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OFFICIAL REPORT

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Con Ind	Conservative Independent
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Lab	Labour
Lab Ind	Labour Independent
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Thursday, 27 February 2014.

11 am

Prayers—read by the Lord Bishop of Wakefield.

NHS: NICE-appraised Medicines Question

11.06 am

Asked by **Lord Hunt of Kings Heath**

To ask Her Majesty's Government what is their response to the report of the NHS Information Centre for Health and Social Care, *Use of NICE appraised medicines in the NHS in England-2012, experimental statistics*, which showed extensive variation in patients' access to new innovative medicines.

Lord Hunt of Kings Heath (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and I refer noble Lords to my health interests.

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe) (Con): My Lords, patients have a right to drugs and treatments that have been approved by the National Institute for Health and Care Excellence that their doctor decides are appropriate for them. There can be many reasons for variation in use but we are determined to tackle unjustified variation where it exists.

Lord Hunt of Kings Heath: My Lords, I am grateful to the noble Earl for that response. Does he agree that one of the conclusions of the report is that there can be a tenfold variation in the take-up of innovative new medicines that have been approved under the NICE technology appraisal programme? Given that it is a legal requirement for clinical commissioning groups to fund those treatments, as I understand it, what sanctions can be taken against commissioning groups which do not fund those treatments? What can patients do in each area if they are refused such treatments? Is there a process of appeal that they can take their concerns to?

Earl Howe: My Lords, there is a process of appeal. Patients can go to their clinical commissioning group or, indeed, to NHS England and ask for the matter to be specially looked at. However, it is important to understand what these figures are and what they are not. They are not intended to be, and do not claim to be, a statement of whether certain drugs are being underprescribed or overprescribed in a particular area. One has to drill down into the reasons. In fact, when one does that, for most of the groups of medicines where it was possible to compare observed and predicted use, the report shows that use has increased over time, and we are introducing additional tools to allow the NHS to get to the heart of the reasons for variations in local areas.

Lord Walton of Detchant (CB): My Lords, can the Minister say what consideration the Government are giving to the availability of the highly expensive so-called orphan and ultra-orphan drugs that are now coming on stream, which are effectively treating many rare diseases?

Earl Howe: My Lords, this important class of drugs will be subject to a special evaluation process by the National Institute for Health and Care Excellence. That methodology has been worked through and over the coming months we will see NICE evaluating orphan medicines and medicines for highly specialised conditions to inform clinicians in the NHS and, where appropriate, provide a funding direction for those drugs.

Baroness Brinton (LD): My Lords, perhaps I may follow on from the Minister's answer to the noble Lord, Lord Hunt, on clinical commissioning groups. The previous year's report on appraised medicines provided a very helpful algorithm of biologics for rheumatoid arthritis. Will NICE and other organisations involved in these specialist medicines follow a similar algorithm to make it even clearer to CCGs where they should not step out of line but must follow clinicians' advice?

Earl Howe: It is important to distinguish between a technology appraisal, where, if favourable, there is a clear funding direction for the NHS—in other words, it must fund the drug if the doctor thinks that it is appropriate for the patient—and a clinical guideline, where NICE issues best practice advice for the NHS. There is no funding direction attached to that. However, clinicians are expected to take account of NICE guidelines in everything that they do.

Lord Kakkar (CB): My Lords, I declare my interest as chairman-elect of University College London Partners, one of the designated academic health science partnerships. Is the noble Earl content that the funding arrangements to be put in place by NHS England for the 15 designated academic health science networks are appropriate and will ensure that they can discharge their substantial obligations under their licence agreement, including the adoption of NICE guidance among the populations for which they are responsible?

Earl Howe: The noble Lord asks a very important question. It is slightly wide of the Question on the Order Paper, which relates to a particular set of statistics. However, I can tell him that I am broadly satisfied with the level of funding for AHSNs, and NHS England has given its commitment to maintain its support for them going forward.

Lord Campbell-Savours (Lab): If the appeal is to NHS England or the commissioning groups, does that mean that they have the right to overrule the decision that has been taken by NICE?

Earl Howe: My Lords, patients have a right under the NHS constitution to access clinically appropriate drugs and treatments recommended by NICE technology appraisals. That is a legal right. If a prescriber has failed to adhere to that, a clinical commissioning

[EARL HOWE]

group is bound to find in the patient's favour. However, there are clearly individual circumstances for each case that need to be looked at. The key is that the patient is entitled to expect a transparent and fair process where the reasons for a decision are published.

Lord Alton of Liverpool (CB): Given that the noble Earl has just referred to the Question of the noble Lord, Lord Hunt, about access to new, innovative medicines, will he undertake to look at material which I have sent to him today from the Toronto-based mesothelioma research institute, which has developed new, innovative treatments for mesothelioma victims and may hold hope for some of the 2,200 who die of that horrific disease in this country every year?

Earl Howe: Mesothelioma is a devastating disease, and I certainly undertake to look at the material that the noble Lord has sent me.

Lord Aberdare (CB): My Lords, is the noble Earl aware that a new treatment has recently been licensed for advanced pancreatic cancer, offering the greatest improvement in survival of any such treatment in 17 years? Does he share my concern that it needs to be made available to sufferers from the disease as urgently as possible via the Cancer Drugs Fund while awaiting NICE approval?

Earl Howe: My Lords, drugs which have not yet been assessed or approved by NICE are eligible for use under the Cancer Drugs Fund. I am pleased to say that the Government have made a total of £1 billion available under that fund and 44,000 patients have been treated under it. I appreciate the noble Lord bringing that particular drug to my attention and I undertake to look at it.

Baroness Masham of Ilton (CB): My Lords, does the Minister realise the frustration that some clinicians have when there is a drug that gives a better quality of life to patients but they cannot give it to them?

Earl Howe: My Lords, if a drug is licensed in this country, it is open to a clinician to prescribe it as long as their clinical commissioning group will fund it. There are local funding policies for drugs. I understand the noble Baroness's point, but when a drug is assessed by NICE, it can be assessed for quality-of-life properties—that element will have been included in the assessment. Indeed, that is the reason why we have the process that NICE goes through.

Community Life Question

11.14 am

Asked by **Lord Phillips of Sudbury**

To ask Her Majesty's Government what is being done to mitigate the social and cultural consequences of the weakening of community life in the United Kingdom.

Lord Ahmad of Wimbledon (Con): My Lords, community life is not weakening. Strong communities are shaping their own destiny across England, and we are supporting people in their efforts. The Government's localist approach, for example, gives more power to communities and local councils, and communities are seizing the opportunities offered. One of our flagship programmes is the National Citizen Service. This year, 90,000 young people will deliver a community project through this service.

Lord Phillips of Sudbury (LD): I am grateful to my noble friend for that reply. Is it not the case, however, that one of the key factors in what is clearly a declining community vitality in this country, is the ever increasing volume of legislation pouring forth from this place, which tends to undermine and confuse the ordinary citizen, and is still running at the rate, after repeals, of about 10,000 pages of new statute law every year? That is more than I have been able to discover in any country in western Europe.

Lord Ahmad of Wimbledon: My Lords, the Government are fully committed to removing unnecessary bureaucracy. Speaking specifically about DCLG, since 2010 it has enacted legislation which has, as I have already said, empowered citizens and local communities. The Localism Act 2011 is a good example. In January of this year, my right honourable friend the Prime Minister announced that the Government have indeed met the Red Tape Challenge target to find 3,000 regulations to scrap and improve. Already more than 800 of the reforms have been implemented.

Lord Tomlinson (Lab): My Lords, will the noble Lord tell the House how the big society is doing these days? We have not heard very much about it for the past couple of years. Will he give us an update? If the big society is prospering, the noble Lord's question is redundant.

Lord Ahmad of Wimbledon: The big society—and society as a whole—is alive, well and kicking. We need only look around the country to see 5,000 community organisers trained in 2015; Community First; the Centre for Social Action; the Dementia Friends campaign; the Innovation in Giving Fund; the Citizen Service; and indeed the Big Society Awards, with more than 100 winners already announced. The big society is very much alive. Look around your local community and you will see it.

Lord Cormack (Con): My Lords, much as I appreciate and applaud the national citizenship scheme, is it not time for the Government to encourage all young people to undergo community service and to qualify for a citizenship ceremony before they enter the adult world?

Lord Ahmad of Wimbledon: My noble friend raises an interesting point. It is important to ensure that the opportunities that are available to young people are shown to them. If we look at the take-up of the National Citizen Service, when it was launched in 2011, there were 8,500 young people involved. In the

current year, there are 90,000. Next year, it will go up to 120,000. The estimates are that by 2016, 150,000 young people will be part of the National Citizen Service. It shows that when a scheme works for the country and it works for young people, there is a take-up. This scheme reflects that.

Lord Jay of Ewelme (CB): Would the Minister agree that encouraging village shops is an excellent way of strengthening community life in the United Kingdom? I declare an interest as the owner of the Ewelme village store.

Lord Ahmad of Wimbledon: As someone who worked in local government for 10 years as a local councillor, I totally agree with those sentiments. The vitality of local businesses at a local level is something that this Government fully support and encourage.

The Lord Bishop of Wakefield: My Lords, will the Minister join me in welcoming this morning's announcement by the Secretary of State for Communities and Local Government that the Near Neighbours scheme—a very successful collaboration between faith groups and government—is being extended for a further two years? Does he also agree that the scheme is an excellent example of strengthening social cohesion in ways that are sensitive to local dynamics, and that it could serve as a model for communities up and down the United Kingdom?

Lord Ahmad of Wimbledon: The right reverend Prelate is of course right to raise the issue of the Near Neighbours scheme. It is a successful scheme in which the Church of England works with local communities, and it shows how communities and wider faith groups can come together. My noble friend who is sitting to my right famously said, "This Government does do God". We work with people of all faiths across the country to ensure that communities are vibrant and working well together.

Lord Howarth of Newport (Lab): My Lords, if we believe that rights should be matched by responsibilities, should we not elevate, alongside the expectation that those of working age who are reasonably able to do so should be in gainful employment, a second expectation that those who can reasonably do so should commit themselves to a pattern of caring activity or some other activities useful to the community, on the basis that we do not want to live in a neoliberal society of atomised individuals but in a society founded on an older and better principle: namely, that we are members one of another?

Lord Ahmad of Wimbledon: Those are sentiments with which I totally agree. Perhaps I may give a very local example. I referred earlier to my time as a local councillor. I am delighted this week that, through an initiative which this Government have enabled, the community right to bid for community assets, Wimbledon Park Hall, which was shut by a local council, has just been revived. The local community, through local residents and the Wimbledon Park Residents Association,

is working with the private sector to ensure that a community asset which was of and by the community will now function for the community.

Baroness Secombe (Con): My Lords—

Lord Shutt of Greetland (LD): My Lords, it appears to me—

Baroness Secombe: My Lords, will my noble friend the Minister join me in praising those people from all round the country who have gone to help farmers and others during this time of flooding?

Lord Ahmad of Wimbledon: My noble friend, as ever, raises a very important and valid point. I am sure that the sentiment that she expressed resonates with us all. It is a tribute to how, at a time of need in our great country, community spirit works well and is alive.

Vocational Training: Young People *Question*

11.21 am

Asked by Baroness Stedman-Scott

To ask Her Majesty's Government what steps they are taking to equip young people with the skills necessary to enter the job market.

Baroness Stedman-Scott (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and, in so doing, declare an interest as chief executive of Tomorrow's People.

Lord Ahmad of Wimbledon (Con): My Lords, perhaps unlike the rest of your Lordships' House, I had sight of this Question and there is a continuum here. We are reforming vocational education to ensure that young people can get the skills which employers value. We are implementing reforms to qualifications for 14 to 19 year-olds. We have introduced study programmes for 16 to 19 year-olds and traineeships for 16 to 24 year-olds, including work experience and the basic skills in English and maths which employers tell us young people need. These measures, alongside the youth contract, are enabling more young people to move into apprenticeships or indeed employment.

Baroness Stedman-Scott: I thank the Minister for that response and I endorse the fact that these interventions are making a real difference to the lives of our young people. However, while interventions on their own are all good, in most cases it is the magic of the personal support that young people get which glues these things together and makes the real difference. How will the Government make sure that this holistic and seamless approach continues and grows to make the outcomes even more effective than they are?

Lord Ahmad of Wimbledon: First, I pay tribute to my noble friend's personal experience in this field. She is an example of how people can work at a local level to ensure that young people are given the opportunities that they require and deserve. Our priority is to ensure that students are offered high-quality and meaningful

[LORD AHMAD OF WIMBLEDON]

work experience as part of their post-16 education, which is both stretching and related to their career paths and realistically based on their prior attainment at age 16. All students aged 16 to 19, whether they are doing academic or vocational studies or a mix of both, are now expected to follow a study programme tailored to their prior attainment by the age of 16 and in line with their future career aspirations.

Lord Monks (Lab): My Lords, as the growth in apprenticeship numbers is largely accounted for in the age range above 25 can the Government use the procurement process, on which many billions of pounds have been spent, to make it a condition of government contracts that apprentices are hired? Can the Government also counter the alarming trend in the number of apprentices not being paid the legal minimum wage?

Lord Ahmad of Wimbledon: Apprenticeships are a central part of what this Government seek to do to address some of the challenges that this country faces. We should all acknowledge that 985,000 apprenticeships have been created since the general election. As these apprenticeships evolve, we are working with employers across the country to ensure that they are effective for, and indeed reflective of, the needs of the people who are fulfilling them. The points the noble Lord makes will be taken on board as the way apprenticeships are presented evolves.

The Lord Bishop of St Albans: My Lords, there are four times as many 18 to 24 year-olds looking for work at the moment as there are in the 16 to 17 age group. Yet the Government's policy on apprenticeships for 19 to 24 year-olds is to ask employers to pay half the costs of the learning framework. Many businesses, especially SMEs, will pause before taking on an apprentice because of this. Does the Minister agree that if this requirement were to be removed, it would hugely encourage many more young people to get into apprenticeships as well as giving them much more of a chance to succeed?

Lord Ahmad of Wimbledon: The right reverend Prelate makes an important point, but I am sure many noble Lords are aware that the Government do support local businesses. Indeed, they have made additional funding available to small businesses that are looking to take on both trainees and apprentices.

On the age group that the right reverend Prelate mentioned, particularly 19 to 24 year-olds, in October 2013 the Government announced funding of an additional £20 million to support the expansion of traineeships, which are helping even more young people to get the skills and experience they need to get into full-time work.

Baroness Sharp of Guildford (LD): My Lords, is my noble friend aware that the number of apprentices aged 16 to 18 has been falling, rather than rising, over the past few years? Yet we still have a million people of that age who are NEETs. In addition, the numbers entering into apprenticeships in both construction and engineering, where we have the greatest skills shortages,

have been falling. Will the Minister tell us what the Government are doing to encourage young people to go into those careers?

Lord Ahmad of Wimbledon: I have already mentioned traineeships, but if we look at the figures announced today on NEETs—those young people not in education, employment or training—they reveal that for the 16 to 18 age group this stands at 7.6%, the lowest since Government records began in this area in 2000. If we look at the wider group, the current percentage is 14.2%, which is the lowest since 2008.

My right honourable friend the Deputy Prime Minister today made further announcements on how to encourage young people, how to ensure that career services work well across the country and how schools are an essential part of ensuring that career opportunities are made available. This whole package of reforms is providing the necessary steps for tackling the issue of youth unemployment, but more importantly providing young people with the opportunities they need to get into the employment sector.

Lord Brooke of Alverthorpe (Lab): My Lords—

Lord Touhig (Lab): The number of apprentices who did not receive the legal minimum wage has increased by 45%. This is against the law. What are the Government doing about it?

Lord Ahmad of Wimbledon: The Government are adhering to the minimum wage. That has been made clear several times at the ballot box. The minimum wage is there for employers to follow and the Government are supporting it across the country.

Lord Aberdare (CB): My Lords, is the Minister aware of the award-winning Building Lives Training Academy, set up by the founder of Lakehouse plc to provide construction sector apprenticeships for young people, leading to jobs in the sector, and what can the Government do to help such initiatives gain access to the start-up funding they need, which seems to be the greatest obstacle to their expansion?

Lord Ahmad of Wimbledon: Perhaps I may come back to the noble Lord on the first part of his question as I missed it. As I have already said, we believe it is important that the careers guidance service is working effectively, whether that is in academies or other schools within the sector. This morning my right honourable friend announced further initiatives in direct response to the Ofsted reports in this area, which demonstrated a need for schools to play a greater part in providing careers advice.

Ukraine Question

11.30 am

Asked by **Baroness Falkner of Margravine**

To ask Her Majesty's Government what is their assessment of current developments in Ukraine.

