to increase the number of quangos investigating suggested abuse of position; but certain problems could be alleviated directly by a change in the law or public policy. These might include security of tenure, inheritance law as it relates to a homosexual partner, and the policies of insurers. What is the Government's response to the existence of such discrimination?

Review of sexual offences law

The controversy over Clause 31 of the Criminal Justice Act has illuminated considerable disquiet in the homosexual community over offences, and the enforcement of those offences, relating to homosexual acts under the Criminal Law which would either not be offences or be punished so severely in the equivalent heterosexual case. These include gross indecency, procuring and soliciting. There is a body of opinion which advocates a thorough review of the law relating to sexual offences which we feel the Government should address.

Recent reports in the Scottish press have indicated that the Lord Advocate might issue advice to procurators fiscal not to proceed with the prosecution of individuals under 21 (but over 16) accused of homosexual offences, if the acts would not constitute an offence for over-21s. If true, this move would represent a considerable, and welcome liberalisation of the practice of law in Scotland. Similar changes are desirable in England and Wales as an interim measure while we wait for a change in the age of consent.

tenure?
inheritance
law?

Lesbians and gay men in the armed forces

The Special Select Committee on the Armed Forces Bill has recommended (HC 179 para 41) that the application of criminal penalties to homosexual acts by members of the armed forces should be discontinued. This would be a move to be welcomed and the Ministry of Defence will be reviewing it over the next year, but the climate of hostility to homosexuals in the armed forces still remains.

Law change on the Isle of Man

Homosexuality remains a criminal offence on the Isle of Man, twenty-four years after it was decriminalised in England and Wales. The UK is signatory to the European Convention on Human Rights on behalf of the Isle of Man. Home Office Ministers have made clear their desire that the Isle of Man should bring its laws into line with the UK, but that if it does not do so then the law will be changed by the UK over the Isle of Man's head. We are concerned that this overdue reform should not be delayed any longer.

Monitoring of attacks on lesbians & gay men

Violence against lesbians & gay men is an increasing problem. The incidence of murder of gay people is rising alarmingly. There is a considerable unwillingness by some police forces around the country to recognise that this is a serious problem which needs address. A first step to solving the problem would be a serious study of its prevalence; an undertaking by the Home Office to conduct such research would be welcome.

Entrapment

Several police forces in the UK are believed to operate well beyond accepted practice in trying to trap homosexuals into committing sexual offences. Whilst recognising that the public expects sexual offences to be dealt with by the law, the nature of these offences does not justify the considerable resources which are devoted to the detection of such misdemeanours. Enforcement of Home Office advice to prevent the use of entrapment by the police is essential.

August 1991

ISSUES TO BE RAISED WITH THE PRIME MINISTER
BY SIR IAN MCKELLEN

1. CRIMINAL LAW

The need for a comprehensive review of sexual offences law.

The gay male age of consent.

Policing of lesbians and gay men.

2. ARMED FORCES

Early implementation of the recommendation of the Special Select Committee on the Armed Forces Bill to decriminalise homosexual activity in the armed forces.

The need for a review of the treatment of lesbians and gay men by the armed forces.

3. DISCRIMINATION

The range and nature of discrimination in society against lesbians and gay men. Means of counteracting such discrimination through law reform and the promotion of good practice.

TAB
Stonewall
9/91

...mix B

**VISIT TO FIFTH INTERNATIONAL CONFERENCE
FOR PEOPLE WITH AIDS/HIV - BRIEFING**

BACKGROUND

1. Previous conferences have been held in London, Munich, Copenhagen and Madrid. It is intended that six hundred delegates will attend with three hundred coming from developing countries. The theme of this years conference will be "HIV and Human Rights: From Victim to Victor" and will focus on drawing up an International Declaration of Human Rights. It is understood that this will be based on the declaration prepared by the National AIDS Trust (Annex D). The Government has made a contribution of £15,000 towards the cost of the conference.

GOVERNMENT POLICY

2. The Government's strategy to combat the challenge of HIV/AIDS is based on 5 main elements:-

- **Prevention:** to limit the spread of HIV infection through public awareness campaigns, community based prevention initiatives, and public health measures;
- **Monitoring Surveillance and Research:** to improve understanding of the epidemiology of HIV infection, how it is transmitted, the natural history of the disease, and how HIV related illness can be prevented and treated;
- **Treatment, Care and Support:** to provide appropriate diagnostic, treatment, care and support services for those affected by HIV;
- **Social, Legal and Ethical Issues:** through a range of measures to foster a climate of understanding and compassion, to discourage discrimination and to safeguard confidentiality within the wide context of public health requirements;
- **International Co-operation:** to foster and encourage the full and continuing exchange of information between countries, and to encourage countries not to adopt coercive and discriminatory measures.

GOVERNMENT POLICY ON HUMAN RIGHTS

3. The policy has been to discourage discrimination through education and persuasion rather than legislation or signing up to declaration such as that prepared by the National AIDS Trust. The Government's view is that generalised legislation is not the best way to counter discrimination against people with HIV/AIDS. The approach is to resist calls for discriminatory legislation and to take action to educate the public about how HIV is transmitted and in particular that it cannot be spread by day to day social contact. Also action has been taken to discourage discrimination in particular areas such as education and employment.

CONTENTS OF THE NATIONAL AIDS TRUST DECLARATION

4. **The UK Declaration of Human Rights contains a number of recommendations which are not in accord with Government policy, on issues such as the right to free alternative and experimental therapies. The underlying principles are in accord with Government thinking on HIV and AIDS. MS(H) will recall that she sent a supportive letter, but declined to sign the declaration because its purpose was to bring pressure on Government. Our record on HIV and AIDS is good, and this is recognised both here and internationally:**

5. The Right to Liberty and Security of Person

a) Forcible detention, isolation or segregation - The Government is committed to encouraging people with HIV/AIDS to be integrated into society. Section 38 of the Public Health (CONTROL of Diseases) Act 1984 permits detention in hospital by order of a justice of the peace where this is necessary to prevent the spread of the disease. As far as we know the only occasion on which this was invoked was in 1985 in the case of a man who was bleeding heavily.

b) Segregation of prisoners - the system of viral infectivity restrictions (VIR) whereby HIV infected prisoners can be placed in special units is currently the subject of a review that is due to be completed by the end of the year. In the meantime some establishments have decided not to use VIR and others are at liberty to discourage its use in advance of the outcome of the review.

6. The Right to Privacy - AIDS is not a notifiable disease. Cases of AIDS and HIV are reported in the strictest confidence to the Communicable Disease Surveillance Centre and the Communicable Disease (Scotland) Unit. The strict rules drawn up by the General Council on medical confidentiality apply to HIV and AIDS. The National Health Service (Venereal Diseases) Regulation 1974 provides for information about sexually transmitted diseases including HIV infection and AIDS, to be disclosed only to medical practitioners directly involved in the care of patients, or to prevent the spread of HIV infection.

7. The Right to Freedom of Movement - The Government's policy in common with other EC members is to firmly resist calls for people to be prevented from entering a country purely on the grounds of their HIV status. Where a country imposes HIV related entry restrictions a demarche is issued seeking exemption for EC nationals. The UK considers that there are no good public health reasons for HIV related entry restrictions, and that they are ineffective in curbing the spread of infection. However, if a person is likely to require medical treatment during their stay they are required to satisfy the immigration service that they have the means to meet the cost. In this respect people with HIV are treated no differently from visitors with other illnesses.

8. The Right to Work - In March 1990 the Department of Employment issued guidance for employers in the booklet 'AIDS and the Workplace'. This emphasises that in the vast majority of occupations there is no risk of a person passing on the virus. There is no reason for screening applicants by asking about lifestyle, whether they have had an HIV test or by insisting that they take a test. However, if employers wish to test potential recruits they can do so. In respect of existing employees. Compulsory testing is likely to be inadmissible under most existing contracts of employment.

9. If an HIV infected employee becomes ill they should be treated in the same way as any other employee with a non-contagious life threatening illness. The booklet points out that dismissal purely on the grounds of HIV infection could be held to be unfair by an industrial tribunal under employment protection legislation.

10. The Right to Housing, Food, Social Security, Medical Assistance and Welfare

a) Housing - The Government is providing funding for research into the needs of people with AIDS including a joint study with the Department of the Environment

b) Social Security - there are no benefits specifically for people with HIV/AIDS. Benefits are paid on the same basis as to anyone else with an acute or chronic condition

c) Medical Assistance - people with HIV/AIDS have the same access to health services as other people with acute conditions. AIDS health services are provided on a free and confidential basis and specifically funded through earmarked money. For 1991/92 a sum of £137.3 million has been allocated. The NAT document advocates that there should be free access to complementary and experimental therapies. To provide funding for treatment outside the NHS would be inconsistent with Government policy. The Government is committed to research to develop a vaccine to prevent infection and to anti-viral drugs to treat people already infected. £8.5 million has been committed for 1991/92.

Reference is also made to access to blood products of the highest quality for these dependent on them. All blood donations are tested for HIV as well as other infections. Also certain groups of people are asked not to give blood. Factor 8 given to treat haemophiliacs is heat treated to inactivate the virus.

d) Welfare - In 1991/92 £10.21 million was allocated to local authorities and £1.9 million to voluntary organisations.

11. The Right to Equal Protection of the Law and Protection from Discrimination - The items under this heading are dealt with in other parts of the briefing except for insurance.

a) Insurance - the report by the British Market Research Bureau, which was jointly commissioned by the Government and Association of British Insurers was published on 25 July and concluded that thousands and possibly tens of thousands of people were deterred from having a test by the questions asked by insurance companies. We will be holding further discussions with the ABI aimed at finding ways in which insurance companies can ascertain information about risk assessment and do not deter people from being tested.

12. The Right to Marry and Found A Family - We are taking steps to increase named HIV testing in ante-natal clinics. Pregnant women who are found to be HIV positive through voluntary testing are offered expert counselling. Any decision to terminate pregnancy can only be made if the woman herself consents and if two doctors are sure that the terms of the Abortion Act are satisfied.

13. The Right to Education - In 1986 the Department of Education and Science issued a booklet for schools in which they advised 'children should be allowed to attend school freely and be treated in the same way as other pupils'. The guidance emphasises that the knowledge that a child is seropositive should be restricted to those who 'need to know'.

EDUCATION AGAINST DISCRIMINATION

14. As well as the measures outlined above, steps have been taken to bring to the attention of the public that AIDS is a threat to the whole population. The quarterly and monthly press releases issued by the Department giving the latest figures for AIDS and HIV regularly draw attention to the increasing evidence of heterosexual spread. The results from the anonymised HIV surveys also highlighted that in inner London one in 500 ante-natal clinic attenders was HIV positive.

15. Since 1985/86 the Government has allocated over £62 million to the AIDS public education campaign, including £11 million in 1991/92. The Health Education Authority is currently running a mass media campaign in response to increasing concerns about the spread of HIV amongst the heterosexual population. In addition the Health Education Authority is continuing its initiatives amongst the groups perceived by many to be those at greatest risk from HIV.