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi) (Con): My Lords, further to the Statement made by the Foreign Secretary on Monday, which was repeated in this House by my noble friend Lord Wallace, the Government have continued to follow events closely and have pursued engagement with international partners with a view to supporting Ukraine's return to stability and sustainable reform. The Ukrainian Government should focus on reconciliation, urgent reforms and preparation for free and fair elections. All parties inside and outside Ukraine should avoid actions and rhetoric that inflame tensions.

Baroness Falkner of Margravine (LD): I thank my noble friend for that reply. Does she share my concern about the escalating tensions in the Crimea and, indeed, along the Russian-Ukrainian border? In pursuit of defusing those tensions, will Her Majesty's Government speak to the United Nations Secretary-General and ask him to appoint a special envoy to Ukraine who might have the confidence of the new Ukrainian Government, as well as the Russians, to help mediate and de-escalate these crises?

Baroness Warsi: As my noble friend will be aware, the situation on the ground is constantly changing. We are receiving almost hourly updates on what is happening. We are concerned about the situation in the Crimea, and are aware of reports of armed men seizing local government buildings. We are watching the situation closely. We are urging all parties both inside and outside Ukraine to exercise restraint, to stop further inflaming tensions and to stop any further impact on Ukraine's sovereignty. We are in touch with a number of partners on this matter. As the situation on the ground is changing so quickly we are looking to see the best response at this stage.

Lord Anderson of Swansea (Lab): Clearly, Russia has legitimate interests in Ukraine and we should strive to avoid being provocative. How do the Government respond to the suggestion that we should urge the new Ukrainian Government to avoid entering into any military alliance which might be considered by Russia to be provocative?

Baroness Warsi: The Government do not believe that this is a zero-sum game. We do not feel that the EU's relationship with Ukraine is at the expense of its relationship with Russia. We fundamentally believe that it is for the people of Ukraine to choose their future, securing their sovereignty and territorial integrity. Certainly in the discussions that we have had with our Russian colleagues, we have both stressed the need to respect Ukraine's sovereignty.

Lord Howell of Guildford (Con): Did my noble friend and her colleagues notice that Russia is having increasing difficulty in selling its gas to western Europe—it has had to lower its prices—and that 40% of Russian gas exports go out through Ukraine? Does that not suggest that the last thing Russia really wants is a Ukraine broken in two or descending into chaos? Is that not quite an important point of leverage in our discussions with Moscow on what should be done next?

Baroness Warsi: My noble friend makes an important point. It supports our view that it is not in our interest or in Russia's interest for there to be instability in Ukraine. It is for that reason that we are urging all parties to act in a way that does not further inflame tensions.

Lord Elystan-Morgan (CB): Further to the question asked by the noble Lord, Lord Anderson, does the Minister agree that the situation is now one of extreme peril and sensitivity? Ukraine is not so much the backyard of Russia but, in a sense, the side door, bearing in mind that Sebastopol is the base of the Black Sea fleet and that anything that is done by way of any military suggestion whatever is fraught with peril.

Baroness Warsi: I cannot speculate in response to the noble Lord's question. This comes back to the fact that Ukraine is an independent country. It is a sovereign nation. It is the right of the people of Ukraine to make a decision for the future that best suits them in accordance with the reforms which are in the best interests of the Ukrainian nation. We need to make sure that we conduct ourselves in a way that means that we focus on reconciliation and stability.

Lord Lea of Crondall (Lab): My Lords, may I take the previous question a stage further? People have mentioned the Crimea. Sebastopol is in the Crimea geographically but it is Russian sovereign territory. The Russian military is in Sebastopol, which is quite different from the rest of the Crimea, with the Russian Black Sea fleet being there under treaty until 2018.

Baroness Warsi: I am not quite sure what the question is.

Baroness Williams of Crosby (LD): My Lords, further to the suggestion of my noble friend Lady Falkner regarding tensions in Ukraine and a UN special envoy as a way of reducing those tensions, might it not be possible for the European Union, on the suggestion of the United Kingdom, to indicate its strong support for the safety and security of residents in those areas that have substantial numbers of Russians—for example, the Sebastopol region and Crimea—and for the idea of protecting human rights wherever there is a legitimate resident person? I think that that would go some way to easing the understandable fears of Russian pensioners living in the Crimea and Sebastopol regions.

Baroness Warsi: That is certainly the position that has been adopted, as evidenced by the work and the comments made earlier this week by the noble Baroness, Lady Ashton. In all contacts which the Prime Minister, the Foreign Secretary and the Chancellor have had with President Putin and Foreign Minister Lavrov over the past seven days, as well as with other Prime Ministers and Foreign Ministers across Europe, we have made clear that it is in our interest to ensure that the people of Ukraine—all the people of Ukraine, whatever background they come from—feel that they have a stake in Ukraine's future.

Lord Newby (LD): My Lords, I beg to move that the House do now adjourn during pleasure until not before 1 o'clock, to enable those of us who wish to do so to make our way to the Royal Gallery to hear an address from the Chancellor of Germany. All Members of the House are welcome to attend and I encourage them to do so.

11.36 am

Sitting suspended.

Syria and the Middle East

Motion to Take Note

1 pm

Moved by Baroness Warsi

That this House takes note of recent developments in Syria and the Middle East.

Baroness Anelay of St Johns (Con): My Lords, before the Minister opens the debate, it may be helpful if I give a little guidance. This debate is not time-limited. I hope that we may use some of our Thursdays for Government-led debates where the House is not constrained by our normal, rather short time limits. There are 25 speakers today in our Syria and Middle East debate. Were Back-Bench contributions to be kept to around 10 minutes, it would allow debate on our later business to commence at about 6.30 pm.

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi) (Con): My Lords, the situation in Syria and its impact on neighbouring countries continues to be bleak and disturbing. It is already the greatest humanitarian disaster of the century. Some 5,000 Syrians are dying each month, 2.4 million people have been forced from their homes, 250,000 are trapped under siege and the bombardment of civilian areas continues. Yet finally, we saw on Saturday the first, tentative, steps of progress when the United Nations Security Council unanimously adopted the UK co-sponsored Resolution 2139.

As my noble friend Lord Wallace of Saltaire informed the House earlier this week, this resolution—the first time the Security Council has come together to act in response to the deteriorating humanitarian situation—demands an immediate end to the violence, the freeing of besieged areas and the unimpeded delivery of humanitarian aid to the whole of Syria. It rightly condemns terrorist attacks and, in line with Britain's policy over the past three years, places its weight behind efforts to seek a negotiated political settlement and the implementation of the Geneva communiqué.

Although the passage of Resolution 2139 represents a significant diplomatic success, it will have an impact and relieve the suffering of Syria's starving people only if it is applied fully and immediately. That is why we are working closely with UN agencies to press ahead quickly with the delivery of aid to hard-to-reach and blockaded areas. In parallel, we call on the Assad regime to comply fully with the resolution. We are clear that we will return to the Security Council and take further steps in the case of non-compliance. Yet it

saddens me that, in stark contrast to the approach being taken by the national coalition, there remains no sign of the Assad regime having any willingness whatever to allow the political transition demanded by the Security Council. Indeed, the UN and Arab League envoy, Lakhdar Brahimi, has laid responsibility for the failure of the Geneva II negotiations clearly at the door of the regime.

UK support to the Syrian people within Syria itself and to refugees in surrounding countries now stands at more than £600 million and includes funding for Syrian civil defence teams to help local communities respond to attacks, providing everything from radios and protective firefighting clothing to desperately needed medical kits.

I will now turn to other key countries across the region, starting with Iran. The interim agreement with Iran came into force on 20 January and is being implemented. Meanwhile, the E3+3 and Iran met last week to start negotiations on a comprehensive agreement aimed at ensuring that Iran's nuclear programme is, and always will be, exclusively peaceful. The talks were constructive and will continue in mid-March in Vienna. We continue to expand our bilateral engagement with Iran. Last Thursday, we and Iran brought protecting power arrangements to an end. This is a sign of increasing confidence that we can conduct bilateral business directly between capitals, rather than through intermediaries.

We will continue with these step-by-step improvements in our bilateral relations, providing that they remain reciprocal. We are, for example, working together on ways in which to make it easier for Iranian and British citizens to obtain consular and visa services. However, the House should be under no illusion that the challenges remain considerable and, until a comprehensive solution to address all proliferation concerns related to Iran's nuclear programme is found, existing sanctions will remain intact and will be enforced robustly.

Syria's closest neighbours, Lebanon and Jordan in particular, have both been greatly affected by the continuing instability in the region. As a result, almost one in five of Lebanon's population is a registered refugee, while Jordan has the dubious honour of being home to the second largest refugee camp in the world. The UK is contributing more than £110 million to assist each of these nations with the humanitarian emergencies that it faces. It was a subject that I discussed at length with the Jordanian Foreign Minister on 9 January, and we continue to co-operate closely. However, the worsening humanitarian crisis is compounded by violence not just in Syria but also in Lebanon, where the UK is providing assistance to increase border security, and in Iraq. The Government and, I am sure, all sides of the House, condemn the recent deaths and violence across the region and urge all sides to unite to find political solutions to the challenges being faced.

In Iraq last year, we saw the violent deaths of more than 8,000 civilians, and 300,000 people have been displaced from the west of Iraq since the beginning of this year alone. Here again, it is vital that inclusive political process accompanies counterterrorism operations. The upcoming parliamentary elections will form a key

part of that, by offering the people of Iraq an opportunity to demonstrate their political will, make their voices heard and set a clear mandate for the new Government. It is therefore vital that the elections are free and fair and held on time.

More broadly, in terms of regional security, we must never lose sight of the importance and centrality of the Middle East peace process to the lives of millions of Israelis and Palestinians and to international peace. In the past month, more than 30 Palestinian protesters were injured by Israeli live ammunition, while two Israeli soldiers were injured. Both Israeli and Palestinian security forces have foiled terrorist attacks on Israel, allegedly planned by individuals in the West Bank. Attacks by settlers on Palestinian property also continued. Progress towards peace and a two-state solution is desperately needed, and the efforts by US Secretary of State John Kerry to agree a framework for negotiations offers a unique opportunity to secure lasting peace.

In Egypt, the third anniversary of the revolution was marred by the death of 100 protesters, as terrorist groups brought their terror campaign to Cairo. Having seen three Governments in the three short years since we witnessed such scenes of jubilation, the Egyptian people have yet to find the stable, democratic, representative Government for whom they fought, capable of tackling the vast political and economic challenges the country faces. However, the referendum on the draft constitution, held last month, was an important milestone on the political road map. It allowed millions of Egyptians to express their opinion through the ballot box and brought renewed hope for the presidential and parliamentary elections due to be held before the summer.

Similarly, the challenges facing the people and Government of Libya, as they seek to build a secure, prosperous and democratic country after four decades, remain serious, but we are firmly committed to supporting them in whatever way we can, including by helping reform the police force, army and prison service to ensure that they are accountable, comply with basic standards of human rights and tackle corruption. However, while we must not lose sight of the progress that Libya has made over the past two years, we welcome the recent elections for a constitution drafting committee and the recent statement by Libyan Justice Minister Marghani about Libya's willingness to co-operate with the UK and US on the Lockerbie case. It is still clear that political divisions within Libya continue to hamper progress overall. The conference on Libya in Rome on 6 March offers all Libyans the opportunity to renew their commitment to a single, inclusive political settlement. The UK looks forward to taking part in the conference and will continue to encourage other nations to provide the international support that Libya needs on issues as varied as political transition, governance and arms and ammunition.

I turn to where the Arab spring began. Tunisia continues to overcome significant obstacles and continues its democratic transition. On 26 January, it achieved an important and historic milestone: the adoption of a new constitution that embodies the fundamental freedoms called for by the Tunisian people. The UK

will continue to offer support to the Tunisian Government, both through our own Arab partnership programme and through the EU and G8, to ensure that Tunisia can sustain and build on its achievements so far, and can continue to be an inspiration to others struggling for freedom across the region.

Let me now turn to the Gulf states. I had the honour of visiting Saudi Arabia and Oman last week, to discuss—among other things—religious tolerance and other regional issues. The UK has an incredibly strong relationship with our Gulf partners. More than 160,000 British nationals live and work there. We work together across a wide range of issues. The Gulf is vital for our energy security and for countering the terrorist threat, and it is one of our largest global export markets.

The Gulf states share our concern at the instability and turbulence in the Middle East. On Syria, we work with Qatar, Saudi Arabia and the UAE as part of the London 11 grouping, and Gulf nations contributed generously to the \$2.4 billion raised by the recent Syria pledging conference in Kuwait. We work with Gulf countries to enhance regional security, for example by responding to the security situation in Yemen, particularly with Saudi Arabia with whom we co-chair the Friends of Yemen group.

We are delivering aid work in Afghanistan in conjunction with our colleagues from the UAE; supporting Bahrain through its ground-breaking reform process; and have strong defence and commercial ties with our friends in Oman. Gulf countries provide a welcome base for our armed forces, and UK expertise and equipment is contributing to Gulf defence. We also value the contribution Gulf countries make to our security, particularly through our close co-operation on counterterrorism issues.

In a region which has seen huge instability and violence, Yemen's progress so far has been commendable. The UK welcomes the recent conclusions of the National Dialogue Conference and applauds the spirit of co-operation and compromise that allowed participants to reach a consensus. However, millions of Yemenis are still living without food, shelter or water. The UK is the third largest donor of humanitarian aid and DfID has committed £196 million over three years to support development. However, the security situation in Yemen remains dire. The UK has been working with the Yemeni Government for a number of years to help them disrupt al-Qaeda in the Arabian peninsula and to help deny al-Qaeda a haven in Yemen for the future. The UK now urges progress on the next stages of Yemen's transition, which includes the drafting of a new constitution, implementation of the NDC outcomes, timely organisation of a constitutional referendum and transparent elections.

In opening this debate it is clear—and it will become increasingly clear as the debate unfolds—that the situation in the Middle East continues, despite the odd glimmer of hope, to give grave cause for concern. The UK continues to be extremely active across the region—bilaterally and multilaterally through the UN and EU, and with allies—to deliver urgent humanitarian assistance, to bolster security and to provide forums in which all parties can work towards sustainable political settlements.

[BARONESS WARSI]

I know it is a region of the world about which there is great interest and certainly expertise on all sides of this House, and I look forward to hearing your Lordships' assessment of the situation.

1.12 pm

Baroness Symons of Vernham Dean (Lab): My Lords, I thank the noble Baroness, Lady Warsi, for opening this important and very timely debate today, and for doing so with her customary openness and breadth of knowledge on the Middle East. May I direct your Lordships to my entry in the register of interests as chairman of the Arab British Chamber of Commerce and chairman of the British Egyptian Society, among other things?

This is a period of great change and great challenge in the Middle East, right the way across the region from the Maghreb and north Africa across the Levant and into the Gulf states. When I was first a Minister in your Lordships' House some 17 years ago, many a debate about the region was focused on the hostilities between the Israelis and the Palestinians and the wider potential conflict throughout the Middle East. We then referred to the Middle East peace process because there was only one peace process anybody had in mind. Now of course that spectrum of conflict both within and between the states in the region is so much more complex and widespread and, of course, it is drawing in global players who have their own very significant agendas about their relationships with the Middle East.

The overlay of sectarian conflict within the states of the Arab League, the hugely increased tensions between Iran and its closest neighbours and the growing and seriously deep concerns of the Gulf states about the role of Iran within the region are absolutely apparent to any visitor who goes there. There was, of course, a time when any opening conversation with a Minister in one of the countries of the Arab League was about the Israeli-Arab conflict. Now the issue at the top of its agenda is Syria, and Iran's role in the Syrian conflict and sustaining the Assad regime through its support for Hezbollah and the spread of sectarian extremism.

At the same time we continue to see growing demands throughout the region for the enfranchisement of civil society, for democracy, and for written constitutions that enshrine the rule of law and human rights, including of course the rights of women. This debate has singled out one country for special concern, and rightly so. Syria is in a dire position, as the Minister illustrated, with 5,000 of its citizens dying every month, 24,000 people under siege and 2.5 million Syrians now refugees in neighbouring countries, particularly Jordan and Lebanon, both of which are showing real stress under the strain of their own resources of food, water, medicines, healthcare and education.

The Statement that the noble Baroness's colleague, the noble Lord, Lord Wallace of Saltaire, repeated in this House earlier this week was of course welcome, marking as it did the unanimous vote on UN Resolution 2139 on Syrian humanitarian assistance. The resolution demands an end to the violence, the lifting of the sieges, and access for aid. It also condemns the terrorist

attacks. However, the salient sentence of that Statement was to point out that although the resolution was, "an important achievement", it would,

"make a practical difference only if it is implemented in full".—[*Official Report*, 24/2/14; col. 752.]

The resolution is not under Chapter 7, so can the noble Baroness, when she winds up, tell the House what is the next step open to the United Nations if Syria fails to comply? Indeed, what is the next step if the Syrian Government fail to meet the deadline for the destruction of its chemical weapons by 30 June this year, as demanded by UN Resolution 2118? So far, the OPCW has said that only 11% of the stockpile of chemical weapons has been destroyed. Does the Minister believe that it is operationally a possibility to destroy the remaining 89% of these terrible chemical weapons within the next four months? If not, what is the next step?

We also need to keep a clear focus on the impact of the Syrian conflict in Lebanon and Jordan—very different as they are politically but which share the same common burden of the huge influx of refugees. The role of Hezbollah, particularly in Lebanon, appears to be increasing and strengthening. In supporting the Assad regime, Hezbollah appears to be locked into an increasingly vicious series of revenge attacks from groups linked to al-Qaeda, which involve innocent bystanders who have been the victims, including many young people and some children. Meanwhile, the Syrian Government are claiming to have killed 175 al-Qaeda or al-Qaeda-linked fighters yesterday in the eastern outskirts of Damascus. The response to the Israeli airstrike on Monday night is bound to further complicate and exacerbate the vicious nature of this conflict. Israel's Prime Minister vowed to prevent Hezbollah obtaining "game-changing weapons" from Syria; and Hezbollah has vowed to respond, warning that it would,

"choose the time and place and proper way to respond".

So can the Minister shed any light on whether there is any discussion or contact with these terrorist groups who appear to be fighting each other every bit as viciously as they want to fight the Government of Israel?

There was of course a further development in the Middle East this week that needs discussion—the resignation on Monday of the Egyptian Prime Minister Hazem el-Beblawi. Developments in Egypt are of real importance, not only in terms of stability in the region but the impact that they have across all the neighbouring countries and, arguably, globally. I understand that we are expecting a new Cabinet to be announced this weekend, under ex-Housing Minister Ibrahim Mahlab as Prime Minister. President Adly Masour, I understand, remains and some 17 Ministers are expected to retain their portfolios, but it would be interesting to know what more the noble Baroness can say on that.

With its population of more than 90 million, Egypt is by far the most populous country in the whole of the area, with its enormous army readily available. Arguably, it is Egypt that has for years held the line within the region on the Middle East conflict between Israel and the Arab countries because of its support for the peace process. Of course, Jordan has also been part of that relationship, but Egypt was the real guarantor.

The turmoil that followed—the election of Mr Morsi and the Muslim Brotherhood, his subsequent removal from power by the army and the adoption of a new constitution pending presidential and subsequently parliamentary elections—were all hugely important, not only to Egypt, but across the whole region and, very particularly, to the Gulf states and Saudi Arabia.

Gulf funding of more than \$16 billion since July last year is crucial to Egypt's stability, but with an inflation rate of 13% and a huge underclass of unemployed young people—70% of the population of Egypt are under age 29—Egypt's economic stability is enormously important. It is not only political reforms that so many Egyptians want to see, but almost as importantly, they want economic reform. The interim Government have said that they wanted to reform the hugely expensive subsidy regime, reduce the budget deficit and stimulate the economy. Will the Minister tell the House how the British Government are supporting those objectives and whether we are contributing to the EBRD investment support of making more than €2.5 billion of investment a year into the countries of the Mediterranean—not only Morocco, Tunisia and Egypt, but also Jordan? Those are countries that declare that they are committed to the principles of democracy, pluralism and, of course, market economics.

The great regional powers—Egypt and Saudi Arabia—have crucial roles to play in the stability of the region, but they face enormous challenges internally and those challenges are hugely different from each other. For us, it might be tempting to try to describe the Middle East in terms of broad generalities, but that is neither accurate nor fair. There may be some common aspects, such as the high youth unemployment, the desire for the growth of civil society, the increasing sectarianism, and, in many countries, the thirst for democracy, but there are also differences that are enormous: differences in wealth, in culture, in the rule of law and in human rights.

I believe that this country has a real role to play in engaging with countries of the region—not just as a group, but as individual countries. The Minister and her colleagues did a brilliant job a couple of weeks ago, when we saw Ministers and business people in unprecedented numbers coming over from Saudi Arabia. Next week, there will be many Egyptians—including business people and Ministers—here in London. Our role in supporting change, democracy, the rule of law, human rights and—yes, very much so—investment and trade will continue to be vital in sustaining the stability of the region.

1.23 pm

Lord Palmer of Childs Hill (LD): My Lords, I thank the Minister for initiating this debate and giving such a good summary of all the events in the area, and the noble Baroness, Lady Symons, for her passionate and informative contribution. I am sure that many of the speakers will repeat many of the statistics. I hope noble Lords will forgive me if I do so but I want to put a slant on them.

The Syrian civil war shows no sign of contracting; according to the latest estimates, the number of fatalities has reached 140,000. The conflict has created 2.4 million

refugees to date, and the UNHCR estimates that the number of refugees could rise to 4 million by the end of 2014. Within that overall crisis, there have been the sub-crises, such as the condition of the 20,000 in Yarmouk, a Palestinian refugee camp in south Damascus.

We have heard, and will hear in the debate today, how the West is helping the Syrian people. The UK has given £241 million in aid to support the population of Syria, as well as £263 million to Syrian refugees in neighbouring countries. Food is being provided, I am told, to 130,900 people, and the UK has funded 71,500 medical consultations for refugees in Lebanon and Jordan. EU member states have committed a total of €2.6 billion, €1.1 billion of which has come directly from the EU's budget. The EU represents the biggest single contributor towards humanitarian relief in Syria.

On 15 January 2014, the United States pledged an additional \$380 million on top of the \$1.76 billion provided since the crisis began. More than \$177 million has been spent within Syria, reaching an estimated 4.2 million people. It always seems very complicated when we talk of pounds sterling, euros and dollars, but, as anyone would say, these amounts are “megabucks”.

One source of aid and relief which receives little publicity is from neighbouring Israel—a surprise to many people. Israel has given medical treatment to some 700 Syrians, and the IDF even set up a field hospital specifically for the purpose of treating Syrian refugees. It is estimated that the number of Syrians seeking medical treatment in Israel will rise in the next year. Through liaison with the United Nations Disengagement Observer Force, the Israeli defence force—the army—organised for food and winter supplies to be distributed to the Syrian population close to the Israeli border. We are also informed that the IDF frequently leaves aid parcels along Israel's border with Syria.

The Israeli public have mobilised in aid of the Syrian population. More than 20,000 items of winter clothing were donated in response to an appeal by over 30 youth groups and Israeli Flying Aid, an organisation which supplies aid to countries with no diplomatic relations with Israel. Members of the Knesset of varying political parties have supported this campaign. On top of that, Israel has been working in partnership to support Syrian refugees in neighbouring Jordan, where there are thought to be half a million escaping the war—more than Jordan can cope with alone. Israeli NGO IsraAID has been working in partnership with Jordanian NGOs to provide supplies to displaced Syrians living in Jordan.

All that has been done despite the fact that Israel and Syria are still technically at war with one another, although a ceasefire is in place—one is grateful for small mercies. Indeed, UN Middle East envoy Robert Serry warned the UN Security Council in September last that fighting in the Golan could “jeopardise the ceasefire” after shells landed on the Israeli side of the truce line. The noble Baroness, Lady Symons, also spoke of the danger of escalation on a number of the borders. I echo her sentiments and fears.

[LORD PALMER OF CHILDS HILL]

I should have declared, as did the noble Baroness, Lady Symons, from another angle, that for some years I have been a vice-president of Liberal Democrat Friends of Israel.

It is morally right that Israel helps its neighbours, and it should be encouraged to do so more and more. Its actions may also help to boost co-operation, understanding and the peace that has been so elusive throughout the region. Strange stories come out. CNN carried the quote that a fighter, possibly a rebel, to whom Israel provided medical care said:

“The regime used to make us hate it, but it turned out to be the best country”.

That was just one man’s comment but the fact is that you achieve a lot more by helping people than bombing them, from within or without. Israeli organisations go to considerable lengths to ensure that no Israeli labelling or Hebrew writing is on any aid packages so that refugees will not be accused of being collaborators. The same precautions are taken by Israeli hospitals providing medical treatment.

Israel has so far tried to keep a low profile in the Syrian conflict, and I apologise to it if I am raising that profile somewhat today. Given the high level of anti-Israel sentiment in the region, overt Israeli support for any party could be used to discredit it. I echo the Minister’s comments about the work of Secretary of State Kerry. I only hope and ask that the UK Government do all they can to support his efforts to bring both sides to the negotiating table to make big compromises. That is still a chore that we should be helping Secretary of State Kerry to achieve.

The West is faced with equally bad options in Syria of the Assad regime on the one hand and al-Qaeda and Islamist movements on the other. It is clear that no one knows what to do to end this conflict. Therefore the focus has been to try to support moderate elements in the opposition as much as possible and to provide aid to regional allies such as Jordan, which is bearing the brunt of the social, political and economic consequences of Syrian refugees. There are half a million Syrian refugees in Jordan and the UK Government should be concerned not only for these unfortunate refugees but for the undermining of the Hashemite Kingdom, a long-time friend of Britain. The growing threat from radical jihadists who have been drawn to the Syria conflict should create new impetus for co-operation between Israel and the Arab states in the region. The West would do well to develop and encourage regional frameworks for countering the challenge posed by the jihadists.

What I have tried to add in this debate is that everyone is appalled at the humanitarian crisis, even those whom Syria has previously attacked. We hear of assistance given, some of which has been given largely below the radar, but it must continue. The Minister referred to United Nations Security Council Resolution 2139—although it seems long ago, it was passed only on 22 February—which sets out the need for humanitarian assistance to Syria. There are very many people trapped in besieged areas in Syria and there are large numbers of refugees in Jordan, Lebanon, Turkey, Iraq and Egypt. Three-quarters of those refugees, we are told,

are women and children. I hope the Minister will say what the Government are doing to support the need for access to these besieged groups to provide urgent humanitarian relief. Aid must go across borders because it is not going to come from within Syria itself. So my two final questions for the Minister are: how do Her Majesty’s Government hope to assist in the humanitarian effort, and how can the fighting be stopped? Unless there is a ceasefire and cessation of hostilities within Syria, the killings and traumas are going to carry on and the humanitarian disaster that we are witnessing will continue.

1.32 pm

Lord Stirrup (CB): My Lords, as we debate Syria and the Middle East today, it is clear that we have witnessed and continue to witness a significant degree of political and social upheaval across the region. To that extent, the cards are up in the air, but we can have little control and less certainty about where they will eventually fall. This naturally poses some serious challenges to the formulation of a coherent UK policy in the Middle East. If we are to develop and maintain a credible strategic approach to the dynamic and complex challenges of the region, we need first a comprehensive analysis of the context and then a clear focus on those issues that are most important to our own security and prosperity. I do not mean to diminish the importance of moral and humanitarian concerns—we should continue our efforts in this regard—but as a nation we have limited resources and influence. It is therefore crucial that we identify our own policy priorities.

The context is surely an unravelling of the post-1918 settlement that was intended to tidy up the detritus of the Ottoman Empire. Britain and France, of course, have their fingerprints all over this settlement. Consider Syria. The Ottomans ruled it for just over 400 years until 1918. The San Remo conference of 1920 placed Syria-Lebanon under a French mandate while, incidentally, putting Palestine under a British mandate at the same time. Syria became independent in 1946 but had no settled constitutional or political base. Between 1946 and 1956 the country had 20 different Cabinets and four different constitutions. The turmoil in Syria today is only the latest episode in a drawn-out process that has its roots in the end of Ottoman rule in 1918.

We now see long-buried fissures reappearing across many parts of the region. We see tribe pitted against tribe, Muslim against non-Muslim, Arab against non-Arab, authoritarian against libertarian and, perhaps most significantly, Sunni against Shia. Indeed, the last division is one of the most polarising and potentially one of the most dangerous. Overshadowing all this is the regional competition between Saudi Arabia and Iran. This, of course, encompasses some of the fissures that I have mentioned—Sunni/Shia and Arab/non-Arab—but the degree of national animosity and the pursuit of regional political dominance take the problem to a new level and the competition is increasingly being played out in Syria.

The political upheaval in Syria is different in nature from many of the others that we have seen elsewhere in the region. In places such as Libya and Egypt, the impetus for change came from, or quickly gravitated

to, those in the cities and centres of population. In Syria it came from those on the periphery, particularly the impoverished and drought-ridden agricultural communities, and was directed against those at the centre. So change was more difficult to achieve, particularly since survival of the military leadership was more closely tied to the survival of the regime. Even so, it looked as if Assad could not last, but the intervention of Hezbollah changed the outlook.

Given the support of Iran and Russia, it is now hard to see how Assad could be removed in the near term. Given the support of Saudi Arabia, Qatar and to some extent at least the United States, it is hard to see how the regime could achieve a decisive military victory over the opposition groups. The most likely outcome in Syria is either degeneration into a Somalia-like failed state or division into a number of warring baronies. Neither outcome is palatable from a wider security perspective and both are likely to perpetuate large-scale human tragedy. Without substantial international intervention, for which there seems little or no appetite, it is hard to see a plausible alternative.

At the same time, two key sets of negotiations continue: on the Middle East peace process and on the Iranian nuclear issue. Both are likely to reach some sort of conclusion, whether satisfactory or not, later this year.

These then, are some of the key features of the regional context. With so many challenges and so little clarity on the likely outcomes, where should the UK place its own policy priorities? I should like to propose three areas. Top of the list, I suggest, should be the Iranian nuclear issue. The consequences of failure on this front for the nuclear non-proliferation treaty and for long-term security within the region are likely to be extremely serious and to have a lasting effect on the UK's own security. The ongoing negotiations are therefore critical. Of course, we have to negotiate well if we are to achieve the right outcome and, of course, we must take nothing on trust. Any agreement has to be verifiable. There will inevitably be different views on what constitutes a bad deal or a good deal.

I want to focus on two short-term issues that seem to me of fundamental importance in this whole process. The first is the sustainment of the agreed sanctions regime. As negotiations continue and some restrictions are lifted, there is a clear risk that sanctions as a whole will start to unravel. There will be a temptation for some countries or companies to jump the gun in order to gain a competitive advantage over their rivals. That risk cannot be entirely eliminated, so it will have to be managed. It will require strong and obvious resolve on the part of the major economic players to take firm and painful action against transgressors. The UK and the EU more generally will have an important part to play here.

The other issue concerns the question of where we go if negotiations fail. What is plan B? In such situations there is often a reluctance to consider plan B at all in case this is taken as a belief that plan A will not work, but such precautionary thinking does not need to be public. We can and should be discreetly considering what options are open to us if it proves impossible, even with more time, to reach a comprehensive settlement.

This will involve some difficult decisions, but leaving them to the last minute risks making the difficult impossible. Of course the implicit existence of a plan B could help to focus minds on reaching a satisfactory agreement in the first place.

The second policy priority, I suggest, should be our relationship with Saudi Arabia. This has suffered over recent months, not least because of divergent views over Syria and concerns about the negotiations with Iran. However, Saudi Arabia remains the pivotal country in the Gulf region and is of considerable economic importance to the UK. Given the differences in our societies and cultures, the relationship is never going to be an easy one. It will require hard work, a degree of tolerance on both sides and, above all, constant and clear communication. The relationship is too important to the UK and its interests for us to neglect it. How closely are the Saudis being consulted on the negotiations with Iran? What we might consider a satisfactory outcome might look very different to Saudi eyes. Although we cannot give them a veto over the process, attempting to deal with or mitigate their concerns must be a key policy objective for the international community as well as for us.

The third priority should be to contain, as far as that is possible, the wider regional consequences of a Syrian conflict. Jordan matters to us as an old friend and it matters to Israel because of the latter's concerns over strategic depth, so it is key to wider regional stability. However, Jordan is being weakened and undermined by the conflict in Syria. As others have mentioned, the large number of refugees is putting great stress on the already weak economy. There is no doubt that the social impact of what is going on in Jordan as a result of the conflict in Syria is having enormous repercussions for the regime there. Therefore, support for Jordan, for its economy and for its political development should be a key part of the UK's policy in the region.

There are of course other malign international repercussions of the war in Syria. The Lebanon is being seriously affected. Perhaps one of the most worrying consequences is the growth of an ungoverned space straddling the Syria-Iraq border and the implications for radical Islamist terrorist groups. For example, the recent activities of the so-called Islamic State of Iraq and the Levant demonstrate the risk of such an ungoverned space. The group poses serious dangers to the future of both Iraq and Syria and potentially further afield. Containing this risk will require some sort of governance over the affected area. For this reason, if no other, the feuding baronies outcome in Syria that I described earlier, while unpalatable, would certainly be preferable to a Somalia-like failed state. Another wider consequence of the Syrian situation is the return of radicalised and battle-hardened jihadis from the conflict zone to their home states. Saudi Arabia is increasingly concerned about this issue and the implications for its own security. It also affects us here in the UK. In many ways, this is a challenge for domestic rather than foreign policy, but it is a challenge nevertheless.