TREATMENT AVAILABLE FOR THOSE WITH HIV AND AIDS

16. Since the beginning of the epidemic Central Government has played an active role in encouraging the development of a wide range of services for those who have, or believe they may have HIV infection, including:

- * HIV antibody testing with pre and post test counselling
- * Appropriate follow-up services for all those found to be infected
- * In-patient care
- * Home support
- * Day provision
- * Respite care
- * Terminal care

These services are provided by health and local authorities working in collaboration with other service providers, including the voluntary sector.

THE NHS

17. Substantial sums have been made available to Regional Health Authorities as a specific contribution to HIV/AIDS service development. £25.1m was made available in 1987/88, this has increased to £145m in 1990/91, of which £127.5m is Treasury ringfenced money. This has increased to over £137.3m in 1991/92. The money cannot be spent on anything but AIDS related services - this ensures that developments are adequately funded and there is no question of AIDS services developing at the expense of others. Funding will continue to be on a catchment basis in 1991/92 while an ME working party looks at contracting issues for 1992/93.

18. We have a unique method of monitoring expenditure through reports required under the AIDS (Control) Act. Each District must submit an AIDS (Control) Act Report to its Region; each Region then submits a composite report to the Department; the Department then writes a national overview which is laid before Parliament. The overview for 1989/90 is in preparation and will be used to underline the Government's continuing commitment to developing treatment and support services for AIDS.

THE VOLUNTARY SECTOR

19. £1.8m is given direct by Section 64 grants to pay the Administration costs of a number of voluntary organisations. In addition, over £3.5m in London alone has been distributed by the NHS or Local Authorities to voluntary organisations from earmarked money provided by Central Government.

20. Voluntary organisations such as the Terrence Higgins Trust, the London Lighthouse and Positively Women are essential to the Government's co-ordinated efforts to provide services to people affected by AIDS or HIV: self help groups and AIDS service organisations have provided an innovative and user-friendly approach which has often influenced the statutory sector. Government money has been used to pump-prime these organisations and to look at how these innovative schemes could be replicated. A number of these grants we have given have built-in formal evaluation and the use made of Government money for all grants is monitored each year.

HOSPICES AND TERMINAL CARE

21. Hospice and Terminal Care for people with AIDS is provided by the Mildmay Mission Hospital and London Lighthouse, both of whom receive substantial funding from the department through the Section 64 grant scheme.

22. London Lighthouse (which received a grant of £300,000 in 1990/91) was the first organisation in Britain to provide an integrated range of support services for one centre to people affected by HIV and AIDS. London Lighthouse aims to offer an interlocking range of services and facilities which have been identified by people with AIDS themselves as essential and which complement rather than duplicate existing provision. The Lighthouse and Mildmay's residential care facilities are funded by health authorities on a contractual basis.

23. The Mildmay Mission Hospital (which received a grant of £130,000 in 1989/90) provides facilities for both the terminal and respite care of people with AIDS. In giving funding to the Mildmay, the Department's aim has been to help the hospital provide an extended service for people with AIDS and their carers. MS(H) has approved in principle a S64 grant of £130,000 for the current financial year subject to satisfactory reports and accounts being submitted.

24. Both organisations were mentioned in the second report of the Social Services Select Committee on AIDS. There are at present no other purpose built residential care facilities of which the AIDS Unit is aware for people with AIDS in the UK.

TREATMENT OF HIV POSITIVE PEOPLE

25. The most useful tools in preventing the onset of AIDS and its related conditions in people who are already infected with HIV are Zidovudine (AZT) and pentamidine.

AZT

26. Studies are now showing that the regular use of AZT in people who are asymptomatic but have low CD4 cell counts is beneficial in delaying the onset of AIDS. The precise advantage in terms of extra years before developing AIDS is impossible to quantify but certainly many people are developing AIDS later than would have been expected before AZT was available.

27. AZT given to asymptomatic people also appears to prolong the interval between diagnosis of AIDS and death. AZT, however, has side effects - some people who have taken it for years develop cancers of the lymphatic system, and it may have effects on the bone marrow which require frequent blood transfusion. The average annual cost of AZT is £3500.

AEROSOLIZED PENTAMIDINE

28. This is an inhalation therapy which if used regularly delays or prevents the person from developing pneumocystis pneumonia - a potentially lethal lung infection and the commonest presenting infection of AIDS. The therapy is now also used to prevent asymptomatic people with low CD4 counts from having their first attack.

OTHER DRUGS

29. There are other drugs available to treat specific conditions or infections associated with AIDS for example fluconazole to prevent fungal infections, acyclovir/gancyclovir to prevent cytomegalovirus infections, and cytotoxic drugs against AIDS malignancies.

RESEARCH

30. In the USA there are some 40 new compounds undergoing trials. In the UK there are trials on DDI and DDC which are compounds that may be beneficial in people who have become intolerant of AZT.

INTERNATIONAL ISSUES

31. AIDS is worldwide problem: the fullest international cooperation is essential in efforts to combat it. The Government takes every opportunity to encourage open debate and exchange of information about all aspects of AIDS and HIV, and has committed significant sums to international programmes to control and combat AIDS.

32. The Government has so far committed £12.25 million, and has pledged a further £4.5 million for 1990, £6.9 million provided for AIDS Control Plans in Africa and the Caribbean, in support of the World Health Organisation's Global Programme on AIDS, which takes the lead in coordinating and implementing international action against AIDS.

33. The UK organised jointly with WHO the World Summit of Health Ministers on Programmes for AIDS Prevention, in London in January 1988. 114 countries were represented at Ministerial level and the "London Declaration" was adopted unanimously. It stresses the importance of information and education in National AIDS control programmes.

34. In the European Community, the UK initiated discussions of AIDS at the London European Council in December 1986. AIDS has also been given a high priority on the agenda of successive meetings of EC Health Ministers. A working group was set up to consider issues; work towards a common Europe-wide strategy and develop mechanisms for exchanging information.

35. The UK also co-sponsored resolutions on AIDS at this year's and last year's World Health Assemblies and the 1987 UN General Assembly, the UK tabled a successful resolution at ECOSOC (UN Economic and Social Council) and sponsored the resolution at this year's General Assembly debate on AIDS.

36. The second World AIDS Day sponsored by WHO took place on 1 December 1989. The Government and voluntary bodies sponsored a number of initiatives to increase people's awareness of HIV and AIDS and the impact it has on individuals and society. World AIDS Day on 1 December 1990 focused on Women and AIDS.

37. The overseas Development Administration has also committed £413,000 to NGOs, through its Joint Funding Scheme, for use on AIDS-related projects

Annex - -

**PRE-PUBLICATION
TEXT** - provided solely
for the information of
potential supporters;
not for general publi-
cation or reference.

The
United Kingdom
Declaration of
the *Rights* of
People with
HIV and AIDS

Preface

This Declaration is made by people with HIV and AIDS and by organisations dedicated to their welfare. The Declaration lists rights which all citizens of the United Kingdom, including people with HIV and AIDS, enjoy under international law; the Declaration also prescribes measures and recommends practices which the writers of the Declaration believe are the minimum necessary to ensure that these Rights are respected and protected within the United Kingdom.

The Declaration

ALL CITIZENS of the United Kingdom, including people with HIV and AIDS, are accorded the following rights under international law:

- the right to **liberty and security of person**
- the right to **privacy**
- the right to **freedom of movement**
- the right to **work**
- the right to **housing, food, social security, medical assistance and welfare**
- the right to **freedom from inhumane or degrading treatment**
- the right to **equal protection of the law and protection from discrimination**
- the right to **marry**
- the right to **found a family**
- the right to **education**

These rights exist in international treaties (1) which the United Kingdom Government has agreed to uphold. But these rights, as they apply to United Kingdom citizens with HIV and AIDS, have not been adequately respected or protected. We therefore make a public declaration of the rights of people with HIV and AIDS and of our commitment to ensuring that they are upheld.

Liberty & Security

People with HIV and AIDS have the right to liberty and security of person, and in respect of this right we believe that:

1. no person should be subjected to forcible detention, isolation, or segregation from society purely on the grounds of their having HIV, or having AIDS or an AIDS-related condition;
2. no prisoner should be segregated from other prisoners purely on the grounds of their having HIV, or having AIDS or an AIDS-related condition.

We affirm and hold, in agreement with the World Health Organisation, that "persons suspected or known to be HIV-infected should remain integrated with society ..." (2)

Privacy

People with HIV and AIDS have the right to privacy; and in respect of this right, we believe that:

3. information about the HIV status of any person should be kept confidential to that person and their appointed health and social carers (except where **anonymous** information is given to a public body for the purpose of studying the epidemiology of HIV);
4. information should not be disclosed to a third party about a person's HIV status without that person's consent;
5. in accordance with a judgement of the European Court of Human Rights, the right to privacy includes the right "to establish and develop relationships with other human beings, especially in the emotional sphere, for the development and fulfilment of one's own personality." (2)

Freedom of Movement

People with HIV and AIDS have the right to freedom of movement, and in respect of this right we believe that:

6. no restrictions should be placed on the free movement of individuals within and between States purely on the grounds of their having HIV, or having AIDS or an AIDS-related condition.

We affirm and hold, in agreement with the Committee of Ministers of the Council of Europe, that "in the light of present knowledge, discriminatory measures such as control at borders ... should not be introduced as they are not justified either scientifically or ethically". (4)

Work

People with HIV and AIDS have the right to work, and in respect of this right we believe that:

7. no person should be barred from employment or dismissed from employment purely on the grounds of their having HIV, or having AIDS or an AIDS-related condition;

8. employers should ensure that their terms and conditions of employment are such as to enable people with HIV, AIDS or an AIDS-related condition to continue in their employment, and to do so in a healthy and safe working environment;

9. employers or their agents should not perform tests to detect the HIV status of current or prospective employees;

10. in respect of the right to work, the right to privacy, and the right to protection from discrimination, there should be no obligation or requirement upon an individual to disclose to an employer their own HIV status, or the HIV status of another person.

Housing, Food, Social Security, Medical Assistance and Welfare

All persons, including those with HIV and AIDS, have the right to housing, food, social security, medical assistance and welfare.

In respect of the right to housing, food and social security, we note that Article 11 of the International Covenant on Economic, Social and Cultural Rights states:

"The states parties to the present covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing ..."

In respect of these rights, we believe that individuals with HIV and AIDS, and their dependents, who are in social or housing need, should be offered:

11. the prompt provision of housing which is beneficial to their physical and mental well-being;--

12. the provision of adequate means, through direct financial assistance and provision by appropriate social care agencies, to maintain a reasonable standard of living and, especially an appropriate diet;

In respect of the right to medical assistance and welfare, we believe that people with HIV, AIDS or an AIDS-related condition should have:

13. full access to available medical treatment, including complementary and experimental therapies, without charge to the recipient;

14. access to blood products of the highest quality, for those dependent on them;

15. free access to a data-base providing information about therapeutic research in relation to HIV infection, AIDS and associated conditions;

16. access to the provision by statutory and voluntary agencies of social care by appropriately trained workers;

17. for those who have problems with illegal substances, access to a full range of services (including maintenance therapy) that is appropriate to their needs;

18. care unprejudiced by the agreement or refusal to participate in research trials.

In relation to social and medical care, we believe that people with HIV and AIDS should:

19. be fully involved in a working partnership with medical, health and social care workers and researchers to develop policies and practices which meet their medical, health and social care needs.