There are, of course, other important issues, such as the Middle East peace process, that I do not have time to cover, but many of these, while crucial to the

[LORD STIRRUP]

UK, are beyond our power to influence directly. As I said at the outset, the proliferation of challenges within the Middle East and the limits on our ability to confront them should force us to a clear-eyed analysis of UK priorities. Naturally, some may disagree with those that I have proposed, but in my view such an analysis is essential if we are to take a coherent and strategically informed approach to the many dangers that we face, rather than simply wringing our hands about them.

1.43 pm

The Lord Bishop of Wakefield: My Lords, I thank the Minister for her characteristically clear introduction to this debate and for setting the context so succinctly.

In December 2002, I was called to 10 Downing Street for a clandestine meeting with the Prime Minister's appointments secretary to talk about the possibility of my going to the See of Wakefield. When I arrived, I was terrified that my cover might be blown, since television cameras surrounded us and, indeed, I followed Andrew Marr through the security gate. The cameras were, of course, not for us but for President Assad, who was paying an official visit to the then Prime Minister, Tony Blair. Indeed, there was even talk at the time of persuading the Queen to confer a knighthood on the Syrian leader.

I begin there because we now, as they say, find ourselves in a very different place. For some time, the UK, alongside other western countries, has been backing the so-called Syrian national coalition, an association of most unlikely bedfellows whose only cause for unity is opposition to the Assad regime. That is, even with the typical vagaries of international affairs, an extraordinary volte face.

The complexities facing Western nations in looking to future policy on Syria are greater still. For since the intervention in Libya, originally styled as a humanitarian crusade, became fairly swiftly a policy aimed at regime change, international relationships have shifted significantly. It was of course that policy change, more than anything else, which assured the West of a more than usually tricky interface with Russia in any attempt to bring the tragic bloodshed in Syria to a swift conclusion. That conflict has already claimed more than 130,000 lives—someone said earlier that it was now 140,000.

Last summer, with the discovery of Syria's use of chemical weapons, the western nations were faced with another critical decision. Did the enormity of that terrible abuse of human rights and inhumanitarian behaviour deserve a powerful intervention from the USA, the UK and other North Atlantic allies? We all know the denouement of that crisis, and many of us may be proud that this Parliament, by offering us the opportunity to debate the issue, was almost certainly instrumental in making certain that no western nation intervened in that way at that time.

Where does that leave us now, as this tragic war enters its fourth year? First, all analysis of civil wars suggests that wholesale military intervention from outside the country will lengthen the war. Indeed, as we continue to see, even Iraq has still not thrown off the shackles

of the internecine strife with which both this country and the USA engaged so controversially just over 10 years ago. To answer my question as to where that leaves us is itself fraught. It does not leave us, as some simplistic analyses suggest, with either Assad or al-Qaeda. Nor does it leave us with any clear sense that our support for the Syrian national coalition has done anything to bring closure to the conflict, or even any clear resolution of the situation which continues to claim so many lives. It does, however, leave us with a displacement of people on a terrifying scale. In January 2014, the United Nations published figures showing that within Syria, 6.5 million people are already internally displaced and in desperate need. A further 242,000 are under siege, with more than 2.4 million people in external refugee camps.

With more than 2 million refugees, that indicates that the future of Syria lies to a large degree outside the country. That is true not only because of displaced persons but because of the vested interest of powerful nations from both the East and the West. Russia, China and Iran all have interests outside Syria which need to be included in the equation.

Let me return to my question again: where does that leave us now? It does not point us to a religious conflict—despite the destruction, since the beginning of the conflict, of so many of the ancient Christian Syrian communities: Assyrians, Melkhites and Antiochene Orthodox. Of course, the suffering of Christians pales into insignificance when compared with the suffering of the wider Syrian community as a whole. No, this is not a religious but a political conflict, and the only positive way forward must be a political, humanitarian and diplomatic strategy. As we have already heard, the challenges are immense, but the fact that Syria's future lies to such a degree outside its own borders puts a great moral responsibility on countries like our own.

With that in mind, where might Her Majesty's Government find leverage? There is no doubt that leverage within the regime in Syria and, indeed, within the myriad of opposition groups, is very limited. I have already hinted at the problems of unqualified support for the Syrian national coalition. It is almost, by definition, a western-selected coalition and therefore does not represent widespread support on the ground within Syria. So, to take a rather contrasting approach, removing international support both for the regime and for opposition groups is a policy which may lead to more possibilities of leverage from the West. Russia, China and Iran's external interests were alluded to earlier. Removing international support in both directions—that is for the regime and opposition groups—will, of course, not end the civil war in itself. It may, however, help starve the conflict by reducing the resources which continue to fan the flames.

Alongside this, will Her Majesty's Government support efforts to bring about reconciliation between Iran and Saudi Arabia in order to offer a new axis of stability in the region? The noble and gallant Lord, Lord Stirrup, referred to these various tensions, pressures and axes within the region. Will Her Majesty's Government also, as I have hinted, seek means to maintain Syrian civil society in Lebanon and elsewhere in the region—in Jordan, for example—where vast numbers of displaced persons are living as refugees?

In asking these questions, let me press the point that we should prescind from further support for a military solution and invest resources—financial and human—in seeking the seeds of a humane and lasting political solution.

1.51 pm

Lord Howell of Guildford (Con): My Lords, it is clearly difficult to comment effectively on all the countries that we are considering in this debate, but I begin by observing that there is a dreadful similarity in almost all of them, where government and authority—sometimes legitimate, sometimes tyrannical—are losing their grip and/or are under intense challenge. Power is fragmenting: it is not being neatly transferred to new dawns and new bodies, but being fragmented into the street. The monopoly of state-armed power by which the authority was hitherto upheld has been fractured. That is what is happening. It is a new pattern and one has to ask why this new force is anything different from revolutions and rebellions in the past.

The answer, of course, lies in technology. It lies in the tsunami of new weapons that are in the hands of minorities and which, with very few people, can inflict enormous damage on traditionally and classically armed formations. I am thinking of the improvised explosive devices which have done so much damage in Afghanistan, of endless decoys, of shoulder-held missiles which can be purchased in the international arms souk. I am thinking even of homemade drones. Hezbollah managed to get a drone aloft which it had put together itself. These are just the beginnings of a massive miniaturisation of weaponry which makes the vast military machines with which the 20th century tried to equip itself increasingly vulnerable. That is one aspect.

Secondly, and even more powerful, is the fact that the street is empowered. The rebels and the rebellions are empowered by an information revolution of an intensity and an organisational capacity impossible to envisage in the past. It is completely new. It gives connectivity through the 7 billion mobile telephones in the world. Half of the entire planet is on the world wide web. This gives an organisational capacity to minorities and to those challenging authority on a scale we have never seen before. We have only to think of what happened when Mohammed Bouazizi immolated himself in Tunis. Within hours, and certainly within days, the entire street population of the whole of Arabia was militant, aggravated and activated.

So this is a new pattern—a completely new pattern of power, distribution of power, dispersal of power and fragmentation of power has emerged. That is what we are seeing in the Middle East at the moment. In all cases, attempts to crush by conventional force by shooting down the enemy—shooting down the rebels and so on—have not worked and are not working. They did not work for Assad, although he may survive. He may just hang on but he certainly will not win and will never get back the country that he began with. It did not work in Egypt and did not really work with the wretched Gaddafi in Libya, which with all his weapons and money he failed to control. It has not worked in Iraq, where the rate of slaughter has got worse and some thousands and thousands are continuing to die. Indeed, although we are not discussing this today, it

quite obviously has not worked for President Yanukovich in Ukraine. He thought that he could use force to suppress the opposition and the challenges but he soon found, as other dictators and indeed democratic Governments have found, that force does not work any more. The old pattern of crushing and bringing in the tanks is now not the weapon that it was.

We will probably hear more from my noble friend Lord Lamont on Iran, as he is a great expert on that field, but even in Iran the trembling elements of protest are rumbling away. That is the universal pattern so instead of the order that one hoped was going to come with orderly protest and cries for liberty, we have on every side chaos. The old saw is that a revolution devours its children. Of course, in Syria we have seen its children devouring each other in the most horrific ways, with a savagery which is almost unimaginable in times of what we thought was peace.

That question of rebel against rebel brings me to a second point which I want to share with your Lordships, which is the colossal complexity of all the situations with which we are dealing. I will give only two examples. In Syria, al-Qaeda controls the small but important oilfields, which produce about 100,000 barrels a day or probably less. What do they do with that oil? They refine it crudely and sell it to President Assad. Wait a minute—can that be right when he is on the other side and fighting them? Yes, it is right: they are selling refined oil so that he can drive his aeroplanes. The bargain is that he has agreed not to bomb the areas controlled by al-Qaeda. That is just one example of the extraordinarily labyrinthine nature of the situation we are dealing with.

Then there are the points that the noble Baroness, Lady Symons, touched on with great authority regarding Hezbollah in Lebanon. Lebanese politics have always been immensely complicated but now we have an extraordinary situation in which Hezbollah, which used to be the state within a state and seemed to be a challenge to Lebanon's unity, is itself under attack and being protected by the Lebanese army from suicide bombers, some Sunni extremists and, to some extent, al-Qaeda. They are attacking it because it is backing a different side. It is backing Assad and they, with Saudi and Qatari support and a continuous flow of weapons, are backing the other side. The difficulty of saying, "Let us have priorities. What should we do?" is vastly multiplied by the fact that we do not really know who is on which side in many of these areas. The complexities are far greater than the simplicities which we hoped for when we talked about the Arab spring, and how that would bring new Governments, new liberties and new democracy. I am afraid that it is not going to be like that.

The third point which I want to mention is the energy aspect. Energy issues obviously run throughout the whole Middle East situation but there are some new factors, which I think have not been mentioned. I do not know whether they are recognised in London at all. However, in the east Mediterranean vast new gas reserves have been identified. In the case of Israel, the reserves have been found and are being used. They have a very significant effect on the whole pattern in the area. Cyprus and Israel want to work together to develop them. Lebanon, when it manages to get a

[LORD HOWELL OF GUILDFORD]

Government and some kind of laws in place, wants to develop its resource. Turkey is interested in the enormous gas resources around the south of Cyprus. Cyprus itself now has north and south Governments, who are rather readier to talk to each other than they have been for some time.

There is a completely new pattern on the chessboard of the east Mediterranean and I hope the United Kingdom authorities will play a constructive part by supporting Turkey's aspirations. Turkey is facing instabilities and problems on the street; it still wants to get into the European Union, and it is not feeling very happy about the way things are going. The acquisition of gas resources by Israel is changing its attitude as well to what can be done in the way of supplying gas, certainly to Jordan and Palestine. Indeed, it has already signed contracts, oddly enough, to supply gas back to Egypt—the other way around from the pattern that used to exist five years ago.

The most important thing that my right honourable friend William Hague said when he made the Statement in the other place so skilfully on Monday was:

"I agree that the age of spheres of influence is now over".—[*Official Report*, Commons, 24/2/14; col. 40.]

John Kerry was saying much the same thing the day after. That is a most profound point. He was talking mainly about the Ukraine, but it applies just as much to the whole Middle East and all the troubled areas we are looking at. We can think in terms of the EU working collectively in some areas very effectively—not always, but sometimes—but the truth is that a much wider coalition of the willing, not just of western powers and the usual suspects of the old NATO world, is needed, embracing the rising powers of Asia and the big players of Africa and Latin America. These areas have just as much say, responsibility for and interests in the Middle East and its stability as we do. It is worth remembering that most of the oil of the Middle East now goes eastwards to Asia and does not come to Europe or the West at all.

Those are the new realities that I wanted to share with your Lordships in my allotted time. There is a completely new international landscape in which we have to operate. We can lay down our priorities, but the question is how do we make those priorities work? How do we implement them? I have the privilege of chairing a select committee of your Lordships' House that is looking at British influence and soft power over the coming years. Of course, we do not produce answers, but I hope we shall clarify a few of the points that we have raised today and that that will be useful for your Lordships.

2.02 pm

Lord Stone of Blackheath (Lab): My Lords, Syria is in the title of this timely debate, but one could have chosen, as has been said, several other epicentres of enormous world-changing transition within the region. For example, I have just returned from Israel and the West Bank, where great efforts are going into the peace talks and, despite the scepticism, movement is happening. Even though the timeframe may need to be extended, a positive process will be agreed by the middle of this year.

Today I want to concentrate on Egypt, which is also going to be a different country by June this year, and thereby influence the region for the better. Three weeks ago, a cross-party group of Members of both Houses visited Cairo, including the noble Lords, Lord Hylton and Lord Marlesford. Here I declare a non-financial interest as governor of the British University in Egypt (the BUE). Its founder, Mohamed Farid Khamis, and his foundation sponsored our visit.

Our objectives were to support the Egyptian people in their aspirations to democracy and stability, to establish a relationship between parliamentarians and promote better relationships between our countries, to keep on their agenda religious freedom, civil liberties, women's rights, and to encourage some of the positive steps already taken in these fields. This visit was the first of a planned series of visits that will build relationships once the new Administration has been elected.

We had face-to-face individual meetings with the President, the Prime Minister at that time, Field Marshal al-Sisi, the Foreign Minister, the Minister of the Interior, His Holiness the Coptic Pope and the Grand Imam, and we were accompanied by the British Ambassador, James Watt. Our discussions were deep and wide and we developed several themes that we might work on together. For example, on the separation of police and the military, we agreed in talks with Field Marshal al-Sisi from the military, and the Interior Minister for the police, that while Egypt has a strong and effective military, which traditionally has an elevated status, its job now should be to deal with external threats to control the frontier, and it must re-establish order in the Sinai and keep a firm hold on the water sources there.

Egypt is facing unprecedented pressure from within, and the military cannot be the police. In the longer term, this civil unrest requires a police force with a higher status, an entirely different entity from the military, which should become a wide collection of local forces in all towns, villages, cities and communities, with a subtle understanding of local issues and integrated into the community, yet still with strong central governance. In this context, we also discussed the hundreds of detainees. Egypt needs immediately to develop a process to try them in court for recognised crimes or to release them.

We talked about the need, in addition to the presidential and parliamentary elections, for a process of continued national dialogue that could mobilise all the energies within Egypt. Within its 90 million people, there are many groupings that have their own hopes and fears, grievances and aspirations. A Government who want to rule with the will of their people must have a robust, sensitive, patient, long-term system for listening to, hearing and responding to those voices. They are now considering a centre for civic involvement at the British University of Egypt where faculty, students and experts from the UK can facilitate dialogue. We emphasised the need for the involvement of Copts, Nubians, youth, women and so on.

We also met with the wise and experienced Amr Moussa, who has gone to great lengths to work with the Committee of 50, including these groups, which, with enormous patience and understanding, has created

a new Egyptian constitution. He and all the people we met realise that they are taking on a huge task to restore Egypt to its former glory. The economy needs reviving. Law and order will encourage tourism. Inward investment should be made as easy as possible, and there is a need to increase—as is being done by the BUE—training for work and employment for youth. Healthcare will need to be restructured. Egyptians have great talent and entrepreneurialism and stand at the crux between Africa to the south and Europe to the north; they are part of the east and the west.

We have just heard Angela Merkel talk about the peace and prosperity brought about by post-war united Europe. Were Israel and Palestine and Jordan and Egypt to find their feet in the next few years and begin to work and trade together, they could serve as a light to the nations that surround them. That could be the beginning of a Middle East and north Africa that contribute greatly to the world's economy, ecology, art, science, medicine and culture.

As a result of this visit, we will form an all-party parliamentary group on Egypt. We will arrange follow-up meetings post Egyptian parliamentary elections for us to go back to Egypt and for them to come to the UK. We hope that noble Lords will help us help them gain the stability they seek and that Her Majesty's Government will support this work where Britain could help bring a wider stability to the whole region.

I have just noticed that I have spoken for only five minutes. Can I bank the extra five for a future debate when I am limited to three minutes?

2.08 pm

Lord Wright of Richmond (CB): My Lords, I propose to concentrate in this debate on the situation in Syria, though I shall also touch briefly on the continuing disgrace of Israeli settlement policy on the West Bank. I doubt whether under the rules I am required to disclose an interest, but I nevertheless declare, as I have before in this House, that as ambassador to Syria many years ago, I have retained a deep affection for Syria as a country.

On Syria, all sides in the Syrian civil war have been committing unspeakable crimes against the Syrian population, and the resulting humanitarian crisis engulfing not only Syrians but Palestinians in their refugee camps is widely acknowledged to be one of the worst we have seen for some time. The Government's approach to this, as reflected most recently in the Foreign Secretary's Statement three days ago, has been to call for a political transition in Syria, which is shorthand for the removal of the Assad leadership from government in Damascus. Is it surprising, in these circumstances, that the Syrian Government's representative in the latest round of talks should have refused to discuss "transition"?

The international agreement last July that a political transition in Damascus should be the number one priority was reached at a time when it was forecast, however misguidedly, that the Assad Government were about to fall. The situation is now very different. Not only has there been a significant change in the military situation; attempts to put together a moderate rebel group that might take part in any future transitional Government have proved notably unsuccessful, with

the Syrian national coalition in a state of confusion, if not chaos. The extreme Islamist movements, largely consisting of foreign extremists infiltrated into Syria and financed by our friends in the Gulf, are now proving to be the only effective military opposition to the Assad Government. In these circumstances, should it really be our priority to work for a transition, when the resulting Government might turn out to be considerably more dangerous, both for our interests and for those of the Syrian people, than the present secular Government in Damascus?

The Foreign Secretary has argued that our top priority is a political solution to end the Syrian crisis. Surely we must all say amen to that. But I would argue that the only way to achieve such a political and diplomatic solution is not to keep pressing for a transitional Government in Damascus, with all that entails, but for all of us, including our partners in the European Union, to work with Syria's friends and supporters, namely the Russians, the Iranians and the Syrians themselves, to achieve an immediate ceasefire, if only to relieve the humanitarian crisis.

A great deal has been said in recent weeks about the involvement of Hezbollah in Syria, and this no doubt explains the reported aggression by the Israeli air force against targets in southern Lebanon earlier this week. But I think that we should distinguish between, on the one hand, attempts by a Shia organisation in neighbouring Lebanon to protect the Shia-backed Government in Damascus against Sunni extremism and the continued external involvement, on the other hand, of the Sunni Gulf states in what I have repeatedly described in this House as a Sunni-Shia, if not Arab-Iranian, war—an involvement which is seriously exacerbating sectarian violence in both Syria and its neighbours.

In that context, I hope the Minister can tell the House what we know of current discussions between the United States and Saudi Arabia on whether to provide further lethal weaponry to what are described, somewhat optimistically, as,

"the more moderate and secular rebels of the Free Syrian Army".

Should we not be cautioning our friends in the Gulf—with whom, as the noble Baroness has reminded us, we have incredibly strong relationships—against pouring further fuel on the flames in Syria? Is it not inevitable that any further supplies of lethal weapons will quickly fall into the hands of those calling for Syria to become an Islamic theocracy? Our friends in the Gulf should be as worried as Her Majesty's Government no doubt are about the risk of young men and women becoming radicalised in Syrian Islamist training camps and returning to spread terrorist ideology at home.

It is clear that the Foreign Secretary and our European partners are taking great care to involve the Russians in how to deal with the current crisis in Ukraine. I hope that equal care will be taken to involve both the Russians and the Iranians in ways to resolve the Syrian crisis. In that context, I hope that the Minister can tell the House how our attempts to normalise our diplomatic relations with both Iran and Syria are progressing—what the noble Baroness described yesterday, in another context, as "constructive engagement".

Finally, before I turn to the question of Israeli settlements, I would first like to echo the tribute of the noble Lord, Lord Palmer, to the Israeli treatment of

[LORD WRIGHT OF RICHMOND]

Syrian refugees in their hospitals. But to turn to the question of Israeli settlements, I hope that the Minister can update us on whether efforts by ourselves and our European partners to stop the continued expansion of these illegal colonies have met with any positive response. What representations have we made about the addition of 35 further settlements as national priority areas, or the demolition of Palestinian homes by the Israeli armed forces in the Jordan valley over the past three months?

I commend the decision of the European Union, as I hope will all Members of this House, to prevent all EU states from co-operating, transferring funds, or giving scholarships or research grants to bodies inside these illegal settlements. Indeed, I hope that the Government will not oppose the idea of any further sanctions if, as appears likely, Mr Netanyahu continues to ignore our representations.

2.15 pm

Lord Maginnis of Drumglass (Non-Affl): My Lords, I am grateful to whoever suggested that we have this long-overdue general debate on Syria and the Middle East. I have to say that, because it either takes courage or the proverbial brass neck for any Government to expose themselves to an examination of the past five decades of the UK's inconsistencies and inadequacies in relation to that part of the world.

I suppose that it is unfair of me to start by referring to the hare-brained idea we had a few months ago that we should commit our servicemen to a bombing operation in Syria. One would have hoped that the very idea of becoming militarily involved in a sectarian civil war would have been the last thing upon which the Foreign and Commonwealth Office would have encouraged the Prime Minister to embark—or was the idea just the now-not-unusual reflex reaction to hang on the coat-tails of the US?

How will we now react to the UN proposal that we should look at the possibility of opening our doors to 100,000 Syrian refugees? Given that we left 3,400 Iranian refugees at the mercy of the awful Nouri al-Maliki in Iraq after our contrived venture into that country, and that it has taken us almost 10 years to do nothing about 50-plus of those who would have some identification with the UK—although 17 of the cases are proven—one wonders.

Despite the fact that my friends, retired US General David Phillips and Colonel Wesley Martin, gave me a first-hand account of how they were responsible for disarming Camp Ashraf residents more than 10 years ago, and that even the US belatedly agreed with Europe that the People's Mujaheddin Organisation of Iran was not a foreign terrorist organisation, our compassionate Home Office recently claimed that it still has to consider whether those 17 have any terrorist history. So we do nothing.

I have to be cynical about that, not least in a week in which we learnt that around 200 Northern Ireland terrorists who killed our soldiers and civilians were given an arbitrary and secret absolution for their crimes by government. How long would it take us now to process 100,000—or even 1,000—Syrian refugees?

Meanwhile, we apparently do not concern ourselves with the reality that more than 100 of those unarmed Iranian refugees have been systematically murdered: 52 on 1 September alone. Worse still, the FCO tells us that it does not know who was responsible. What bunkum, at a time when GCHQ, in cahoots with the United States, probably knows what each of us here had for breakfast this morning. How can we stand here and pretend that we have confidence in our own position? In this respect—I know that it is not a Middle Eastern problem, but it illustrates the point—it is ironic that my numerous questions about the status in the UK of Philip Machemedze, a Zimbabwean who has admitted kidnapping and torture, earns the dismissive response:

“For reasons of confidentiality, the Home Office does not routinely comment on the residential status of individuals”.—[*Official Report*, 29/8/13; col. WA 408.]

What is and has for 31 years been my role at Westminster? What purpose and responsibility has each of us?

Yet this comparatively recent evasion of responsibility for our invasion of Iraq almost pales into insignificance beside the 54-year debacle the UK left in Cyprus after having blackmailed the paedophile Archbishop Makarios into agreeing to the 1960 Treaty of Guarantee; after having seen him rescind much of it, to the detriment of the Turkish Cypriot minority; and after having failed to meet our responsibility as a guarantor power by ignoring the Akritas plan to expunge Turkish Cypriots from the island and the Ifestos plan, which actually detailed the instructions as to where Greek Cypriot forces, including EOKA-B, would dispose of Turkish Cypriot bodies. That attempt to ethnically cleanse Cyprus lasted from Christmas 1963 until the Turkish intervention in 1974. Since then we have for 40 years shamefully vilified Turkey, another guarantor power, for doing what we failed to do. We have abandoned and isolated the Turkish Cypriot community, despite our implied promises that, if they accepted the 2004 Annan plan, injustices would end. To cap it all, we then assented to an EU decision to admit a divided Cyprus as a member.

Did I say, “To cap it all”? If I did, then I retract it. That should have applied to our Prime Minister's recent aberration when he, without decent or proper consultation, agreed to cede 200 square kilometres of UK sovereign territory to the control and use of the Greek Cypriots. To say now that the UK will consider consultation with Turkish Cypriots is not good enough when we do not even give their politicians or officials the courtesy of recognition. What a hypocritical, arrogant, self-righteous bunch we have become.

I shall conclude by saying that many of us believe that both this and the previous Government do not and did not have a foreign policy worth the paper it is written on and that we have virtually lost touch with reality in the Middle East. Sadly, the increasing lack of practical, hands-on experience in another place over the past 30 years has systematically led the United Kingdom into a bureaucratic quagmire. Worse still, this bureaucratic quagmire has subverted the very basis on which this country has prospered for centuries.

It is now subverting the very judicial processes of which we were once so proud and once were the world's exemplars.

Corruption is no longer a foreign disease. It pervades our society. There is now an inevitable and consequential subversion of justice that we must surely recognise if we look back at Matrix Churchill, at the murder of the Canadian Gerald Bull and at the unprecedented use of more than 30 public interest immunity certificates at the alleged fraud trial—yes, I said “alleged” fraud trial—of Asil Nadir.

There has also been the secret court activity during the past few months in respect of the status of those letters of absolution issued to 187 IRA terrorists in 2006. The Middle East cannot be viewed in isolation. I am grateful for this short interlude to touch on the current incompetence in that area. Perhaps next time we can manage a full day's debate if we are to hope to fully probe the roots of our strategic failures. On a final word of caution, we must never allow our security forces to bolster the ego of any Prime Minister. Nor, with a little more practical nous in another place, need or should they be sacrificed to a Government's dubious political distortions or judgmental failures.

2.25 pm

Lord Lamont of Lerwick (Con): My Lords, I draw the House's attention to my entry in the *Register of Lords' Interests*. I am the chairman of the British-Iranian Chamber of Commerce and have also been involved with several companies on both sides of the Gulf, including some in the past involved with Iran. It was that country that I wanted particularly to talk about today, having in January gone with the parliamentary delegation led by Jack Straw to Tehran. It was in the first week of January but it seems to be an eternity away, and a considerable amount has gone on since then.

We had very good access within the Iranian Government to Foreign Minister Zarif, Mr Nematzadeh, the organiser of President Rouhani's campaign, now the Industry Minister, and Mr Nahavandian, the head of the president's office. Almost everybody we met in the Government was western educated. Indeed, it is said that there are more American PhDs in President Rouhani's Cabinet than there are in President Obama's. We also, because this was a parliamentary visit, met quite a number of the members of the Majlis, where we met many more hardliners, so we got a feeling of the spectrum of politics within Iran.

There is a lot of argument about whether President Rouhani is a reformist in the Iranian sense, but it cannot be denied that he has the support of the reformist element. His Cabinet is very similar to that of President Khatami. President Rouhani has certainly unleashed in Iran an enormous feeling of optimism on the part of the population of expectation and a great rise in business confidence. The Government frequently say—and I know that many people believe—that only sanctions have brought Iran to the negotiating table. I would say that that is only partly true. They have had an effect, but it was public opinion, the election and the election of President Rouhani that changed the policy. If the election had gone the other way and Mr Djalili, the previous nuclear negotiator, had been elected, there would have been no change at all.

I believe that there is the capacity for change in Iran. The revolutionaries are ageing and it is moving into a post-revolutionary phase. Of course, there are people who want to keep the spirit of the revolution alive, and we have to be very careful that in our dealings with Iran we do not make mistakes that strengthen them. But Iran has the capacity to evolve without violence and further revolution, whereas I could not express that view about all the countries in the Gulf. Some of them do not have the same capacity to evolve peacefully and will not have the same capacity to evolve into something more akin to a western democracy.

Iran is a complex society, and it does have elements of democracy in it, but it is also an authoritarian state whose record on human rights is extremely bad. We did not flinch at every meeting that we went to from raising the issue of human rights, including that of public executions. The West is right to press Iran on human rights, but it is an issue that should be kept separate from the nuclear issue, which is a prize on its own that is worth winning on its own and could yield considerable benefits to the region and the world.

We discussed the nuclear issue with Foreign Minister Zarif and he professed that he was not very optimistic about the outcome of the talks. I think that the greatest difficulty in the talks is going to be over the objective set out in the initial agreement to reach a mutually agreed definition of a nuclear programme—that is to say, what scale of enrichment should be allowed, if it is to be allowed, in Iran. One can see the gulf in thinking when you consider that Iran currently has 20,000 centrifuges, but in a recent article in the *Financial Times* Mir-Hossein Mousavi, another previous Iranian nuclear negotiator, pointed out that broadly 100,000 centrifuges are needed—it depends what type they are—for one nuclear power station. Iran has 20,000 at the moment. The other day Wendy Sherman said she could not possibly see why Iran needed 20,000 centrifuges. Of course the West is concentrating on reducing the number of those centrifuges, yet paradoxically it looks as though it wants Iran to reduce the number of centrifuges to a limit which would enable it to produce a nuclear weapon but not to actually power a power station. That does not seem a very sensible approach. I think it would be much better if the West did not concentrate on the number of centrifuges but actually concentrated on transparency, inspection, the additional protocol, the right to go throughout the country and to make undeclared visits. That will be the way in which agreement might be possible.

We spent a lot of our time discussing the nuclear issue but we also discussed the Syrian situation. I agree with everybody who has described that as an absolute humanitarian disaster and I do not for one minute defend the position that Iran has taken. However, Foreign Minister Zarif and others repeatedly said to us—they never mentioned Assad—that they felt the only way in which the situation could be resolved would be through a political solution which led to free elections. I regarded that just as a formula which they trotted out but I notice it is a formula that they use on every public occasion. I suggest that we take them at their word. Of course the idea of elections is light years away in the present situation but we ought to be

[LORD LAMONT OF LERWICK]

trying to create that situation. By involving Iran we would be more likely to do that and create a path in which elections could be the ultimate destination.

I believe that Iran regards Syria in exactly the same way that Saudi Arabia and the United States regard Bahrain. They regard it as a very important and strategic interest. They regard Syria as the route to Hezbollah and recall that Syria was of course the only Arab country that supported Iran during the Iran-Iraq war. I was in the Middle East when the recent unrest first began in Bahrain and I recall that a very well-known senior American politician made it quite clear to me that there would be no change to the regime or fundamental political change in Bahrain. He just said, "We have interests there," meaning, of course, the fleet. That is exactly the attitude Iran has towards Syria. I think Iran's links towards Hezbollah and Hamas, which occupy a very different space on the political Islam spectrum, ought to be looked at in the context of Iran's own security concerns. It regards its links with Hamas and Hezbollah as assets. Iran has a very weak air force. I think it was General Petraeus who said the other day that the entire Iranian air force could be wiped out by that of the UAE in one afternoon. Therefore, alternative sources of firepower—asymmetric responses—are very much part of the strategic thinking. It was once rather brutally put by Mr Larijani, the speaker of the Majlis, who said that if there is an attack on Iran, expect Israel to be in a wheelchair. In other words, the response will come from south Lebanon.

I want to say a word about sanctions and the way in which they are being applied. I hope that we will be very careful during this interim phase. I cannot for the life of me understand why, when we are moving towards a situation in which we want full diplomatic relations with Iran to be restored, we will not allow the Iranian chargé in London to open a bank account. How is an embassy meant to operate if it cannot have a bank account? Yet the Government simply refuse to give any help on this. The banking boycott is causing a lot of ill will in Iran. One of the concessions made in the interim deal was on humanitarian goods such as medicines. Lots of supplies of medicines, which are in great demand in Iran, are not getting through because, although they are allowed to be supplied, there is no access to banking facilities. The West seems to be giving on the one hand and taking away with the other. All this of course is due to US banking sanctions being imposed informally by the back door on our own banking industry. If we wish to frustrate the supply of humanitarian goods let us do it openly, not with subterfuge and methods that are hitting ordinary people. We always said that we did not want the sanctions to hit ordinary people but that is precisely what they are doing because of the boycott being imposed, largely informally, by American authorities threatening banks in the UK.

I say that because the likelihood of a successful outcome in the talks with Iran is only 50:50. It is in the balance. Anything could upset it. It could be upset in the United States or it could be upset in Iran. It would be a tragedy if, in our handling of the sanctions issue, we gave the Iranians any excuse to withdraw from these talks, which I hope will come to a successful conclusion.

2.37 pm

Lord Soley (Lab): My Lords, I declare my interest, which is recorded in the register, as director of the Good Governance Foundation, which operates in the region. I thank the Minister, not just for initiating the debate but for the way in which she has handled this incredibly difficult issue over the past few years. I should also put it on record that the Library note on the timeline of events in Syria is particularly useful to this debate. I want to focus my comments because this is such a wide issue that I would not wish to range right over it.

I first want to focus the Minister's attention on Libya. I have had some talks with representatives of the Libyan Government, and it has been clear to me that it is almost impossible for them to achieve stable government without dealing with the problems of divisions within the security services—the police and the army. As the Minister will know, there is a series of armed groups who claim or try to be the police force or the army for the country. Perhaps our Government have done so but we ought at least to explore the option, possibly with NATO and the European Union, of putting some of our experienced military officers in there to try to help disarm and merge the various groups, and try to create at least one major police force or armed unit. Unless we do that, I cannot see how a stable state is going to emerge. The European Union, ourselves and NATO have some experience in that we know about how to negotiate between competing groups, get them to give up arms and introduce other stabilising forces. I conclude my comments on Libya by saying that unless we do something along those lines, it is hard to see how that country can progress to a more stable state.

I turn now to Syria. It is not with any great pleasure that I remind the Minister of my comment in the summer last year—she was good enough to acknowledge that it might come true—that the talks about Syria would almost certainly fail. I thought that they would fail, not on the humanitarian side—I recognise what the Government are doing on that and it is very good—but, as perhaps the debate has already indicated, we are not paying enough attention to the role of Russia.