In relation to medical care, we believe that people with HIV and AIDS should:

20. be able to refuse treatment or restrict their treatment to palliative care.

In respect of the right to medical assistance, and of the duty of Governments to protect the health of citizens, we urge the United Kingdom Government to allocate a proper proportion of available resources towards therapeutic research into HIV infection and the conditions associated with AIDS.

Equal Protection of the Law & Protection from Discrimination

People with HIV and AIDS have the right to equal protection of the law and protection from discrimination. We note the statement of the World Health Organisation that:

"The avoidance of discrimination against persons known or suspected to be HIV-infected is important for AIDS prevention and control: failure to prevent such discrimination may endanger public health." (5)

In respect of the right to protection from discrimination we believe that:

21. measures should be taken to protect people with HIV and AIDS from discrimination in the areas of employment, housing, education, faith, legal services, child care and the provision of medical, social and welfare services, and from arbitrary and commercially unjustified discrimination by private insurance companies;

22. there should be other appropriate provision to protect people with HIV and AIDS, and their dependents, from social disadvantage arising from commercially justified discrimination by private insurance companies.

We note that the World Summit of Ministers of Health on Programmes for AIDS Prevention (hosted and attended by the UK Government) emphasised in the London Declaration on AIDS Prevention (1988) "the need in AIDS prevention programmes to protect human rights and human dignity" and undertook to "forge, through information and education and social leadership, a spirit of social tolerance". In pursuit of this, we believe that:

23. there should be public education whose specific objective is the elimination of discrimination against people with HIV and AIDS.

In support of the above we note that Article 26 of the International Covenant on Civil and Political Rights (which is binding on the United Kingdom Government) states:

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

We submit that HIV status and HIV-related disability fall within the "other status" covered by this prohibition of discrimination.

To Marry and to found a Family

People with HIV and AIDS have the right to marry and the right to found a family, and in respect of these rights we believe that:

24. full and appropriate counselling and information, which respects their right to parent children, and the right of women with HIV to bear children, should be made available to those people with HIV and AIDS who wish to exercise this right. (6)

Education

People with HIV and AIDS have the right to education, and in respect of this right:

25. education should not be impaired by restrictions on social interaction placed on people with HIV and AIDS in educational settings.

We believe that these measures are necessary to ensure that the rights of people with HIV and AIDS, and of others disadvantaged as a result of disability or medical condition, are protected in a society which respects the value and dignity of its members.

Notes

- (1) The relevant treaties, which the UK Government has agreed to uphold, are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1976), the European Convention on Human Rights (1953) and the European Social Charter (1965).
- (2) Social Aspects of AIDS Prevention and Control Programmes (World Health Organization, Geneva, 1987).
- (3) *Dudgeon v United Kingdom*, Judgement of the European Court of Human Rights (1981) 4 EHRR 149.
- (4) Appendix to Recommendation No. R (87) 25, para 2.2.2.
- (5) Social Aspects of AIDS Prevention and Control Programmes (World Health Organization, Geneva, 1987).
- (6) Where a woman with HIV or AIDS chooses not to have a pregnancy terminated, the right of children to be born without disability should be respected by the adoption of procedures to minimise the risk of transmission before, during, or after birth.

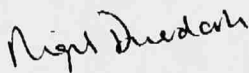
This declaration was produced by a working group including representatives from:

AIDS and Housing Project, 16-18 Strutton Ground, London SW1P 2HP
BHAN (Black HIV/AIDS Network), BM MCC, London WC1N 3XX
Blackliners, PO Box 74, London SW12 9JY
Body Positive, 51b Philbeach Gardens, Earls Court, London SW5 9EB
Broadcasting Support Services, 252 Western Avenue, London W3 6XJ
[BSS manages the National AIDS Helpline based in London]
Frontliners, 55 Farringdon Road, London EC1M 3JB
The Haemophilia Society, 123 Westminster Bridge Road, London SE1 7HR
The Landmark, 47a Tulse Hill, London SW2 2TN
London Lighthouse, 111-117 Lancaster Road, London W11 1QT
NAHAW (Network - the Association of HIV/AIDS Workers), PO Box 1328, London W5 2BH
National AIDS Manual, PO Box 99, London SW2 1EL
National AIDS Trust, Room 1403, Euston Tower, 286 Euston Road, London NW1 3DN
NOVOAH (Network of Voluntary Organisations in AIDS/HIV) Executive Committee
Positively Women, 5 Sebastian Street, London EC1V 0HE
SCODA (Standing Conference on Drug Abuse), 1-4 Hatton Place, Hatton Garden, London EC1N 8ND
Scottish AIDS Monitor, PO Box 48, Edinburgh EH1 3SA
Terrence Higgins Trust, 52-54 Grays Inn Road, London WC1X 8JU

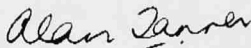
For further information contact either the National AIDS Trust or any of the organisations listed above.

Signatories

Nigel Duerdoth, Chair of the Board of Directors, for the AIDS and Housing Project:



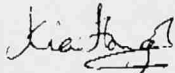
Revd A J Tanner, Chairman, for The Haemophilia Society:



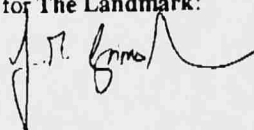
Mary Mantell, Chair, for NOVOAH (the Network of Voluntary Organisations in AIDS/HIV) Executive Committee:



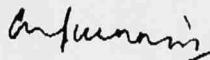
Revd Hong Tan, Director, for BHAN (the Black HIV/AIDS Network):



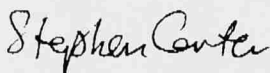
Jonathan Grimshaw, Director, for The Landmark:



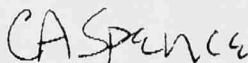
Caroline Guinness, Senior Executive, for Positively Women:



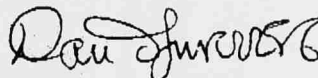
Dr Stephen Carter, Chair, for Blackliners:



Christopher Spence, Director, for the London Light-house:



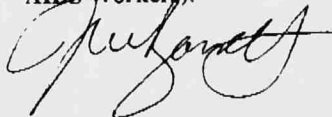
David Turner, Director, for SCODA (the Standing Conference on Drug Abuse):



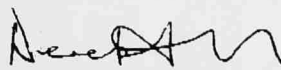
Dietmar Bolle, Trustee, for Body Positive:



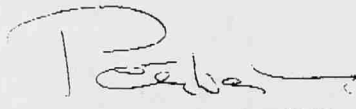
James Barratt for the Executive of NAHAW (Network - the Association of HIV/AIDS Workers):



Derek Ogg, Chairman of the Board of Trustees, for Scottish AIDS Monitor:



Peter Westland, Chair, for Broadcasting Support Services:



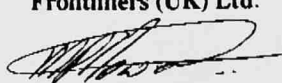
Peter Scott, Editor, National AIDS Manual (NAM Publications Ltd):



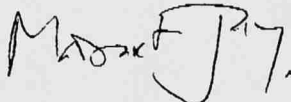
David Campbell, Chair, Board of Directors, for the Terrence Higgins Trust:



Michael P Howard, Chair of the Board of Directors, for Frontliners (UK) Ltd:



Margaret Jay, Director, for the National AIDS Trust:



When this declaration is publicly launched in 1991 it will appear with names of individual supporters and organisations which subscribe to it, to be listed without signatures. 15/10/1990



William Chapman Esq
Private Secretary
10 Downing Street
LONDON
SW1A 2AA

cc: [unclear]
a [unclear]

Lord Advocate's Chambers
Fielden House
10 Great College Street
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Telephone: Direct Line 071-276 6819
Switchboard 071-276 3000
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16 September 1991

GRM CF
M. associate
with ~~the~~ meeting
with folder.
LAC 1879

Dear William,

PRIME MINISTER'S MEETING WITH SIR IAN McKELLEN: GAY ISSUES

I refer to the above.

The Crown Office has been asked by the Home and Health Department of Scottish Office to provide information for briefing notes in respect of the above meeting. As the Lord Advocate's approach to the prosecution of homosexual offences is a matter exclusively for him, HHD have been advised that briefing has been sent to you direct on this particular aspect of the meeting.

I enclose a background note and speaking note for the Prime minister on the subject of the review of sexual offences as it relates to the position in Scotland.

Yours sincerely,
Alan Maxwell.

ALAN MAXWELL
PRIVATE SECRETARY

BACKGROUND NOTE

The briefing note provided by GJW indicates that Sir Ian McKellen is likely to raise the subject of recent reports in the Scottish press that the Lord Advocate might issue advice to Procurators Fiscal not to proceed with a prosecution of individuals under 21 (but over 16) if the acts would not constitute an offence for over 21 year olds. No such advice or instruction has been or will be given.

The press report referred to is an article which appeared in the newspaper "Scotland on Sunday" on 14th April 1991. This article suggested that the Lord Advocate had initiated such a review and was followed up by certain sections of the "Gay" press.

The Lord Advocate has directed a review of prosecution policy in Scotland on this area of the law. He is re-examining how his discretion might generally be applied in relation to those homosexual acts which are still unlawful so as to ensure a consistent approach throughout Scotland.

The Law in Scotland

Prosecution of unlawful homosexual conduct in Scotland can be instituted under section 80 of the Criminal Justice (Scotland) Act 1980. Section 80 of this Act provides that a homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of 21 years. Other than in these circumstances, it is an offence to commit or to be party to the commission of, or to procure or attempt to procure the commission of a homosexual act otherwise than in private or without the consent of both parties to the act, or with a person under the age of 21 years. The common law also provides a range of crimes which can be used to prosecute acts of gross indecency of both a heterosexual and homosexual nature. These crimes include the offence of breach of the peace, shameless indecency and lewd and libidinous practices. One of the issues in the review is whether charges should usually be brought only under statute rather than under the common law.

SPEAKING NOTE ON PROSECUTION POLICY IN SCOTLAND IN RELATION TO THE PROSECUTION OF CONSENSUAL HOMOSEXUAL OFFENCES

Prosecution policy in Scotland is a matter exclusively for the Lord Advocate.

The Lord Advocate has directed a review of prosecution policy in Scotland in this area of the law. He does not consider that the public interest is necessarily served by routinely prosecuting all persons who participate in those consensual homosexual acts in private which remain unlawful. He considers that it might, for instance, be preferable to prosecute only where particular circumstances such as the exploitation and corruption of others, breach of trust or extortion are present. The review is, therefore, concentrating on these issues.

There has been recent criticism of prosecution practice in relation to the types of charge brought in such cases and the review extends to considering which types of charge should be used when prosecutions are brought. However, contrary to what G.J.W.'s briefing might suggest, the Lord Advocate has not indicated that an instruction would be given to Procurators Fiscal not to prosecute individuals "under 21 (but over 16)".

The review of prosecution policy on this subject is expected to be completed this Autumn.

CAROLYN SINCLAIR (on return)

MEETING WITH SIR IAN MCKELLEN

I have been discussing this meeting with Tony Hutt who advises the Stonewall Group of which Sir Ian is, I think, Chairman. I envisaged it as primarily a listening meeting and a fairly informal one at that. Mr. Hutt agreed. I think it would therefore be best if, on the Prime Minister's side, there was only you and me - and no Ministers from other Departments. I suspect if we have John Patten or Archie Hamilton it will just encourage repetition of the official line and I see this meeting as an opportunity for the Prime Minister to focus on the issues and to explore them fairly informally. This is probably better done without supporting Ministers of State!