People talk about the arms going to the various opposition groups in Syria, but the Iranian and Russian arms going to the government side—to the military, in fact—are profoundly important. The reason they are particularly important is that Russia is a sophisticated power with satellites, so it is not only arms being provided: there is good reason to believe that it is also providing intelligence to the Assad regime and military about the whereabouts of the various forces. Of course, Assad has an air force and it is no surprise that the barrel bombs—even though they might go astray at times and hit targets either deliberately or not deliberately—are targeting those areas about which it has information likely to have come from the Russians. I have yet to hear from the Government, either in this House or in the House of Commons, about how much we are engaged with the Russians in trying to get them to pull back some of their support for the regime.

I do not suggest that the Russians will necessarily want to see Assad stay in power, but I think they have a very real interest in ensuring that the military stays in power in Syria. That is why the Russians work closely with it. The Russians have a military base in the area and they want that base. Russians have arms contracts with the Syrians and they have always made it very clear that they will continue to supply according to those contracts. There is no dishonesty about it from the Russians' point of view; it is just that they believe—and they are not entirely wrong on this—that if they do not back the Assad side, then it will be a failed state. The problem with the Russian position is that we are either facing a military state or a failed state, and neither of those is a particularly attractive option.

We therefore need to know a little more about the Government's engagement with the Russians on their policy towards Syria. My own view still is that, although there is no clear winner on the ground in the military sense, the military controlled by Assad—or it may be other way around, with the military controlling Assad—is winning more ground than various opposition groups. That is really why I said a year or so ago that I believed that the talks would not succeed: because as long as the regime in Syria thinks that it can gain ground through military advances, it is not in its interest to engage in talks. That is why I found myself in agreement today with the noble and gallant Lord, Lord Stirrup, about a plan B. I do not have any suggestions about what that plan B should be, but I understand—the noble Lord, Lord Wright, mentioned this—that if it is true that the Russians are determined to keep the military in control of Syria, rather than the various other opposition groups, then, frankly, that is what we might have to live with in times to come. If so, we had better have a policy about that; it is very hard to see what we could do otherwise.

The Russians are big players in this. Russia and Iran have a very real interest, and I do not doubt that they would deliver on ensuring that weapons of mass destruction are not used by the Syrian armed forces. It is in Iran's interest, not least because it was on the receiving end of weapons of mass destruction from Saddam Hussein. From the Russian point of view, it is because its world image is so awful, but I do not think it is true to say that the Russians do not have an interest in making sure that the military stays as the primary force in Syria. That points to a military dictatorship of some type, except in the very unlikely event that one of the other groups comes forward as a winner.

A number of people in recent months have made the comparison with Spain in the 1930s. Obviously, the differences are far greater than the similarities; but the one similarity we should all be aware of is the problem for the western nations: they look at the opposition and see this diverse group which is unable to deliver a proper government while at the same time seeing a military Government who are unacceptable in everything that they have done and look like doing.

The world goes through various phases of supporting or being against intervention. You can go back much further than the post-war years to find policies on

intervention, but we all believed in intervention when we found that we could work in certain areas. We tried Somalia and burnt our fingers there—or, rather, the United States did—so we promptly refused to intervene in Rwanda and 1 million people died. We intervened in Iraq but the post-conflict situation was dealt with so poorly that it went badly wrong again. However, who is really arguing that non-intervention in Syria is good for humanity? Of course it is not, but that non-intervention is a failure of the United Nations.

At the end of the day, it is possible to intervene in these states but you can do so only if all the major world powers are in agreement. That is our problem—we do not have that agreement. We should remember that it was only about two or three years ago that there were discussions in this House and the House of Commons about the new concept of a responsibility to protect, drawn up through reform of the United Nations. At the moment that has gone, and I am afraid that it will stay gone until we get agreement among the great powers. That is particularly difficult while Russia, most notably, but also China are opposed to intervention, unless of course it is close to their own borders in the case of Georgia and—one hopes not, but possibly—Ukraine. At some stage we need to reopen the argument in the United Nations about a responsibility to protect and what we do when we are faced, as we are in Syria, with the alternatives of a military Government who have been behaving appallingly by any standards and a series of groups, all of which would equal a failed state if they came to power.

I ask the Minister to respond particularly on the point about Libya. Otherwise, I thank her for what she has been doing in this field. Her knowledge of the religious conflicts in this area is very helpful.

2.46 pm

The Earl of Sandwich (CB): My Lords, I agree with a lot of what the noble Lord, Lord Soley, has said, especially about Russia. Syria's collapse into civil war is the whole world's concern. This country, having a lot of experience in the Middle East, has played a leading role, not least, as my noble friend Lord Maginnis said, in getting it wrong at least once. My chief concern today is Britain's reputation not just as a Security Council member but as a host country to refugees from Syria. I offer no political solutions to the crisis itself but I know that, of all people in the world, Lakhdar Brahimi has the qualities and the experience to solve it, and it is hard to imagine anyone else equalling him. I am sure that my noble friend Lord Williams will agree with that because he has already said it. I would only advise Her Majesty's Government to do their utmost to keep Russia and Iran on side if any progress is to be made. There, I agree with the noble Lord, Lord Lamont, and my noble friend Lord Wright, who, incidentally, mentioned the important question of the settlements, which is tending to get ignored.

The desperation of Palestinians in the besieged camp of Yarmouk in Damascus has already been mentioned. Access to humanitarian aid is, as always, the vital issue. The international community has failed again to deliver aid where it is needed. Médecins du Monde, Chatham House and others have made practical

[THE EARL OF SANDWICH]

suggestions for local ceasefires and improved access for the relief agencies through the UN and the ICRC. This remains an important priority for our Government, even if we cannot yet achieve a lasting peace. If the noble Baroness has any detail on that, I would be grateful to hear it. Aid workers are running enormous risks in Syria, and we need to do much more to support them.

We have been generous with humanitarian aid, as we would expect, being one of the world's foremost aid givers. I do not quarrel with the amount we are giving but I do question our basic philosophy, which is to support the neighbouring countries rather than a wider programme of world involvement and resettlement. At first sight, this policy of supporting the neighbouring countries seems sensible because the ties between Syria and its neighbours are considerable and refuge appeared to be temporary at first. Turkey's welcome to the earliest refugees in particular stands out as an example. But these neighbours are now stretched to the limit, as we have heard, and as a result the UN is looking to the long term.

Syrians in northern Iraq have already been living in abandoned houses and even animal shelters for two years—up to 20 people per home without proper nutrition. Many who are out of reach of international aid depend on the generosity of their Kurdish hosts where food may be already scarce. A Christian Aid visitor, for example, found refugees crowding around a vehicle carrying trays of cooked rice and chicken, all provided by the local people from their own resources. We tend to forget that in these situations. On top of this many displaced Iraqis are now fleeing northwards to escape newly escalating violence engendered by the al-Qaeda groups and freelance militia, both Sunni and Shia. Lebanon is also carrying a huge burden on top of its own problems. Many Syrians who arrive in Lebanon after long journeys, often without money or possessions, cannot reach UN protection and depend completely on the help of local Orthodox churches and charities which also help with health and education. Refugees who are bombed out of their homes and schools may also need psychosocial support to help them cope with the emotional impact of living through conflict. In Jordan most services to refugees are said to be close to breaking point.

I can well remember the warm reception given in the late 1970s to the Vietnamese boat people after the wars and massacres of the Vietnam War and its aftermath in Indo-China. As a country we responded well to UN and charity appeals and churches and communities all over the UK were alerted. I am sure most of us remember this. I was on the staff of Christian Aid at that time and I recall that thousands of people were accommodated with British families and that it was an efficiently run operation. What a contrast with Syria today. Here we have nearly 2.5 million refugees in four neighbouring countries, many overcrowded and undernourished, and thousands applying for resettlement in Europe. They have little prospect of returning home and yet European countries are not exactly jumping forward with offers. The UNHCR is asking for 30,000 places this year and 100,000 long-term. Our Prime Minister said three weeks ago that we must act urgently

but we have negotiated a figure of only 500 out of the 18,800 places offered by 20 countries. Germany alone is said to be receiving 11,000. Here we may remember for a moment Chancellor Merkel's powerful appeal to European nations to work even more closely together, and this applies to asylum as much as everything else. It is true that in the year up to last September the UK accepted 1,100 Syrians refugees, which is the third highest number after Germany and Sweden, and the Home Secretary says that 3,500 are already in the UK. But none of those was actually invited; they somehow managed to get here after an exhausting journey of weeks or months.

So what has happened since the 1970s? Wars and massacres continue and the suffering and risk from chemical weapons is equally serious, if not more so. Was there anything special about the Vietnam War and Pol Pot's Cambodia, or about the vulnerability of the Vietnamese who took to sea to persuade us to be more hospitable? Syrian families are, if anything, more easily adaptable to British home life, and their standard of living in many cases was previously comparable to that of many people in the UK. I cannot answer these questions. I know that the level of immigration is now much higher than it was then and that that has affected our sense of hospitality. A combination of migrations from eastern Europe and the troubles of the Middle East and north Africa have generated new fears in the minds of some of us that this country is losing its intrinsic character and culture. These fears, of course, are groundless because we have absorbed migrations over many centuries and indeed we depend on them. None of that should affect our attitude to genuine refugees who are in a quite separate category. They are not deliberately choosing a new life elsewhere but are reluctantly fleeing war, persecution and hunger.

I know that this is not primarily the Minister's problem but it does belong in our overall response to the crisis in Syria. The only question I would put to her today is about Greece and its frontiers. Are the Government satisfied that the FRONTEX programme, supported by the European Union, is providing a secure border with Turkey? We hear many conflicting stories about that. Would she describe recent reported actions by the Greek Government against the Syrian boat people as refolement, or as sensible immigration policy?

2.55 pm

Lord Williams of Baglan (CB): My Lords, we are holding this debate almost three years since the outbreak of the civil war in Syria—a war that has already claimed the lives of more than 100,000 people and left in its wake more than 1.5 million refugees. Despite the length of this conflict, the international community has struggled to contain the war, let alone bring an end to the violence and restore peace to Syria. In the length of the conflict, its nakedly sectarian nature and the inability of the international community to reach a consensus reminds me all too often of the war in Bosnia between 1992 and 1995, where I served with the UN. Then as now, we struggle to bring humanitarian relief to the victims of the war and, despite all the hopes after the Yugoslav wars that a new era in the international management of conflict had dawned,

those hopes have been dashed. Those hopes gave rise among other developments to the doctrine of the responsibility to protect—R2P in shorthand. The sad fact is that we have been unable adequately to protect the people of Syria.

The dangers of the conflict spreading to neighbouring countries, and especially to Lebanon, have been noted by many speakers this afternoon. On a visit to Lebanon a few weeks ago, I found UN colleagues anxious about the growing sectarian violence within the country and the extraordinary burden of more than 1 million refugees, equivalent to a quarter of the Lebanese population. Can one imagine 15 million refugees arriving in the United Kingdom and how we might cope? I pay tribute to what our Government have tried to do to help the Lebanese and to the extraordinarily able and energetic Ambassador Tom Fletcher and his staff in Beirut. Despite their efforts and those of many other countries to help Lebanon, the trends are not good. There have now been at least five bomb attacks on the Shia district of Beirut, Dahieh. The country's second city, Tripoli, is wracked by periodic but sustained violence between the majority Sunni population and an Alawite minority openly supportive of the regime of President Assad and his Lebanese ally, the Shia militia Hezbollah. A few days ago there was an Israeli air attack on an alleged Hezbollah convoy. There have also been assassinations—above all of the former Finance Minister and leading moderate, and a personal friend, Mohammed Chatah, whose death by murder on 27 December last year I mourn.

Hezbollah, deemed by many to be the most heavily armed non-state actor in the world, was born during the 1980s Israeli occupation of southern Lebanon and played a considerable role in prompting the eventual withdrawal of Israel from Lebanon. Its focus now is elsewhere: fighting fellow Arabs and fellow Muslims in Syria, who have dared to challenge Assad's regime. That action, strongly supported by Iran, has left an Arab world dangerously divided between Sunni and Shia, which will take many years to heal. I hope that, in their necessary dialogue with Iran on the critical nuclear file, the Government and our colleagues in the P5, as well as Germany, are taking issue with President Rouhani and warning of the dangerous course that his Government's allies are following in the Arab world. I should be grateful if the noble Baroness could clarify that.

I take this opportunity to welcome the two rounds of talks held in Montreux and Geneva under the able chairmanship of the veteran UN diplomat Lakhdar Brahimi. Of course it is disappointing that more was not achieved, but we should take some comfort from the fact that the talks did not break down and that no party walked out. Moreover, between the first and second rounds in Geneva, the head of the Syrian National Council delegation, Ahmad Jarba, visited Moscow, where he was received by the Foreign Minister of the Russian Federation, Sergei Lavrov. This was certainly not welcomed in Damascus. Russia is now in the unique position of being the only P5 member with relations with both sides of the conflict in Syria.

The next important development was the adoption, which I warmly welcome, of Security Council

Resolution 2139 last Saturday by unanimous approval of the Security Council. The resolution called on all parties,

“in particular the Syrian authorities”,

to allow unhindered humanitarian access for the UN. It also strongly condemned the use of barrel bombs, which, of course, are used by only one side to the conflict. In the light of this resolution, which offers some hope, I call on the Government to redouble their efforts with the Russians and the Chinese to find a negotiated end to this conflict. There has, I believe, been a subtle change in the position of the Russian Federation.

Diplomatic efforts need to be intensified. I believe that it was foolish in the extreme that the Secretary-General, Ban Ki-moon, seemingly had to withdraw his invitation to Iran to participate in the Geneva peace talks. If there is to be a negotiated settlement, diplomacy has to be inclusive, not exclusive. I have always believed that the model in this regard was the hawkish and viscerally anti-communist Secretary of State, John Foster Dulles. In 1954 in Geneva, he was appalled at the prospect of shaking hands with the Chinese statesman and Foreign Minister, Chou En-Lai. In colourful language not appropriate in your Lordships' House, he refused to do that. The point is that Dulles sat in the same room with representatives of a Government that the US had been fighting for the previous three years in Korea. If Dulles could do that half a century ago, the West should have been able to do so a few weeks ago in Iran.

This war has seen appalling acts of violence, cruelty and brutality that, in many cases, almost certainly amount to war crimes. Before Syria, it had become accepted that the international community would not tolerate such crimes. In the Balkans, we saw the creation of the International Criminal Tribunal for the former Yugoslavia. I myself testified against former President Slobodan Milosevic, as well as the commander of the Yugoslav army, General Perisic. A special tribunal was formed for Sierra Leone, which has seen Charles Taylor indicted and tried. Above all, there has been the formation of the International Criminal Court, which has seen, among others, President al-Bashir of Sudan indicted.

It cannot be that Arabs and the Syrian people are less deserving of justice. As a P5 member we have a duty towards them. I would welcome any thoughts that the noble Baroness might have of government thinking in this regard. The Special Tribunal for Lebanon, which this Government and their predecessor have strongly supported, is now conducting a trial, in the absence of the accused, of the suspected killers of Prime Minister Rafik Hariri and others in 2005. I ask the noble Baroness whether any thought has been given to extending the mandate of that court to look at the murder of Mohammed Chatah, who was killed in an almost identical fashion, by a massive car bomb, only a few streets away from the 2005 killing.

In Syria, we have few good choices. Absent a willingness by the Obama Administration to take a more forceful stance—for example, a no-fly zone, which had an impact in Bosnia—a negotiated settlement is the only option. We cannot do less for the Syrian people and we must do more to intensify our efforts.

3.04 pm

Lord Marlesford (Con): My Lords, as the world recovers from the deepest, longest and most diffused economic crisis since the Great Depression of the 1930s—I should emphasise that the recovery has been slow and erratic, with the resumption of growth and prosperity remaining fragile—another cloud threatens global stability and security. This cloud—and it is a deepening and darkening cloud—is jihadist terrorism against large areas of the world. Although aimed primarily at the West, few areas remain entirely safe.

The most notable and fearful threat is that it is becoming joined-up terrorism. The fundamentalist Islamism from which it stems is widely diffused through not just much of the Middle East but also north, central and east Africa, China, India, Pakistan, Afghanistan and the Caucasus. The organisations which are planning the terrorist operations are a coalition of the Taliban, al-Qaeda, al-Shabaab, Boko Haram, the Syrian Islamic Liberation Front and a number of other splinter groups. All share the overall aim of creating theocratic states under Sharia law, with the eventual aim of a worldwide caliphate.

If anyone doubts the threat to this country, let them read the evidence given in public on 7 November to the Intelligence and Security Committee by the heads of MI5, MI6 and GCHQ. There is huge danger to us from the radicalisation of young Muslims in the UK. As of now, it would be an exaggeration to say that it threatens peace on the scale of the Cold War but, significantly, on jihadist terrorism, all five permanent members of the UN Security Council are in the same camp. Thus, there should be hope of using the UN to authorise measures, thus legitimising them in international law, to reduce the threat—perhaps developing the responsibility to protect doctrine, which has already been referred to.

I want to refer specifically to only three countries: Syria itself, Israel-Palestine and Egypt. On Syria, I say only that we have probably been on the wrong side from the start. That came from the naivety of assuming that the Arab spring was akin to our Enlightenment, automatically leading to tolerance, freedom of thought and thence to western-style democracy.

The fact is that all dictators are undesirable, but only some are true monsters—such as Saddam and Gaddafi, who richly deserved their fate. Others, such as Bashar al-Assad, are forced into monstrous behaviour by events. In this case, we have given western moral backing to a loose alliance of about 20 rebel groups who now appear to be dominated by the ultra-Islamists. Their victory would lead to a repressive theocracy. It is no coincidence that Israel, whose policies in world affairs are always very pragmatic, has never come out for the removal of Assad, although Syria is hardly its best friend. Thankfully, in August, the House of Commons vetoed British participation in an ill conceived military strike against Assad.

The Israel-Palestine situation is entering an even more serious phase. It continues to drop its poison into the region and more widely, providing the leitmotif for the jihadists and making it ever harder for moderate Islamic interests, such as Fatah, to negotiate a long-term solution. In Israel, however, the West Bank is not a top

domestic issue. Most Israelis have never been there and have no wish to do so. The politics of a Palestinian state are not an easy option for Prime Minister Netanyahu, especially while there is relative calm. Secretary of State Kerry has shown himself totally committed to producing a settlement based on the two-state solution so long and widely advocated, which has, incidentally, been steadily gaining support in the United States. Originally, Kerry set a nine-month framework for results. That was six months ago. There are concerns that President Obama may be about to announce changes to the terms of reference, which, far from moving towards a solution, could close options and escalate instability on the West Bank, providing welcome sustenance for Islamists.

On Egypt, I would like to follow up what the noble Lord, Lord Stone, said. With the noble Lord and others, I had the opportunity earlier this month to spend two days in Egypt as part of the all-party parliamentary delegation from both Houses. This was sponsored by the Farid Khamis Foundation, which created the British University in Egypt, of which the noble Lord, Lord Stone, is a trustee. We met, among others, interim President Mansour, Prime Minister Beblawi and the Foreign and Interior Ministers. Perhaps most importantly, we had two hours with the Defence Minister, Field Marshal Sisi, who is also head of the armed forces. We were told we might get half an hour, but it would be more likely to be 15 minutes. When we got there, he started by saying how much he liked England because he had such happy memories of his time at Camberley in the staff college. That is a little lesson, perhaps, in the importance of welcoming people in the role of student at whatever institution in this country.

The Muslim Brotherhood Government of President Morsi, elected in June 2012, of which many had such high hopes as a more moderate version of the old Brotherhood, rapidly reverted to its ideological roots. It aimed for an Islamic state with a theocratic Government that would resurrect the Islamic caliphate, and introduced a new Islamic constitution in December of the year they were elected. Morsi released from prison the Brotherhood Islamist who assassinated, in October 1981, President Anwar Sadat. President Sadat had offered peace to Israel in November 1977.

Morsi then released those who bombed the tourist bus on the Nile. Most serious was that Morsi arranged for some 600 Islamist fighters to enter Sinai from neighbouring countries. They are now causing mayhem. Their removal is a top military priority for the Egyptians. Equally, al-Qaeda threats against tourists are intended to sabotage a crucial element of Egypt's very fragile economy. By December 2012, Egypt's economy was virtually paralysed, and an IMF loan had to be delayed. From early 2013, violent street protests, with many killed, resulted in the army trying to get Morsi to hold a vote on his policies as things went from worse to worse, with massive unemployment and no means to reduce extreme poverty in the country. In July, the army stepped in to remove him. An interim, mainly technocratic, Government was formed. The Muslim Brotherhood was banned as a terrorist organisation. This was almost certainly a mistake because it has hundreds of thousands of supporters. However, there

is no reason why there should not be a Salafist candidate to represent Sunni hardliners in the presidential election, although they are not exactly the flavour of the month.

Egypt now has a new constitution, drawn up by a committee of 50 under Mr Amr Moussa, formerly the Secretary-General of the Arab League. Most significant is that any president is limited to two four-year terms, which reduces the risk of another long-term military leader like Mubarak. Sisi is likely to stand and my own impression is that he would make an effective leader of vision and integrity. The fact that the Minister of Defence will continue to be the head of the armed forces reflects the special position that the army has in Egypt as the ultimate guardian of the people. Then in three months' time, there have to be parliamentary elections. Egypt is in every sense a country of world importance. We owe it to ourselves as much as to the Egyptians to do all we can to help them.

Finally, my overall conclusion is that we in the West really must stop trying to tell other countries how they should run their own show, which is so often counterproductive. It is indeed a tragedy that the United States, which is fundamentally one of the most generous and well meaning countries in the world, has succeeded over several decades in using its military power to reduce its world influence. We must draw the true lesson of the Enlightenment, which is about the need for despotic government to be replaced with constitutional government subject to the rule of law and the fullest use of free thought, from which science and technology can produce the prosperity which underwrites stability.

3.16 pm

Lord Noon (Lab): My Lords, I am grateful for the opportunity to speak in this timely debate. I am clearly surrounded by noble Lords who have great experience of the situation in Syria and the many issues and tensions in the Middle East. The Syrian situation is complex and evolving. Noble Lords have mentioned a great many issues, including extremism, the use of chemical weapons, the role of Iran and the Geneva peace talks. In respect of Syria, I simply reinforce what my right honourable friend Douglas Alexander said in the other place about the importance of continued humanitarian aid being available to the many people who are suffering from this tragedy. The United Nations has estimated that 100,000 people have been killed during this conflict, a number which continues to rise with each day that passes.

In the time available today I wish to focus my attention on Bahrain, a country in the Middle East that has also had some bad press in relation to human rights abuses but which, I would argue, is genuinely trying to address these issues. The Minister will be aware that the Foreign Affairs Select Committee in the Commons criticised the Government of Bahrain for their slowness in implementing some of the recommendations of an inquiry which had been critical of the role of the security forces during the civil unrest there. I believe that much has changed in Bahrain and hope to present some of the positive actions taken in recent times. It is important to state that I personally know the region and country well, having visited it many times and owned a number of businesses in

Bahrain. If any noble Lords would like to discuss my business experiences outside the Chamber I would be more than happy to meet and chat to them, and lunch is on me.

Suffice to say that I found Bahrain's judicial system very open and transparent. I will give your Lordships an example. On one of my trips to Bahrain, I had to transfer power of attorney to my Bahraini partner and a legal document had to be signed in the presence of a judicial magistrate. When I went to sign the document, the magistrate asked if I had read it. I explained that I had not as the document was in Arabic, a language I am unfamiliar with. He told me that I could not sign that document if I had not read or understood it. He then called on a translator to go through the document with me line by line. Once he was satisfied that I had read and understood the document, he allowed me to sign it. This is but one example of a personal experience that highlighted to me the integrity and transparency that exist in the country.

I also found Bahrain to be tolerant of all religions. I visited many mosques, churches, synagogues and gurdwaras; it should be noted that the Bahraini ambassador to the UK is a Christian woman and the former ambassador to the USA was Jewish. I could give many more examples, but unfortunately we do not have time in this debate today.

Let me focus on the critical steps that Bahrain has taken in the past two years, particularly in addressing allegations of human rights abuses. Bahrain was the first country in the Gulf to establish an independent ombudsman at its Ministry of Interior. This was a recommendation of the Bahrain Independent Commission of Inquiry, which was set up to investigate allegations of police misconduct and improper treatment of prisoners. In fact, reform has gone beyond what the commission recommended and Bahrain maintains a zero-tolerance policy towards torture. The commission has already investigated more than 80 complaints, many of which have subsequently been referred for criminal investigations. The recommendations contained in its report on the infamous Jaw prison are currently being implemented by the Ministry of Interior. Jaw prison has been notorious since its creation, particularly with regard to political prisoners, as many noble Lords will be aware. However, following the report, with its 18 recommendations on how to improve the situation in the prison, things have improved greatly.

The introduction of the special investigations unit is another recent institutional reform. This unit at the Bahraini Attorney-General's office, which was originally tasked with ensuring that allegations of torture and mistreatment during the events of 2011 were investigated thoroughly and that those responsible were held accountable, has become a permanent prosecutorial body to investigate and prosecute all instances of torture. It has investigated more than 150 complaints, some received directly from victims and others proactively gleaned from social media. Of these, 30 have resulted in the prosecution of 51 officers.

Moreover, a draft law is currently under review by the Bahrain Parliament to ensure that the reformed National Human Rights Institution is a fully independent body. It was founded in accordance with the Paris

[LORD NOON]

principles and will be capable of investigating and reporting on all types of human rights violations without government interference. Prominent Bahraini human rights activists have already been appointed to the newly constituted board of the institution.

A few days ago a royal decree was issued naming the members of the Commission on the Rights of Prisoners and Detainees, which will be presided over by the Ministry of Interior ombudsman. This commission is tasked with monitoring places of detention in order to prevent torture and ill treatment.

I hope the Minister will agree with me that Bahrain has made some serious progress towards addressing its negative portrayal in the media. I was heartened by her words when she said that the UK recognised Bahrain's groundbreaking reform programme.

Finally, we should not underestimate the relationship between the UK and Bahrain. In 1820, Bahrain signed the General Maritime Treaty with the United Kingdom and became a British protectorate. The treaty dealt with trade, security and travel, and also strengthened the defence relationship between Bahrain and the UK. The UK maritime component command is based in Bahrain. This is vital for keeping shipping lanes and the Strait of Hormuz open.

In 2005, the then British Prime Minister Tony Blair and the King of Bahrain, Sheikh Hamad bin Isa Al Khalifah, released a joint statement saying that the two countries,

"have a strong, warm and longstanding relationship, rooted in our friendship over the years and in the 1971 Friendship Treaty".

Around 7,000 Britons work in Bahrain and many Bahraini students study at educational establishments in the UK. There are also around 250,000 Indian professionals and business people living in Bahrain, which is helped by the friendliness and the welcoming attitude of Bahraini people. I hope that in her summing up the Minister will be supportive of my observations of the progress that Bahrain has made.

3.25 pm

Lord Alderdice: My Lords, like other noble Lords, I am grateful to the Minister for obtaining this debate and for introducing it with such a helpful scan of Syria, the Middle East and north Africa. I draw to the House's attention my registered interests in the region, particularly in trying to deal with conflict in the region.

Many noble Lords have picked on a number of particular countries in which they have a special interest or concern. That is a very appropriate thing to do in the context of this debate, but I shall take a line directed by the noble and gallant Lord, Lord Stirrup. He pointed out the need for us to have a clearer strategic approach to understanding the problems of this region. While it is true that the same thing is not happening in every country in the region, something is nevertheless happening in the broader region and we need to understand it. We need to evolve and develop our own way of addressing the problems.

The noble and gallant Lord, Lord Stirrup, has directed us to three issues: Iran, when he said that he hoped our Government and others would maintain some progress and momentum in dealing with the

nuclear question; relationships with Saudi Arabia; and containing the Syrian problem. I shall start with the last of those issues.

From the very start I cautioned against any kind of military intervention in Syria. I said that it seemed to me that the internal problems were not amenable to our engagement and resolution and that what was critical was to try, in so far as possible, to limit the spread of the developing disorder and chaos. Part of the process of doing that is to try to give support to Lebanon, Jordan and Turkey—a front-line country which has been mentioned a few times in this debate but which has perhaps not received as much attention as it deserves as a NATO ally that has engaged very thoughtfully in this situation. The Government have put a substantial amount of money, time and effort into giving support, perhaps particularly in Lebanon and Jordan but also in Turkey. We had the Deputy Prime Minister of Turkey here a week or so ago and he welcomed the assistance that has been given. This is very important. It is one of the positive and constructive things we can continue to do and where we can continue to give a lead.

I am afraid that when the question of military engagement arose the Government seemed to jump with much too great an alacrity to agree despite the bad experiences that we have had with it over some time. Why was that? I have the impression that "engagement" seems to be seen in military and force terms, and that much of our foreign policy seems to be a matter of "Let's see what our American colleagues say and give them as much support as possible". In fact, on some issues—particularly the Israel-Palestine question—that is the answer I have received when I asked officials at the Foreign Office what precisely is our policy. "We will wait and see what John Kerry says, we will wait and see what happens, and then we will support it". Of course one wants to support one's friends, but you are not a terribly useful friend if the only thing you have to say is, "I agree with Nick". It is really rather important to say, "I hear what you say and I am sympathetic to it but here's another perspective". When it came to dealing with problems in my part of the United Kingdom, our friends in the United States were perfectly capable of taking a very different line from Her Majesty's Government and, in the end, helpfully so.

Therefore the notion that one might take a slightly different view or have another perspective is not an unhelpful thing; frequently it is a very helpful thing. We should inevitably have a different perspective from the United States, not least, of course, because of our long history in many of these regions, especially the Middle East itself; but particularly because the United States is coming as the only superpower and we are coming from a very different perspective of having limited power, but substantial understanding. At least, that was the case in the past.

What kind of perspective can we bring and what kind of strategic approach can we increasingly develop? The noble and gallant Lord, Lord Stirrup, talked about Iran on the one hand and Saudi Arabia on the other. He and other noble Lords have indicated also that these are not allies; that in fact they see themselves

very much as competitors for hegemony in the region and also, incidentally, with Turkey. If we are going to maintain relationships with both of them, perhaps we can make a useful contribution. It has been mentioned that Russia is the only member of the P5+1 that has relationships with both sides in the Syrian context and therefore has a very special role.

That is the first lesson we need to learn in our strategic approach: that it is important for us to maintain channels of communication with as many sides as possible in all these problems. It is not helpful for us to line up behind one side or the other—and not only because we frequently appear, ultimately, to pick the wrong side, although that is a good reason in itself. If you are not a real powerhouse, then the power you can bring is your capacity for relationship and communication. A great deal can be achieved if we can use the relationships we have had in the past and others that we develop as time goes on in order to play a particularly useful role. We have fallen down on that. I hope that the Minister will be able to encourage us that the increased investment of money and resources in the Foreign and Commonwealth Office will help us increase our communication with all sides. That will mean taking political risks and having more political openness.

The second thing is to deepen our knowledge and understanding of many of these areas. Before I came to this area of work, a quarter of a century or so ago, I harboured the notion that our Foreign Office was far and away the most knowledgeable, understanding and sophisticated organisation of its kind anywhere in the world. However, the more I got involved and the more time passed, the more I found myself becoming rather disappointed. I found that it was increasingly inward-looking and not frightfully interested in advice, understanding or experience from others outside the service itself, including from parliamentarians, and that because of that it developed a kind of groupthink about what was actually happening that frequently was not very well informed by understanding.

I will give noble Lords an example. There has been an assumption for quite a long time—although we are not of course the only country that makes this mistake—that when engaging in countries that have conflicts going on in them, it is key to identify the social and economic drivers because those countries are rational actors, operating in their own best interest. That is simply nonsense. They are devoted actors, frequently acting in ways that are not in their best social and economic interests. The more deeply they are embroiled in conflict, the more they act not on social, economic and power values, but on what one might describe as sacred values. I do not mean religious values, but values that transcend best social and economic interest. There is lots of research in this area to show that that is not just some kind of airy-fairy notion; it can be measured and described and it affects the way we act. For example, in a situation of that kind the notion from outside would be, “Put some more money in and that will help to oil the wheels”. Not only does that not help the situation, it frequently makes it worse—first, because people react very badly when the things that are important to them are couched in monetary terms; and secondly, because frequently all you do is increase

or even create a context of corruption, as there is a whole lot more money around than people can properly cope with.

It seems that we have a capacity to use historic understandings and relationships and a devotion to these kinds of issues that will deepen our understanding—and understanding is one of the things that this country can bring to the party. The noble Lord on the Opposition Front Bench knows well how much British counsel, in its deepening of understandings, has frequently helped us to understand these things and engage in a much more constructive way.

The third element, with which I will finish, is that we need to come with a capacity to learn from others in our engagement with them. For example, in working with folks in Tunisia I was struck by the remarks of Sheikh Ghannouchi from the Muslim Brotherhood, who said that you cannot create a democracy simply by having elected structures if you do not have a culture of democracy and a culture that develops all that is necessary for liberal democracy. He is right, yet for decades we have very rapidly brought in institutions based on our experience, and are surprised when the whole thing falls to pieces.