Mr. Hutt certainly does not want the meeting to be a 'formal' one. He also mentioned that Sir Ian lacked self-confidence (!) in discussing these issues and might be slightly overawed by a meeting with the Prime Minister. He might therefore wish to be accompanied by two other members of the Stonewall Group. One could be Robin Squire MP (or Michael Brown MP, but we both recognised the inadvisability of this!) I see no difficulty with a delegation of three (max.).

Please let me know if you see the meeting differently and we can have a word.

WEC

WILLIAM CHAPMAN
12 September 1991

C:\HOME\SINCLAIR (ECL)

MB: spoke for the
to Tony Hutt. It'll
be just in law.
I'll do a note for
New of the discussion.
WEC 19/9.

HOME AFFAIRS SELECT COMMITTEE

John Wheeler

David Ashby

Janet Fookes

David Sumberg

Alan Meale

Joe Ashton

Roger Gale

Keith Vaz

Gerald Bermingham

John Greenway

Mike Woodcock

BRIEFING FOR THE PRIME MINISTER: HOMOSEXUAL ISSUES

I. UK age for homosexual consent uniquely high?

- UK consent law not so harsh in practice
 - statistics show prosecutors respect privacy of consenting men aged 18+
 - no convictions in 1989 in 17-20 years age group
 - only 6 prosecutions for consenting buggery all ages
- other European countries have differential ages of consent and/or special laws against homosexual exploitation of young people

Free vote on age of consent?

- Agree probably not an issue where Whipping would work for any party. But an unwhipped vote no guarantee of reform or decisiveness:
 - emotive "symbolic" issue - unpredictable outcome - could end up with stricter enforcement of 21 year limit, or worse.
 - unhappy to treat issue on 'show of hands' gut reaction basis. MPs expect responsible Government to clarify underlying factual questions (e.g. physiological or psychological harm from early buggery and on AIDS risks, if any)
 - not confident that public and parliamentary opinion ripe. "Outing" debacle showed dangers of forcing pace.

II. Anti-discrimination initiative?

- Government clear policy and example opposes discrimination against any minority:
 - civil service employment policies.
 - recent "vetting" announcement
- Marriage/inheritance/land tenure reforms not easily presented as anti-discrimination - unwise to gallop ahead of public opinion.

III. Review sexual offences law?

- Thoroughgoing programme of sexual offences reform not high on Home Secretary's agenda. Approach for many years has favoured Private Member's legislation on specific topics.
 - Recognise homosexual community's agenda for reform. Doubt that Government could adopt it - any more than it could adopt women's lobby agenda as its own.
 - Not sure how realistic to aim at total parity between heterosexual and homosexual offences and penalties - homosexual soliciting in public toilets is a distinctive male nuisance.

Prosecution policy?

- Prosecution policy for Attorney/DPP. Wrong for Home Secretary/Prime Minister to intervene.
 - Published Code for Crown Prosecutors says CPS should consider ages and possible exploitation/seduction elements before deciding whether public interest requires prosecution. Clear from statistics that CPS reluctant to pursue consenting acts by couples in private.

IV. "Entrapment" by plain clothes police officers?

- Root of problem is homosexuals' use of public lavatories for sexual purposes. Can responsible gay lobby help discourage the practice?
 - Government cannot direct the police on operational matters. But has guided "no entrapment". Understand that Met. Police about to issue new guidelines. (Met. is in contact with London Lesbian & Gay Policing initiative, to which Stonewall belong).

V. "Queer bashing"?

- Met. Police just set up a pilot monitoring project on "homophobic" assaults.
 - Met. working in close liaison with London Lesbian & Gay Initiative.
 - "Gay" press welcomed Met. consultation paper as "remarkable" in its "sensitivity and understanding" of gay issues. Home Secretary watching for results with interest.

VI. Isle of Man?

- I.O.M. Sexual Offences Bill remains subject to possible amendment in Tynwald. Consideration expected to resume after the Island's General Election in November.

- Home Office Ministers made it plain publicly that if I.O.M. refuses or fails to amend law satisfactorily, Government will introduce requisite legislation in Parliament at earliest suitable opportunity.

VII. Armed Forces?

- MOD considering Armed Forces Bill Select Committee recommendations on decriminalising private off-duty homosexual acts.
 - Select Committee said time not ripe to require Forces to accept homosexual behaviour. Special considerations apply.

McKELLEN

19/9



me pm

c:/diary/wilkinson

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

31 August 1991

The Prime Minister has agreed to see the actor Sir Ian McKellen to discuss homosexual issues which Sir Ian wishes to raise on behalf of Stonewall. A half hour meeting at No.10 has been arranged on Tuesday 24 September at 10.30 am, and I attach copies of correspondence, including a note on the issues likely to arise. I should be most grateful if you could let William Chapman have a short brief covering those and any other points you consider relevant by Thursday 19 September.

I am copying this letter to Jim Gallagher (Scottish Office) and Paul Ahearn (Department of Health), in case they have any comments they would wish you to incorporate.

Note: Ho will liaise
with MOD for armed forces
contributions if necessary

SANDRA PHILLIPS

Ms. Heather Wilkinson,
Home Office.

*To see + note
line to
take.*

Mr Alcock
Mr Jex
Mrs Baxter

From C E Staniland
AIDS Unit
Date 27 August 1991

**RECEIVED IN THE
OFFICE OF
27 AUG 1991
MINISTER FOR
HEALTH**

cc Dr Abrams
Mr Hale
Dr Rubery
Mr Thompson o/r
Dr Lewis o/r
Mr Davey
Dr Exon
Mr Snee
Ms Campey

CONSERVATIVE FAMILY CAMPAIGN ; PRESS RELEASE ON THE
RESPONSIBILITIES OF PEOPLE WITH HIV/AIDS

Introduction

1 The Conservative Family Campaign have issued a press release in response to the Declaration of Human Rights which was developed by a consortium of voluntary organisations under the auspices of the National AIDS Trust. The press release is critical of Government policy and of the Department of Health. This submission follows my note of 23 August (attached at Annex A) and provides a line to take which distances DH Ministers from the press release.

Content of the Press Release

2 The Press Release includes a one page synopsis of concerns about Government policy and a table of suggested responsibilities of people infected with HIV/AIDS. It majors on the public health measures which the CFC consider are essential to prevent the spread of infection, and displays a lack of knowledge about transmission and the public health. It calls for a number of coercive measures including mandatory testing of visitors from overseas and legislation to make non disclosure of HIV infection by healthcare workers a criminal offence.

Public Reaction

3 The Press Release was featured on the "Today" Programme on Radio 4 today. Sir Teddy Taylor spoke on behalf of the Conservative Family Campaign. It appears that Mr Jerry Hayes, who was also interviewed and who was a member of the organisation, had not been consulted about the press release. We understand that he has resigned from the Conservative Family Campaign over this. Mr Ivor Stanbrook, MP, also publicly stated that the press release went too far.

Conclusion

4 Ministers are asked to note the attached line to take.

Chris Staniland
C E Staniland
207 FRH
Ext 23330

LINE TO TAKE

We have seen a copy of the Conservative Family Campaign's Press release on the "HIV Infected Citizens' Charter".

The Government's record on HIV and AIDS is second to none. The public health measures we have taken in response to the epidemic have been used as a model for other countries and have been widely praised both here and internationally.

The CFC Press Release and Charter display a fundamental lack of knowledge about HIV infection and how it is transmitted.

Ms Moseley

From C E Staniland
AIDS Unit
Date 23 August 1991
cc Mr Alcock PS SofS
Mr Jex PS/MS(H)
Mr Hale
Dr Rubery
Dr Lewis o/r
Mr Thompson o/r
Mr Davey

CONSERVATIVE FAMILY CAMPAIGN PRESS RELEASE : HIV INFECTED
CITIZENS CHARTER OF HUMAN RESPONSIBILITY

1 I attach a line to take in response to the Conservative Family Campaign Press Release on the responsibilities of people with HIV and AIDS.

2 The National AIDS Trust Declaration of the Rights of People with AIDS is to be launched on 27 August. It appears that this has prompted the Conservative Family Campaign to prepare a charter of responsibilities.

3 You may wish to contact your Press Office counterpart in Number 10 as the Press Release calls on the Prime Minister to take action.

C Staniland

C E Staniland
207 FRH
Ext 23330

Line to take

Introduction

1. The primary concern of the Department of Health in developing its policies on HIV and AIDS has been to minimise the spread of HIV infection, introduce measures to protect the public health, and provide care and support for those infected.

Spread and Prevalence

2. HIV and AIDS is an illness which affects us all. It is not limited to particular groups in society, and worldwide the primary mode of spread is heterosexual intercourse. In the 12 months to end June 1991 there were 63% more reports of AIDS among heterosexuals and AIDS in women increased by 93%. A recent study showed that 1 in 200 women attending ante-natal clinics in inner London were HIV positive, an fourfold increase in a period of two years. Up to March 1991, 91 babies had been diagnosed as HIV seropositive.

Morality

3. It is quite true that the safest way to avoid infection is to avoid injecting drug misuse and to remain faithful to one partner uninfected with HIV. But we have to deal with people's actual behaviour, and recognise that there are many in society who feel unable to subscribe to these ideals. They require practical advice on how to avoid infection.

Human Rights

4. Our record on human rights is second to none. We believe that people with HIV and AIDS, as with any other medical condition, should have the same rights as others in society. We have consistently adopted policies to discourage discrimination and stigmatisation. If those with HIV or AIDS were subjected to discriminatory measures, this would be likely to discourage people from coming forward for help.

Responsibilities

5. We recognise that along with rights, there are also responsibilities. We all have a duty to act with prudence and responsibility and to protect ourselves and others. Homosexual men were amongst the first to recognise this and have acted responsibly to alter their behaviour in the direction of safety and have developed educational initiatives to alert people to the risks and the measures to protect against infection.

Terrence Higgins Trust

6. The Department funds THT for their administrative costs

They provide volunteer services which are essential to the provision for community care for people with AIDS, as well as educational and developmental work carried out with particular groups. They are not a homosexual lobby group - over half of their volunteers are women and many of their initiatives have been aimed at e.g. women. The charge of provision of homosexual pornography to teenagers is unfounded; an unfortunate and isolated error of judgment caused a member of the Trust to send educational material aimed at gay men to an agent provocateur who, pretending to be a 17 year-old gay man, was in fact a member of Family and Youth Concern, a group with aims similar to the Conservative Family Campaign. The Minister for Health wrote to THT pointing out that this was in fact an error of judgment.

Insurance

7. The Department has been concerned for some time that questions that insurance companies ask may deter people from having an HIV test and that this has implications for the public health. A recent report has confirmed that people are deterred from seeking a test, and although difficult to quantify, the numbers are in the thousands or tens of thousands. We recognise that insurance companies have a duty to conduct their business prudentially and are discussing with them ways in which they can obtain the information they need for risk assessment which do not deter people from having a test.

American Entry Restrictions

8. The US Government is currently examining its entry restrictions for people with HIV and AIDS. The UK endorses the opinion of World Health Organisation experts that there are no good public health reasons for HIV-related entry restrictions. The virus is already present in the UK. The key to preventing further transmission is to ensure that the population know the risks and avoid behaviour likely to put them at risk of infection.

US Bill to criminalise health care workers with AIDS who do not disclose their serostatus

9. Coercive measures are counter-productive, and may well have the effect of driving the disease underground and preventing those with HIV or AIDS coming forward for help and advice, including how to prevent further transmission. In the UK, health care workers who know or suspect that they are infected with HIV and who would normally perform or assist in invasive procedures including surgery in which blood to tissue contact could occur, must seek expert advice on whether there is a need to limit their working practices. For example, in the case of health care workers with AIDS, this would normally include a requirement not to continue their involvement in surgical invasive procedures.

The Charter

10. The Government's strategy to meet the challenge of HIV and AIDS has been widely acclaimed and supported, both nationally and internationally, and has been used as a model by other countries.

AIDS Unit

AUGUST 1991



CONSERVATIVE FAMILY CAMPAIGN

Bringing the family back into focus

45 West Hill Avenue, Epsom, Surrey KT19 8JX Tel: 0372 721027. Messages to: 0202 518618
Chairman: Graham Webster-Gardiner Hon. Secretary: Mrs. Kathy Hearne Consultant: Dr. Adrian Rogers MBE BS

PRESS RELEASE EMBARGOED TO: 00.01 HRS 27/08/91

HIV INFECTED CITIZENS' CHARTER OF HUMAN RESPONSIBILITY

Conservative Family Campaign today publishes its Charter of Responsibilities for those suffering from AIDS and HIV.

Graham Webster-Gardiner, Chairman of the Campaign, which is sponsored by among others 30 backbench Conservative MPs, said:

"Liberal humanists and friends of the homosexual lobby have taken over policy in the Department of Health, emphasising the rights of those infected with AIDS and HIV to the exclusion of their responsibilities, the precise opposite of Conservative principles.

"The D of H has refused to introduce basic public health measures. It spends money on AIDS research out of all proportion to that spent on other life-threatening diseases, and funds the Terrence Higgins Trust, a homosexual front which provides 'gay' pornography to teenagers under the guise of 'health education.' It is even interfering in the policies of life assurance companies.

"Government has a duty to provide protection for the general population, especially the young, the frail, infirm & elderly.

"America has many more years experience of AIDS than the UK. President Bush has stated that AIDS is a medical issue and not a political issue, whilst the US Senate has passed overwhelmingly a bill criminalising health care workers with AIDS who conceal the fact from their patients.

"We call upon John Major to confirm that the UK will now treat AIDS as solely a matter of protecting public health, and we insist that the Department of Health introduce a Bill similar to the US legislation.

"At the same time, those whose debauched lifestyles led to them contracting HIV should take up the mantle of moral integrity. We urge them to contemplate their duties and responsibilities to the rest of society in line with the points raised in the CFC Charter."
ENDS

For further information please contact:

Graham Webster-Gardiner 0372 721027, 0836 527526 (Chairman to 25/08)
Dr Adrian Rogers 0392 58562, 0860 508115 (Acting Chairman fm 25/08)
Stephen Green 081-664 6564, 0860 528428 (Press Officer CFC)

SPONSORS: Michael Alison MP, David Amess MP, Andrew Bowden MBE MP, John Bowis OBE MP, The Rt. Hon. Sir Bernard Brains DL MP, Julian Brazier MP, Peter Bruinvels, The Viscount Suckmaster OBE FRGS, William Cash MP, Bryan Cassidy MEP, Sir Fred Catherwood MEP, Lady Colman JP, Anthony Coombs MP, The Baroness Cox, Rev Peter Dawson OBE, Don Dover MP, Dame Peggy Farnor OBE MP, Harry Flecknell MP, Christopher Gill MP, Harry Greenwood MP, Conal Gregory MW MP, Peter Griffiths MP, Ken Hargreaves MP, Barry Hayes MP, Bernard Howarth MP, Dame Jill Knight OBE MP, Lady Olga Maitland, Hon Christopher Monckton, Lord Crevier, James Pawsley MP, Mrs Elizabeth Peacock JP MP, William Powell MP, Mrs Marion Roe MP, Sir Hugh Ross MP, Sir William Shannon MP, Ivor Stanbrook MP, Teddy Taylor MA MP, Sir Walker MP, Mrs Ann Winterton MP, The Rt. Rev. Bishop Maurice Wood DSC.

[Handwritten signature]



*file McKellen
27/8*

EAM

cc SP

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

20 August, 1991.

Dear Sir,

Thank you very much for your card of 25 July. It was a great pleasure to see you at Chequers.

Thank you, too, for your kind comments about the recent announcement on the treatment of homosexuals in the Civil Service. I very much look forward to having a meeting with you and I will ask my Diary Secretary to be in touch to arrange a suitable time. I understand from Tony Hutt that you would like to meet in September if possible. I have to say that my diary for September is already very full, but we will see what can be done.

*Yours sincerely,
John Major*

*William o.c.
Call by Sir Ian now
fixed for Tuesday 24
September at 10.30 - 11.00 am
S 28/8*

Sir Ian McKellen

JM/ea

Prime Minister ⁽¹⁾

Sir Ian McKellen wrote to thank you for the Chequers lunch and to follow up the possibility of a meeting to discuss gay issues.

I presume that you would wish to have such a meeting, as you have apparently mentioned the possibility twice to Sir Ian?

I attach a list of the issues Sir Ian would like to raise.

I also attach a letter of congratulation from Michael Cashman on a related matter. - ~~re-drafted~~.

✓ Content is reply as in the attached letters?

WER 1678.



G J W G O V E R N M E N T R E L A T I O N S L T D

64 CLAPHAM ROAD LONDON SW9 0JJ TELEPHONE 071 582 3119 FAX 071 735 9561

William Chapman
Private Office
No. 10 Downing Street
London SW1

3 August 1991

Dear William

It was good to talk to you again on Monday afternoon. As I told you then, Sir Ian McKellen, encouraged by his earlier brief conversations with the Prime Minister at the National Theatre and at Chequers, would like to make a more formal appointment to visit No. 10. The Prime Minister at both earlier meetings indicated his willingness to meet to discuss some of the issues which concern Stonewall.

I have checked Sir Ian's diary with him and he will be available for meetings throughout September until the 29th, except the afternoons of the four Wednesdays when he has matinee performances. After that he will be on tour and too far away from London for a meeting until the 28th October. If it is possible to arrange a meeting in September we would be tremendously grateful.

I am enclosing a paper which expands an earlier note I prepared for Jonathan Hill in the Policy Unit and which sets out in greater detail the agenda items Sir Ian is likely to raise with the Prime Minister.

I understand how busy the diary is at all times but I would appreciate an indication of when you think the P.M. could see Sir Ian.

Yours ever
Tony

Tony Hutt

Enc:

RUE DES PATRIOTES 28 B-1040 BRUSSELS TELEPHONE 02 735 9494 FAX 02 734 2715

Directors Nigel Clarke Ann Dawson Andrew Gifford Philip Henderson Tony Hutt Jenny Jeger Wilf Weeks Clare Wenner

Registered No. 2122169 in England. Registered Office Bowater House 68-114 Knightsbridge London SW1X 7LT

Ian McKellen

R27

25 July 1991

Dear Pina Minister,

Many thanks to you + Mrs. Major for the beautifully relaxed lunch at Chequers, last Sunday.

I was glad you mentioned again our meeting soon to talk through some gay issues which concern me. After your most welcome + enlightening announcement at this week's Question Time, I am certain we could have a beneficial discussion. In the meantime, my best wishes to you both for a real rest.

Yours ever

Ian

Temporarily Retained

THIS IS A COPY. THE ORIGINAL IS
RETAINED UNDER SECTION 3 (4)
OF THE PUBLIC RECORDS ACT

CCBG

CF to go



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

8 May 1987

Dear Steve,

LORD HALSBURY'S LOCAL GOVERNMENT ACT
1986 (AMENDMENT) BILL

with MCA?

The Lord Privy Seal has seen your letter of 7 May to Mark Addison which sets out your Minister's assessment that there are no objections to the Bill which would force the Government to block it. He is content, therefore, that your Minister merely points out the shortcomings of the Bill but does not prevent its passage.

I am copying this letter to the private secretaries to members of L Committee and to the Secretaries of State for Social Services and Education and Science, and to Mark Addison and to Trevor Woolley.

*Yours,
Alison*

ALISON SMITH
Private Secretary

Steve Watts Esq
Private Secretary to
Dr Rhodes Boyson MP
Department of the Environment

PRIME MINISTER

THE HALSBURY BILL

*Thank you very much
for your prompt decisive
action. I am most
grateful
me*

You will remember that Lord Halsbury's Local Government Bill, dealing with the promotion of homosexuality by local authorities, rather to everyone's surprise was not objected to by the Opposition, and accordingly secured a Second Reading. Dame Jill Knight has put the Bill down to be committed to a Committee of the whole House, which means it is likely to come up tomorrow at 0930. (The Licensing Hours Bill is apparently not likely to be taken tomorrow).

A single Opposition objection would be enough to stop the Bill's progress. It seems very likely that there will be such an objection. But if there is not, the Government have to take a view on the handling of the Bill, which may very well go straight on to a Third Reading and complete all its stages tomorrow.

Earlier today the 'L' Committee network concluded (Flag A) that the Government would have to block the Bill, if all else failed, at Third Reading, on some sort of procedural ground. Rhodes Boyson reluctantly accepted this was necessary because DOE had been caught unawares and prepared no amendments to make the Bill more acceptable.

I subsequently made clear to DOE and DES that you would need to be reassured that the Ministers concerned were convinced there were very sound reasons for deeming the Bill unacceptable, and that you would want to know what those reasons were, and have an opportunity to consider them before a final decision was taken.

DOE and DES have consulted urgently, and Mr. Boyson has now concluded that none of the objections to the Bill are overriding ones. He notes in particular how difficult it would be to present the Government decision to block this Bill at the present time. He says that the Secretary of State for

Education accepts his views. I have confirmed this with
DES. (Mr. Boyson's views are set out at Flag B).

The upshot of all this is that if the Opposition do not object
to the Bill tomorrow, it stands every chance of becoming law.



Duty Clerk

f Mark Addison

7 May 1987



A

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

7 May 1987

Dear Rhodes.

LOCAL GOVERNMENT ACT 1986 (AMENDMENT) BILL

You wrote to me on 6 May about the handling of Lord Halsbury's Local Government Act 1986 (Amendment) Bill currently being sponsored by Dame Jill Knight in the Commons.

I agree that Government action to block the Bill would be undesirable. I very much doubt however that there is any prospect of prevailing upon Dame Jill to agree to commit the Bill to a Standing Committee. She would know as well as we do how this could affect the Bill's chances of success. But I understand that she may agree not to seek to take the Bill through all its remaining stages on Friday. If we cannot reach such an agreement, I am afraid that we shall have no alternative but to block it at Third Reading if the Opposition do not do so.

I am sending copies of this letter to members of L Committee, Kenneth Baker, Norman Fowler and Sir Robert Armstrong.

JOHN BIFFEN

Dr Rhodes Boyson MA MP
Minister of State for Local Government
Department of the Environment



From the Minister of State
for Local Government

Department of the Environment
2 Marsham Street
London SW1P 3EB

Telephone 01-212 3434

7 May 1987

Dear Mark

LORD HALSBURY'S LOCAL GOVERNMENT ACT 1986 (AMENDMENT) BILL

You asked for an assessment of whether there are overriding objections to accepting this Bill as it stands at present.

The objections to this Bill can be summarised as:

- a) it prohibits local authorities from "promoting homosexuality"; this is not defined; this could leave uncertainty as to what is covered; many unacceptable activities are clearly ruled out, but there might be legitimate doubt whether some acceptable activities (such as AIDS - related advice and support specifically targetted on homosexuals) would or would not be prohibited; this could be portrayed as hampering worthwhile objectives;
- b) the provisions against "promoting the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship" could cast doubt on the effectiveness of the provisions in the Education (No 2) Act 1986 requiring sex education in schools to have regard to moral considerations and transferring control over it to the new-style governing bodies;
- c) this provision might also inhibit proper teaching on homosexuality: this is a difficult area in which those responsible should (ideally) not be having to keep looking over their shoulders to make sure they are not breaching the law;
- d) the provisions for enforcement are otiose and could easily cause confusion.

My Minister's assessment is that none of these are overriding objections such as to force the Government to insist on blocking the Bill, given the difficulty which the public would have in understanding any reasons of this kind - especially just before a possible election (as my Minister put it)

My Minister has discussed this with the Secretary of State for Education and Science who accepts this view.

My Minister does not therefore propose to raise objection to the passage of the Bill, although he will point out to the House that it has short comings.

I am sending copies of this letter to the private secretaries to the members of L Committee and the Secretaries of State for Social Services and Education and Science, and to Trevor Woolley in Sir Robert Armstrong's office.

*Yours sincerely,
Steve Watt*

STEVEN WATTS
PRIVATE SECRETARY

Mark Addison, Esq



ka

10 DOWNING STREET

Nigel,

Earl of Halsbury Bill.

Ros Mulligan tel 270-0135
advised me that this
has been discussed via
correspondence rather than
formal L committee
meetings. She brought
over the attached correspondence
& said she would be
more than happy to
speak to you if you
wish to know anything
further.

Sue

26.3.87.

file

PRIME MINISTER

c.c. Mr Addison

24/25/83

Jill Knight has complained to me about how very distressed she is at intimations she has received that officials at the Department of Education are urging Ministers to seek to block Lord Halsbury's Private Member's Bill, the Local Government Act 1986 (Amendment) Bill. This Bill has emerged from the House of Lords, and Jill has undertaken to pilot it through the House of Commons. She was proposing to ask you a specific question about this Bill and its prospects in the House of Commons when she was high on the list for Prime Minister's Questions last Thursday, 19th March; but I persuaded her not to put this potentially embarrassing question to you. I did undertake, as a quid pro quo, to alert you to her misgivings about the prospects for this Bill.

The Bill is essentially designed to prevent local authorities from promoting "positive images" for homosexuals. Caroline Cox is a sponsor, and a warm advocate of the Bill, and writes that Local Education Authorities like Haringey are by-passing the Government's safeguards of reliance on parents and governing bodies - by defining "Positive Images" as Equal Opportunities not Sex Education. I attach below (Flag A) a note which she has sent me, and also (Flag B) some extracts from the book she refers to in her letter. I am afraid the marked extracts make disagreeable reading, but I think you should see them. Amongst other things, they eulogise, in specific terms, for 15 year olds, about precisely the kind of homosexual acts which give rise to AIDS. The worst thing about this, as Caroline Cox makes clear in her letter, is that ILEA are promoting the book and children are taking it out of Haringey Library.

../..

Page Two

I also attach (Flag C) a short, handwritten memorandum, which Caroline Cox has sent, which makes further reference to the merits of this Bill.

Jill Knight tells me that the DES are arguing that the Bill should be opposed, because it is superfluous, i.e. our new provision for parents and governing bodies makes it unnecessary. But Caroline Cox repudiates this argument.

All that I think is called for from you for the moment, in response to Jill Knight's approach, is that you should indicate firmly that DES Ministers should not do anything to impede the prospects for this Bill in the House of Commons unless they can satisfy you fully that the Bill is unnecessary or in some other way undesirable.

A handwritten signature in black ink, appearing to be 'MA' with a long horizontal stroke extending to the right.

MICHAEL ALISON
24.3.87



Michael Alison Esq.,
Parliamentary Private Secretary,
10 Downing Street,
LONDON SW1A 2AA.

16th March 1987

Dear Michael,

Thank you very much for your kind and encouraging letter of 10th March. I am grateful for your generous comments on my speech and I am delighted to note that care is being taken to avoid the use of that misleading phrase "Loony Left"!

I enclose, as requested, excerpts from the book "The Milkman's on his Way". I think the excerpts would be easier for the Prime Minister to glance at in order to obtain the flavour of this very disturbing book. I will naturally be pleased to send the whole book as well if you need that for reference, but it is quicker to assimilate selected pages. May I remind you that this book is included in ILEA's Positive Resources booklet and that it is also recommended for young people aged 15-plus, although ILEA do offer a caveat - see enclosed. But despite that caveat it is recommended, as you will see, for children "15+" and it was obtained from the children's section of Haringey library by a 15-year-old girl.

Please let me know if you require any further information.

Yours ever,
Cassie.

Encs.



Recommended by ILEA for children
aged 15+. See "Positive Images" p.6.
Extra 5 attached. Most of the other

Taken from Haringay Library, Children's Section, by a 15 year old girl.

Recommended material is in a similar vein

'I doubt that.'

'Well... we've been honest, I suppose.'

'A good starting-point for leading a reasonable life. Listen... what are you going to do now?'

'Back on the dole, I imagine. And you?'

'I didn't mean that. We've got the whole day ahead; that's what I was thinking of. What shall we do with it? Look... come round to my place and have something to eat. I've had no breakfast this morning.'

He lived in an untidy attic on the top floor of a large, rambling Victorian house; it was the sort of room a painter might use as a studio, particularly as the view was magnificent: a picturesque clutter of roofs and chimneys of all shapes, angles and sizes, and — beyond — the Thames threading its way through what seemed like a vast expanse of trees which defended it from the incursions of the factories and houses stretching on, one would think, for ever. I was staring at almost the whole of West London. 'There are some marvellous sunsets,' Robin said. 'Spoiled by aeroplanes, of course. Some nights the floor shakes with the noise.' The room itself was badly in need of redecoration, and the furniture was old and shabby. The curtains looked as if they would fall to bits if you touched them. There was a double bed, a wardrobe, a table and chairs. An antique gas fire. On the mantelpiece, various ornaments and some framed photographs. Pictures on the wall: a still life and Van Gogh's *Sunflowers*. Clothes, books, records, dirty plates scattered everywhere. The kitchen was tiny, off the landing, no bigger than a cupboard. Robin had offered me breakfast, but he didn't appear to be in a hurry to start cooking. He was sitting on the edge of the bed, hands over his face, shivering.

'What's wrong?' I asked.

'Shock. I think. It's just beginning to catch up with me. I was so struck by what you did it sort of postponed it.' He held out his hand, and I put mine against it. 'Come to bed with me.'

I was so surprised I didn't know what to say. 'I'm not sure if I fancy you,' I answered, after a moment's silence.

He looked at me. The blue eyes were now sad and defeated.

'I'm ugly?'

'No.'

'Haven't you ever been to bed with someone for reasons other than sexual attraction? Out of affection? Or because the other person at that moment so desperately needs you to touch him and hold him he'd maybe lose any sense of reality if you didn't?'

'No. I'm... how can I describe it? ... very new to it all.'

I held him: he shuddered as if he were ill or freezing, and though he made no sound, his tears were wet on the skin of my throat and my shoulders. Gradually he calmed, and rested against me, just breathing, as if all the hurt he had experienced in the past few days was beginning to ebb. Now I did want to make love to him, not because I felt randy, but to tell him it was all right now, that not everyone in the world was vile, sick and brutal: I wanted to help heal the wounds. So I screwed him, because that was what he seemed to be asking me to do. The first time in my life I'd done that. Peace. I lay there, quite still, feeling sane and alive and clean. It was good to be Ewan, I said to myself, and good to be here doing this. I'm no longer a muddled kid: this is man's estate.

'Do you want to get dressed?'

'No.'

'Neither do I. But I must find some fags.'

I watched him walking about the room, and I wondered why it had never occurred to me before that he was beautiful. Slim, well-proportioned, graceful in his movements. A human's toes, the curve of an arm, the knobs down a spine, the way a shoulder-blade shifts under the skin, can make you stare because they each have something in them of perfection.

He came back to bed, and we smoked and talked. Talked for hours. The history of our lives. He was brought up in Woodford, on the other side of London, the third of four brothers all straight except for him. All married now. His parents didn't know and he wouldn't dream of telling them. School he hated, shining as the dunce of the class. Then a series of dead-end jobs. He liked disco dancing, classical music, reading. A solitary, but not from choice. 'I remember when I was about fifteen,' he said, 'I was in the changing-room at school. We'd been playing rugby, which I

The week that followed was an oasis in a desert. Afterwards, I thought nothing so marvellous would ever happen to me again; indeed, I wondered if I had just dreamed it all, spent seven days outside space and time, lost somewhere in a figment of my imagination. But no, it was real, and the ending a particularly cruel piece of real life. I should have seen that coming, but I had no experience to guide me. The cloudless September weather held — hot, still. We lay on the beach and walked along country lanes, and in the evenings we went to the cottage, then, later, to a pub. Jay and Del came with us in the car to Tintagel, another time to Clovelly. They had been an affair for nearly three years; had met at the university where Paul had also been a student, and they, too, were teachers in London schools. They were fun to be with: uncomplicated people, joking and laughing nearly all the time, and they also knew when to take themselves off and leave Paul and me on our own. I was head over heels in love. All the clichés: walking on air, strolling hand in hand into the sunset.

It was not, now, two boys masturbating, one of them imagining the other was a girl. Screwing. At first I was frightened; it would be painful, I thought. Did I really feel an urge for this? It was, perhaps, a denial of my maleness? I should penetrate: that was what it was for. Wasn't it? Everybody said so. Into Paul? The idea was ridiculous. I wanted him inside me; I wanted to be fucked. Only that would give me absolute satisfaction, emotionally.

'If it hurts,' he said, kissing me, stroking me with his fingers, 'I won't do it. I promise. This will make it easier.'

'What?'

'K.Y. A lubricant.'

Pain, yes, quite severe — he wasn't small — but only for a moment as he entered: after that, though it still hurt a bit (I would get used to that in time; indeed soon there was never any discomfort), it was the most natural, normal and utterly beautiful experience. His hand, still slippery with K.Y., on my cock, a sensation more superb than any I had ever felt, then orgasm so perfect I thought I was changed from a body into pure dazzling light. And he, coming, the spurt and gasp of him inside me: oh, yes; this is what life is for, Ewan: for this I was made.

Kisses, gentle hands touching skin. Drifting towards sleep. 'I don't have to wonder if you enjoyed it,' he said, later. I smiled. No answer was needed. 'Or if we were the right way round.'

I opened my eyes. 'I just want it again. For ever and ever like that. Till I'm ninety-six and dying.'

I hardly saw my parents; in for a meal, then out again. It didn't matter being absent during the day; with both Mum and Dad at work, there was no one to ask what I was up to. But they looked at me quizzically at tea-time, or when I returned at midnight. They said nothing, but clearly they knew something was afoot. What they thought that something was emerged when I asked Mum if I could stay over at Bookworm John's; he was giving a party, I said. (This was a lie, an elaborate invention so that I could, just once, sleep with Paul for the whole night. I felt bad; I wasn't in the habit of deceiving my parents: at least, not over big things like that.)

'I don't know,' she said.

'Why ever not?' I was surprised; I'd stayed at John's before. And Alan's and Leslie's.

She looked hard at me. 'Are you sure it's John you'll be staying with?'

'Of course!' It was dreadful! My face would certainly tell her I was lying.

'We've scarcely seen you all week. This house has turned into the Macrae Hotel, I reckon.' She smiled. 'I hadn't realised you and Louise were so close.'

'Louise!'

'Oh. It isn't her, then?' I didn't answer. 'Of course it's Louise! You can't pull the wool over my eyes!' She laughed. 'She's a nice girl. I'm glad. But... I don't want you getting yourself into a situation where you'll both end up doing something you'll regret. And staying out all night... could...'

I had a sudden wild impulse to tell her the truth, but I quickly repressed it. I stared at her, and said, eventually, 'I'm seventeen. Not a kid any longer.' I left the room, and hurried out of the house, in case the conversation became even more embarrassing. Later, Paul and I laughed about it; but my laughter

flopped down beside me. Silence, except for frantic gulping of breath. Our legs touched. Sweat. Then the most extraordinary, unlooked for, incredible thing happened. His hand was inside my shorts.

For me, though not for him, it was one of the most important moments of my life: a revelation: nothing had told me so much about myself before, or was ever to spell it out so clearly again.

I tugged at his shorts; I wanted to see. 'What the hell do you think you're doing?' he asked. But changed his mind: they were obviously a handicap. He shut his eyes. I did not, amazed at what I saw. I hadn't realised how much the size of an erect cock differed from one person to another. Noticing other boys, limp in the changing-room at school, had merely told me mine was much the same as other people's. But Leslie's was a prodigy. Would a girl be able to cope with such a weapon?

I wanted to touch him, caress him, wrap myself round him, kiss him all over. I didn't, of course. He was doubtless pretending that my hand was Linda's or Adrienne's or whoever the girl of the moment was, and I... I saw only him. The climax was the most ecstatic few seconds I had ever experienced.

He opened his eyes. 'What are you smiling at?' he asked. His words were loud and harsh; they seemed to tear the silence to shreds and break the spell utterly.

'Nothing.' I made my mouth look stern. 'Maybe... we shouldn't have done that.' I didn't mean what I said, but I guessed such a comment was what he expected me to say. It would have been catastrophic if I'd let him know how much I'd enjoyed it.

'Probably not,' he agreed. He rolled off the bed and picked up his tee-shirt and shorts. 'It doesn't matter,' he said. 'Does it? Better than the solitary thing. I get so frustrated... If only I could find a girl, just one girl, who'd let me!' I didn't answer. 'You're not angry, are you?'

'Angry? No, not at all.'

'I was worried you might be. That you'd be so livid or something you wouldn't want to speak to me again. I mean... I started it.'

'I didn't stop you.' Then, as he looked at me with a slightly odd

expression, I added, lying through my teeth, 'I've got the same problems as you have.'

'Oh? Louise?'

'Well... you know...'

He was dressed now. 'I feel... a bit bad about it, all the same.'

I shrugged my shoulders. 'It's not the end of the world. It happened; that's all. It's of no significance.'

He nodded. 'Just physical relief, I suppose. Bloody women! Well... I'm going home. Bath and breakfast.'

'Shall I call for you later? The sea should be good this morning.'

'Yes. Give me an hour.'

I listened to him clatter down the stairs, and heard the door slam shut behind him. The silence surged back, so thick it was almost tangible, like velvet.

A revelation, I said. Now I *knew*. Knew for a certainty that I'd never enjoy it so much with a girl. It couldn't, it just wouldn't be possible. I wasn't in a 'phase'. I was homosexual. And always had been. And always would be.

But I was far from ready to be happy about that. I was *terrified*.

And wanting Leslie all over again. I'd not ask, not even suggest or hint at such a thing. It would have to happen exactly as it had done just now, spontaneously, he starting it. Any move on my part and I would be exposed for what I was, with all the dire and dreadful consequences such knowledge in the hands of others would bring down on me.

Sperm on my skin, his mixed with mine. I touched it, then licked my finger. I was still perpendicular, firm as a rock; a situation I *could* do something about, and I did, reliving the experience in my imagination.



19th March 1987

Local Govt. Act 1986 (Amendment) Bill (H.L.)
(The Earl of Halsbury)

It is fair to say, as Hansard will show, that this Bill had the unqualified acceptance of all sides of the House; Secondly that, at Committee Stage, the Govt. (Lord Stelmersdale, Col. 337) said that it would keep an open mind; thirdly that, at 3rd Reading, the situation appeared to be that the Govt. opposed the Bill (Buss. Hooper, Col. 709).

In these circumstances, there having been some correspondence between Lord Campbell of Alloway and Lord Whitelaw, we are all very much concerned, the position being that one of the local Authorities has in fact removed the educational aspect totally, so that parents, whatever little power they have under the Education Act, have now no power at all.

Now this abuse or evasion could not happen under Lord Halsbury's Bill, and we feel that really something has to be done,



The person who was fasting himself to death only gave up his fast because he was persuaded that there would be an outbreak of violence on the part of outraged parents if he died, and because he hoped that Lord Halsbury's Bill might pass.

We are also horrified at some of the violence which has and is taking place in this connection, see for example the newspaper report on p. 2 of the Times of 17th March about the pregnant mother, which we enclose.

Lord Halsbury's Bill has passed in the House of Lords, and could pass in the Commons within a fairly short time. Lord Jenning, Lord Campbell of Alloway and Lord Bellwin are of the opinion that it could be enacted as it stands, and thus put a stop to the iniquitous corruption of children: a matter of serious public concern.

The Bill has very wide support, and the unqualified support of the Duke of Norfolk, who put his name to the effective amendments at 3rd Reading. Lord Jenning expressly approved the enforcement procedure, devised by Lord Campbell of Alloway, who drafted the Bill, as apt and viable (Vol. 325, para. 2, Vol 483



Hansard no. 19, 18th Dec. 1986).

Paltoun

Mr Campbell & Melway

Constitutional



WR.

HOUSE OF LORDS.
LONDON SW1A 0PW

11 December 1986

My dear John:

The Earl of Halsbury's Bill

I have seen Nicholas Ridley's letter of 5 December and would agree with his general line. The best thing would be to reduce discussion in the Lords to the minimum consistent with courtesy.

Copies go to recipients of Nicholas's letter.

Yrs:

The Right Honourable
John Biffen, M.P.,
The Lord Privy Seal,
Privy Council Office,
Whitehall,
London,
S.W.1.



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

// December 1986

Dear Nicholas,

PRIVATE PEER'S BILL: EARL OF HALSBURY

You wrote to me on 5 December seeking L Committee's agreement to your proposals for handling the Earl of Halsbury's Private Peer's Bill, the purpose of which would be to restrain local authorities from promoting homosexuality. For the reasons given in your letter, I agree with your proposals for handling namely, that the Government spokesman should support the principle of the Bill but express reservations at Second Reading in the Lords about the need for the Bill in view of the provisions both of the Education No 2 Act and the Local Government Act. I also agree that the Government should take no action when and if the Bill reaches the House of Commons. As you say, its opponents will ensure that it is prevented from securing a Second Reading.

I am sending a copy of this letter to the members of L Committee, Kenneth Baker, Norman Fowler and Sir Robert Armstrong.

*Yours
John Biffen*

JOHN BIFFEN

Rt Hon Nicholas Ridley MP
Secretary of State for the Environment

1. MR ELAND
2. MR WOOD

I do not interpret the Environment Secretary's letter as suggesting that the Government whip blocks the Bill in the Commons and indeed that would be hard to justify if the Govt. spokesman in the Lords had indicated approval in principle. I see it more as leaving it to backbench opinion of the Bill to block it and I have amended the draft accordingly.

PRIVATE PEERS BILL: EARL OF HALSBURY

10
12

The Environment Secretary wrote to the Lord Privy Seal on 5 December with his proposals for handling the Earl of Halsbury's private peers Bill which aims to restrain local authorities from promoting homosexuality.

The Bill, which would apply in England, Wales and Scotland would stop local authorities and teachers in state schools from promoting homosexuality as an acceptable family relationship. The Bill would also contain provisions concerning enforcement. The Education (No 2) Act 1986 already requires sex education in schools to have regard to moral considerations and the value of family life. This is also buttressed by existing and planned guidance to the education service on the proper treatment of homosexuality among other aspects of sex education. The Act also removes from local authorities any direct locus in sex education and the proposed Bill is therefore misconceived. Supporting it would suggest that the new Education Act was considered inadequate. The Local Government Act 1986 prohibits local authorities from publishing party political material and enables the Secretary of State to issue a code of recommended practice on local authority publicity. The Environment Secretary therefore proposes that the Government spokesman should support the principle of the Bill at Lords Second Reading but express reservations about the need for the Bill, in view of the Education No 2 Act and the provisions of the Local Government Act 1986, in particular the proposed code of practice on publicity. He also proposes that if necessary the Bill should be blocked at Second Reading in the House of Commons.

2nd Reading today

The draft below gives L Committee's agreement to the Environment Secretary's proposals.

"PRIVATE PEERS BILL: EARL OF HALSBURY

You wrote to me on 5 December seeking L Committee's agreement to your proposals for handling the Earl of Halsbury's private peers Bill the purpose of which would be to restrain local authorities from promoting homosexuality. For the reasons given in your letter I agree with your proposals for handling namely that the Government spokesman should support the principle of the Bill but express reservations at Second Reading in the Lords about the need for the Bill in view of the provisions both of the Education No 2 Act and the Local Government Act. I also agree that the ~~Bill should if necessary be blocked at Second Reading in the House of Commons.~~ ^{Government should take no action when and if the}

~~Bill reaches the House of Commons.~~ ^{As you say, its opponents will ensure that it is prevented from securing a Second Reading}

I am sending copies of this letter to members of L Committee, Kenneth Baker, Norman Fowler and Sir Robert Armstrong.



ROSALIND MULLIGAN

10 December 1986



The Rt Hon John Biffen MP
 Lord Privy Seal's Office
 68 Whitehall
 LONDON
 SW1

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9/12
 My ref:
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2 MARSHAM STREET
 LONDON SW1P 3EB
 01-212 3434

December 1986

Mr. Longdon

CABINET OFFICE	
A	12423
8 DEC 1986	
FILING INSTRUCTIONS	
FILE No.

Dear John

Colleagues will wish to know how Kenneth Baker and I propose to handle the private peer's Bill introduced into the House of Lords on 25 November by the Earl of Halsbury for the purpose of restraining local authorities from promoting homosexuality.

The Bill, which is to apply in England, Wales and Scotland, appears to have 2 main purposes:

- to stop local authorities, themselves or through assistance to others, publishing material or otherwise promoting homosexuality as an acceptable family relationship.
- to stop teachers in state schools promoting homosexuality as an acceptable family relationship.

In addition it makes a number of detailed provisions concerning the enforcement of the prohibitions through the Courts.

I am sure colleagues will strongly support the aims underlying this proposal. It is extremely disturbing to see some of the publicity and other material published or made available by local authorities that does appear to promote homosexuality as a normal and acceptable way of life. This is a more important point from the fact that Lord Halsbury's Bill is not necessary or appropriate to deal with the problem as Kenneth Baker and I believe.

We have, as you know, just legislated, in the Education (No 2) Act 1986, after extensive debate, to require sex education in schools to have regard to moral considerations and the value of family life, and to give school governing bodies control over its content and organisation. This will be buttressed by existing and planned guidance to the education service on the proper treatment of homosexuality among other aspects of sex education. We believe that the overwhelming majority of governing bodies, with their strengthened parental representation and their answerability to annual parents' meetings, will ensure that homosexuality is not promoted in schools. To support this Bill would be to cast doubt on that, and to concede that the new Education Act is inadequate from the outset, contrary to all that we have said in Parliament and outside.

The Bill is in any case fundamentally misconceived as far as maintained schools are concerned. It places the duty to oppose the promotion of homosexuality on the local education authority just when the local education authority is about to be deprived of direct locus in this matter under the 1986 Act.

We have also taken steps to deal with recent developments in local authority publicity. The Local Government Act 1986 prohibits local authorities from publishing or assisting others to publish party political material. It also enables me to issue a code of recommended practice on local authority publicity, setting out the principles on which local authorities should make their publicity decisions, particularly those which deal with issues that are politically or otherwise controversial. We are committed to introducing further legislation later this session to reinforce the 1986 Act provisions, following the damaging amendments made to the Act during its passage through the House of Lords earlier this year.

Finally, the enforcement provisions of the Bill are in my view unnecessary. Any breach of the Local Government Act, or an amendment to it, would be covered by existing procedures for challenge, through the audit system, where appropriate, and otherwise through the Courts. I can entirely understand why Lord Halsbury would wish to ensure adequate rights of challenge, particularly for parents and guardians, but I am advised that the present arrangements would achieve all that the Bill proposes.

Against this background, I would be grateful for colleagues' agreement to the following approach in dealing with this Bill:

i) Support the principle of the Bill but to express reservations at second reading in the Lords, and at any subsequent stages, in particular about:

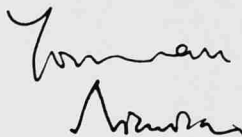
- the need for the Bill, in view of the provisions of the Education (No 2) Act 1986
- the need for further powers to regulate publicity in this area, in view of the provisions of the Local Government Act 1986, in particular the proposed code of practice on publicity.
- the need, in any event, for specific provisions on enforcement.

ii) To allow the Bill to be blocked at second reading in the House of Commons as it inevitably will be, ~~and~~ should it get that far.

Second Reading in the Lords is provisionally fixed for Thursday 18 December, and I would therefore be grateful to know of any

objections to this proposed approach by close of business on
Friday 12 December at the latest.

I am copying this letter to other members of L Committee, and to
the Chief Whip, Kenneth Baker and Norman Fowler.

Handwritten signature of Norman Fowler, consisting of two lines of cursive script.

NICHOLAS RIDLEY



Bone

10 DOWNING STREET

From the Private Secretary

8 June 1984

The Prime Minister has been sent a copy of the enclosed message to the Presidency. You may like to have a copy for your records, together with the translation kindly provided by your Department.

(David Barclay)

Roger Bone, Esq.,
Foreign and Commonwealth Office

A handwritten flourish or signature mark consisting of a curved line that loops back to itself.

010
pc NO pc
Rome, 21 May 1984

Dear President of the European Economic Community,

We are writing to you as President of the European Community and President of the French people to ask you to give, as far as possible, at least a moral response to the article which appeared in the Italian "Corriere della sera" of 21.5.1984, page 5, entitled "following Padua hospital the Avis [?] * is also refusing the blood of homosexuals".

We consider an attitude of this kind to be fallacious and anachronistic.

We find that where the majority of people are concerned such articles result in a search for "guilty parties" without giving those concerned a right of appeal. Politically and morally a story of this kind is suicide.

As President of the European Community you can adopt a position on this issue to safeguard such a wide social group. This is one of the various tasks which history has given you if you do not wish to find yourself one day numbered among the more wicked politicians with whom history overflows.

We are prompted by our heartbroken request to appeal to all the intelligent forces in the world (at least the more representative among them) so that they will adopt a position on this issue.

Is it not thus that the ultimate "WITCH-HUNTS" will begin?

It is, with all respect, unheard of that a minority which is intellectually so prepared (at least the majority of them) should have been attacked yet again.

We urge you powerful men to put an end to this!

* Translator's note: presumably an Italian blood-bank.

While I write to you, I see before me, as in a film, the horrible repression to which homosexuals and, more generally, religious and social minorities are subjected.

What ill-fated times lie ahead of us!!

A little newspaper article gives rise to attacks on all that is sacred and inviolate on earth.

We urge you to adopt a clear position!

We entrust to you as President of the European Community the historical task not of defending but at least of safeguarding man's dignity in respect of which your country signed the Helsinki Agreement.

It is for men of culture, science and religion to make known and put an end to this defamatory campaign against people who are doing nothing more than loving their fellows, even if for the majority this is "MORALLY DISHONEST". What moral dishonesty is there worse than that which our governments are preparing for our children? Immorality does not mean to love but to remove the fundamental laws which history and our fathers who fell for their country have handed down for a better future.

We are entrusting this letter to the world's powerful men so that they will adopt a position, within the agreed limits, in order to put an end to this defamatory campaign against homosexuals and, more, generally, all oppressed groups.

We entrust it to the parliaments, the supreme representatives of the people, so that they will restore the fundamental human values of life.

Yours etc

/signatures illegible/

c/c

French Chamber of Deputies

Italian Chamber of Deputies

House of Lords

FRG Chamber of Deputies

House of Representatives USA

Senate USA

Human Rights UN, New York USA

Nobel Prize Organization

US President

Italian President

FRG President

British Prime Minister

Le Monde

Times

Washington Post

Frankfurter Allgemeine

Corriere della Sera

Italian political parties

His Holiness Pope John Paul II

Roma, 21 Maggio 1984

Illustrissimo Signor Presidente della Comunità Economica Europea, con la presente ci rivolgiamo a Lei quale Presidente della Comunità Europea e Presidente del popolo francese, affinché dia, nei limiti del possibile, una risposta perlomeno morale all'articolo apparso sul "Corriere della sera" italiano del 21/5/1984 pag.5 "Dopo l'ospedale di Padova anche l'Avis rifiuta il sangue degli omosessuali".

Troviamo Signor Presidente, aberrante ed anacronistico una posizione del genere. Troviamo che articoli del genere diano adito alla grande massa della gente di ricerca dei "colpevoli", senza dare prove d'appello agli interessati. E' politicamente e moralmente suicida un fatto del genere.

Lei Signor Presidente, ci permetta quale Presidente della Comunità Europea, prenderà posizione nel salvaguardare una fascia sociale così ampia. Questo è uno degli svariati compiti di cui la storia Le ha dato mandato se non vorrà un giorno trovarsi annoverato tra le personalità politiche più nefande di cui la storia è colma.

Prendiamo spunto da questa nostra accorata richiesta per far appello a tutte le Intelligenze del mondo (almeno le più rappresentative) affinché prendano una posizione al riguardo. E' inammissibile che nel 1984, nell'era dei computers, si faccia demagogicamente una campagna contro l'omosessualità e più in generale contro le minoranze.

Non è così Signor Presidente che iniziò l'ultima "CACCIA ALLE STREGHE" ?.

E' inaudito con tutto il rispetto dovutoLe, che si colpisca ancora una volta una minoranza così intellettualmente preparata (almeno la maggioranza di essa).

Noi Vi esortiamo Signori potenti della terra a porre fine a questo !

Vedo qui dinanzi a me , mentre Vi scrivo, come in un film, le orrende repressioni a cui sono stati sottoposti gli omosessuali e più in generale le minoranze religiose e sociali.

Quali nefasti tempi ci aspettano!!

E' da un piccolo corsivo di giornale che si inizia a colpire tutto quanto di sacro ed inviolabile esiste sulla terra.

Noi Vi esortiamo a prendere una posizione chiara e netta!


A Lei Signor Presidente della Comunità Europea Le affidiamo il compito storico, non di difendere ma perlomeno di salvaguardare la dignità dell'uomo di cui il Suo Paese ne é firmatario nella carta di Helsinki.

Agli uomini di cultura, di scienza, di religione il compito di spiegare e porre fine alle campagne denigratorie nei confronti di coloro che altro non fanno di amare i loro simili, anche se per i più questo é " MORALMENTE DISONESTO ". Quale disonestà morale é più terribile di quella che i nostri governanti stanno preparando per i nostri figli ?. Immoralità non vuol dire amore ma, sopprimere le leggi fondamentali di cui la storia e i nostri padri, caduti per Essa, ci hanno tramandato per un futuro migliore.

Confidiamo ed affidiamo la presente ai potenti della terra, di cui ne sono destinatari, affinché prendano posizione nei limiti consentiti, per porre fine alle campagne denigratorie nei confronti degli omosessuali e più in generale degli oppressi.

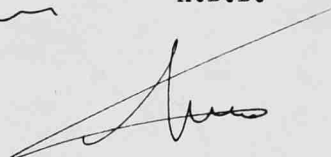
Confidiamo nei Parlamenti, Organi Supremi dei popoli affinché vengano ripristinati quei valori umani fondamentali della vita.

Nel ringraziarVi porgiamo distinti saluti.

Two handwritten signatures in dark ink, one above the other, both appearing to be cursive and somewhat stylized.

A.I.

A.D.D.

A large, stylized handwritten signature in dark ink, possibly reading 'A. I.', written over a diagonal line.

C/C:

Camera dei Deputati Francese.

Camera dei Deputati Italiana.

Camera dei Lords.

Camera dei Deputati della Germania Federale.

The House of Representatives, U.S.A.

The Senate U.S.A.

Diritti dell'uomo ONU New York, U.S.A.

Organizzazione Premio Nobel.

Presidente U.S.A.

Presidente della Repubblica Italiana.

Presidente della Repubblica Federale Tedesca.

Prime Minister G.B.

Le Monde.

Time, G.B.

Washington Post.

Frankfurt allghemaind.

Corriere della Sera.

Partiti della Repubblica Italiana: Democrazia Cristiana,

Partito Comunista, Partito Socialista, Partito Repubblicano,

Partito Radicale.

P/C: Sua Santità Giovanni Paolo II Vaticano.

Homosexuals