The noble Lord, Lord Marlesford, referred to the Enlightenment. That was not a light that was switched on and which suddenly enlightened us, but something that took not just decades but centuries of painful emergence. Perhaps that tells us something about what is happening in that region. However, we also ought to be prepared to learn not only how it really is in some other places but how it might be better for us. There are things about the way in which we deal with our economy in which we depend entirely on monetary values. In some of those countries they are trying to develop an economics based more on community values. We cannot only contribute; we can also learn, not just in the context of this debate but in our engagement with those who are living in such terrible circumstances.

3.37 pm

Lord Hannay of Chiswick (CB): My Lords, when contemplating the recent course of events in the Middle East: Syria’s seemingly unending agony, Egypt slipping back into a military-dominated regime, and Libya struggling to cope with post-Gaddafi chaos, it is far too easy to succumb to pessimism and to allow it to persuade us—and perhaps even to justify—the merits of detachment and inaction. One can hear from time to time in this country when discussing this region the mutterings of little Englanders who say, “Let’s just leave them to get on with it”.

I say that that is easy, but it is quite misguided, even in terms of a narrow definition of our national interest, let alone of the stake we have, as a permanent member of the Security Council and, as with the rest of Europe, as a close neighbour of the Middle East, in that region’s future stability, security and prosperity. After all, for the foreseeable future we will depend on that region for a substantial part of our energy security. It is the origin of a large proportion of the illegal immigrants flooding into Europe, and it represents an all too present threat to us of a new wave of terrorism. All that is without counting the risk of a new regional

[LORD HANNAY OF CHISWICK]

conflict if the Iranian nuclear problem cannot be resolved by peaceful diplomatic means. Therefore, detachment and inaction would simply be against our national interest, however unappealing and challenging engagement might seem to be.

Engagement need not—and it should not—be seen as favouring military intervention. Here are four elements of such a policy of engagement which do not involve military engagement, to which I would welcome a response from the Minister when she replies to the debate.

Expectations of the Syrian peace talks in Geneva last month were, mercifully, low, so we can afford to salute the persistence and ingenuity of the UN's mediator, Lakhdar Brahimi, to whom other noble Lords have referred, without appearing to be totally Panglossian. Brahimi has, so far, kept in his hands the slender thread—a very slender thread now—of a process that could lead to a transition to a post-Assad Syria. He has managed to bring some modest relief to the beleaguered citizens of Homs, but he needs help and much wider and stronger strategic international backing if he is to move beyond that. I agree with others who have said that the short-term priority should be to bring humanitarian relief to the citizens of many other places—to Aleppo and parts of Damascus, in particular—who are being starved into submission and bombarded with weapons whose use in crowded, inhabited areas must surely constitute a war crime.

Last week's unanimous Security Council resolution was, of course, very welcome, although the fact that it is not mandatory must leave us with a little scepticism about how much humanitarian relief will actually get through. I would be grateful if the Minister would say what we are going to do to press the regime in particular, but also, of course, the other combatants, to let humanitarian relief through. Should we not be thinking of ways to increase the pressure on the regime if it does, indeed, block the application of that resolution? Is any thought at all being given, for example, to suspending Syria from its membership of the United Nations General Assembly, a course that was taken with South Africa and with Serbia in the past and which did a great deal to sober those regimes up and bring home to them that they were at real reputational risk, to put it mildly.

Secondly, I shall say a word about the oft-derided Middle East peace process. Perhaps because the spotlight is no longer on the principal participants in that process, the talks between the Israelis and Palestinians, to which the US Secretary of State is so laudably devoting a high priority, seem marginally less hopeless than they have often appeared in the past. Perhaps it is finally dawning on the two sets of protagonists that they can no longer count on the unquestioning support of their external backers. The fact that Prime Minister Netanyahu has been criticised for even contemplating the possibility that some Israeli settlers might find themselves living in a Palestinian state is surely a welcome first and a sign that some new thinking may be starting to percolate.

Are the Government encouraging the United States to put some proposals or ideas for a comprehensive settlement on the table? Surely, experience tells us that

it is hard to believe that without that, any decisive progress will ever be made. It is not the two parties that are going to put proposals on the table who will break the deadlock. What thought is being given to the contribution that the European Union might make to any such settlement? Would it not also be valuable if something was said in public, including about the contribution the EU might make, and also about the sort of relationship that a post-settlement Israel could hope to have with the European Union, a relationship which is obviously extraordinarily important to Israel in the longer term?

Negotiations with Iran, to which several noble Lords have referred, for a comprehensive successor to the interim nuclear agreement reached last November are just getting under way. Can the Minister say anything about the objectives that the Government, together with their partners in the 5+1 process, will be pursuing in those negotiations? What would we, and they, be prepared to put on the table in response to an Iran that could satisfy the international community durably and verifiably as to the peaceful nature of its nuclear programme? That is, what would the end state from our side of that negotiation look like if the Iranians came to the end state that they would want to see on their side? What, too, are we doing to set out the case to those in the US Congress who are contemplating action that could shipwreck the whole process? What action are we taking to bring home to them our hope that they will stay their hand and give diplomacy a chance? We should, after all, be under no illusions. If diplomacy fails with Iran, the risk of a conflict that could draw in other regional players and those outside the region would be real, and the possible consequences of that are likely to be seriously damaging for all concerned, ourselves included.

It is obviously difficult to plot a direction of travel for our policy in the Middle East, which will clearly be prey to insecurity and instability for years and possibly decades to come. But the setbacks that have followed the Arab awakening should not, I suggest, divert us from pursuing the broad objectives of helping all the countries in the region to move towards pluralist democracy, sound market-based economies, the rule of law and respect for human rights and for religious and ethnic minorities. The route that each country takes may well involve more zig-zags than straight lines, as is the case in Egypt. We should not be too prescriptive in our responses. What we should do is to respond with firm support for those such as Tunisia, which seem to be making real progress along that path. Is that how the Government see things?

I am sure that I have overlooked much—Bahrain, Yemen, Sunni-Shia tensions and more besides—but I hope that the main message that the Government will give is that Britain is not about to turn its back on a region that needs to remain a key focus of our foreign policy.

3.47 pm

Lord Alton of Liverpool (CB): My Lords, I join others in thanking the noble Baroness, Lady Warsi, for tabling this Motion for debate today and for the tone that she set in her opening remarks. I refer the

House to my non-financial interests as honorary president of UK Copts, a board member of the Aid to the Church in Need charity and a patron of various human rights groups that work in the region.

Earlier in our debate, my noble friend Lord Wright of Richmond made an important and authoritative speech. I entirely agreed with his remarks about Syria and later in my remarks I will concentrate on what is happening there today. As he spoke, I reflected that I first met him in 1980 when he was our distinguished ambassador in Syria. With the noble Lord, Lord Steel, I arrived in Damascus on the very day when the war broke out between Iran and Iraq—a war that claimed some million lives. Perhaps in the context of what the noble Lord, Lord Hannay, has just said to the House, we should remember that.

During that visit, we met with Hafez al-Assad, Yasser Arafat, King Hussein and Anwar Sadat. In our subsequent report, we advocated a two-state approach as the only one likely to achieve sustainable peace between Israel and its neighbours. Our visit was three months after the Muslim Brotherhood had made an assassination attempt on Hafez al-Assad, and his response was then to align Syria with Iran. King Hussein declared Jordan's support for Iraq. One week after we met Assad, he was in Moscow signing a mutual friendship treaty. Depressingly, as my noble and gallant friend Lord Stirrup indicated, the lines in today's conflict are not newly drawn.

In 1980, I wrote about the repressive nature of the region's regimes—repressive then and repressive now. Iran's human rights record remains appalling. Saudi Arabia, referred to in this debate as our strategic ally in the region, also commits egregious violations of human rights and remains one of the deadliest exporters of global terror. Back in 1980, Syria was expelling journalists and massacring dissidents. Surely the failure to see reform, change and sustainable solutions has had these disastrous consequences, nowhere more so than in Syria.

The failure to find solutions now includes 130,000 dead with millions more driven from their homes. Nine million are said to be displaced and 3 million have fled to neighbouring countries. One hundred and fifty thousand families are deprived of their father, 2 million dwellings are destroyed, 2 million families are without shelter and 2 million students without schools. The economy is in ruins, the currency is devalued by 300% and there is growing violence, anguish, division and bitterness every day.

Sarin gas has been used against civilians in the suburbs of Damascus. Barrel bombs have rained down on Aleppo. Citizens have been under siege in Homs and elsewhere, being starved to death. Just over a week ago the Secretary-General of the United Nations, Ban Ki-moon, pointed to what he called “the unspeakable suffering” of the country's children, with 10,000 children now dead in Syria. The United Nations report published last week details arbitrary detention, ill treatment, torture and horrific abuses of children by both sides including beatings with metal cables, whips and wooden and metal batons, sexual violence, including rape or threats of rape, mock executions, cigarette burns, sleep

deprivation and solitary confinement. The report says that the opposition forces too have increasingly “engaged in such acts.”

The “Afghanisation” of Syria, with vast tracts falling under the control of dangerous jihadist groups, would hardly represent progress. We need to hear much more from the Government, and with much more clarity, of assessments of each of these various factions which are largely at war with one another. Describing them as the opposition conjures up images of a coherent and united group akin to opposition groups in parliamentary democracies. We should be very wary of using such descriptions. Take ISIS. It is said that al-Qaeda has cut its links to one of its most deadly affiliates, ISIS—the Islamic State of Iraq and al-Sham. There are also unverified reports, as we have heard, of a possible military confrontation between Hezbollah and ISIS. Perhaps the Minister can tell us what assessment she has made of the continuing use of ISIS suicide bombers, the territory it controls in north-eastern Iraq and its use of radicalised recruits, especially from the United Kingdom? I refer to recruits such as Anil Khalil Raoufi, a British Afghan who was studying engineering at the University of Liverpool and was recently killed in fighting between rebel groups. It is not just United Kingdom students—this week I sent the Minister a report from the Institute for Policy Analysis of Conflict which talks about the radicalisation of young Indonesian men who have gone to Syria via Turkey. Their director Sidney Jones says:

“Jihadi humanitarian assistance teams now appear to be facilitating the entry of fighters as well”.

It is not just that their presence in Syria fuels fundamentalism—it is that they are being radicalised in the process, posing dangers to the countries to which they return. The problem is exacerbated by the flow of arms into Syria.

In appealing to hatred, many jihadists cite a seventh-century directive which requires Christians to convert to Islam and pay tribute to Muslim rulers or leave. It is being increasingly enforced by extreme Islamist groups, so there is a religious dimension to this conflict. Here perhaps I would disagree on the margin with the remarks made by the right reverend Prelate.

What of the 60,000 fighters of the Islamic Front? Do the Government believe that the Front is capable of producing a secular or plural Syria in which minorities such as those to which I have just referred are respected? Do they have the capacity to be part of a transitional body capable of restoring trust, an almost impossible task in the aftermath of such horror? It was the late King Hussein who offered the wise advice to pray for God's protection against,

“those who believe that they are the sole possessors of truth.”

These sole possessors of truth represent the biggest stumbling block in finding a peaceful way forward out of this confessional morass and they also represent the biggest danger to Alawites, Druze and Christians, and the rights of women.

Almost 1,500 years ago a wandering monk called John Moschos described the eastern Mediterranean as a flowering meadow of Christianity. That meadow is today a battlefield. Before the war the Christians of Syria accounted for 4.5% of the population. What will

[LORD ALTON OF LIVERPOOL]

it be after the war? Forty-seven churches have been closed; two priests and a nun have been murdered; two bishops, three priests and 12 nuns have been abducted. I have raised these cases with the Minister and gave her notice that I would raise them again today. A new video of the nuns has just appeared with their traditional cross removed from their habit. Do we have any news of their whereabouts and when they may be released by their jihadist captors? What news also, about the Jesuit, Father Paolo Dall'Oglio, kidnapped in July 2013 after entering rebel-held territory? Opposition sources from Raqqah said that Paolo Dall'Oglio had been executed by extremist groups. Do we have any news about that?

I have been looking at first-hand accounts which Aid to the Church in Need has received from Syrian Christians. Typical is this note from Basman Kassouha, a refugee now in the Bekaa Valley area of Lebanon. He says that the militias,

"stormed my house, giving me one hour to evacuate or else they will kill me ... I'm heartbroken. I've lost everything".

The Maronite Bishop Elias Sleman of Laodicea says Christians have been specifically targeted in a number of places. I shall quote him because I hope, as we collect evidence of these sorts of events, none of this will ever be lost to history. He says:

"There are many events that show that Christians are targeted, such as those of Maaloula, Sadad, Hafar, Deir Atiyeh, Carah, Nabk, Kseir, Rablé, Dmaineh, Michtayeh, Hassaniyeh, Knaïeh, and some villages of the Valley of Christians, Yabroud, Aafnd, the Jazirah region such as Hassaké, Ras El-Ain Kamechleh, and many other areas. Christians are increasingly targeted in horrible and unspeakable massacres".

The mostly Christian town of Saidnaya has experienced repeated attacks by extremists. The fourth attack on the city occurred on 19 January. The ancient site of the Convent of Our Lady on Mount Qalamoun has been frequently targeted by mortars. In Homs, a Dutch priest, Father Van der Lugt, trapped in the old city, described how residents cut off for more than a year developed chronic mental health problems following the breakdown of social order. He says, "Our city has become a lawless jungle". I remind the noble Baroness of the situation in Sadad, where there was a terrible massacre that some have described as potential genocide. What news of the situation there?

While the quest for peace continues, perhaps the Minister will share with us what we are doing to provide direct help to these beleaguered minorities, what we are doing to stop the flow of arms into Syria, what progress has been made on the removal of the 700 tonnes of priority 1 chemicals, and what happens—as the noble Baroness, Lady Symons, asked—if the deadline for removal of chemical weapons is passed. Even an agreement suspending the flow of arms and foreign militant activists would be a success, because the ceasing of fighting is the precondition for all forms of reconciliation.

Let me conclude by pressing for a response to the question I raised on Monday with the Minister's noble friend, the noble Lord, Lord Wallace of Saltaire, who is sitting on the Front Bench. I asked whether we are collecting meticulous information of atrocities, and whether in the Security Council we will be referring

these matters for prosecution by the International Criminal Court. If the danger of any other country raising a veto against us were to be used as a reason for not doing that, it would bring great dishonour on this country.

3.57 pm

Lord Risby (Con): My Lords, I compliment the Minister, but perhaps I may be permitted initially to mention one Arab country, rather distant from the eastern Mediterranean, namely Algeria, which will be having a presidential election in April.

In January last year, our Prime Minister visited Algeria—the first British Prime Minister to do so—and I accompanied him as his trade envoy. After the horrors of its war of independence, that country suffered a brutal Islamist takeover more than 20 years ago. Some 150,000 people were killed amid scenes of unspeakable depravity, and this has scarred the memories of Algerians collectively. Today, quietly, we have a remarkable bilateral relationship, and a security and defence compact. A massive desire exists there to learn English and our trade has increased appreciably. Because of its energy wealth, Algeria is spending heavily on both its physical and social infrastructure, and I hope that British business will benefit from this. EU monitors will be present for the elections. It is an enormous, diverse country with extremely porous borders. We can only hope that the remarkable stability of Algeria will continue and that our partnership will flourish.

Exactly a month ago, I visited Egypt with the Conservative Middle East Council, following a great number of previous visits over the years as a governor of the Westminster Foundation for Democracy. We had a wonderful opportunity to meet a cross-section of Egyptians—not, of course, the Muslim Brotherhood, but including the enthusiastic and optimistic Amr Moussa, who wrote their new constitution, and very senior generals.

I know that we can all agree that what happens in Egypt—as the mother nation of the Arab world and with its strategic importance—is hugely important. I very much welcome the positive comments of the noble Lord, Lord Stone of Blackheath. In the past, in discussing policy with the Muslim Brotherhood, we were assured of its commitment to attract investment, to root out corruption and to protect the minorities. As a force in Egyptian politics for more than 80 years, it appeared destined to win—which, of course, is exactly what happened. Many voted for it simply to achieve change, but felt in some instances that the powerful Egyptian army would continue to act as a balance. Unfortunately, despite being democratically elected, the new Government proved a massive disappointment, to say the least, as my noble friend Lord Marlesford observed.

Tourism, which comprises up to 25% of its economy, collapsed and attacks on Copts soared. Public debt and the budget deficit grew dangerously and many parts of Sinai became no-go areas because of terrorist activity. For us and all our allies, all of this has proved difficult after the heady days of the Arab spring. The recent outlawing of the Muslim Brotherhood may well drive it underground. Surely, there is a clear line to be drawn between those who commit criminal terrorist

activity and those who support the Muslim Brotherhood and who could never be described as terrorists, but who now face potential and actual arrest and imprisonment.

Meanwhile, despite great efforts, much of Sinai remains off limits, even some tourist areas. The economy is being sustained with generous help from Saudi Arabia and most Gulf states. There will be presidential elections and then parliamentary elections, and at least the security of religious minorities has improved. We need, however, to point out clearly to our Egyptian friends during this period that ultimately, you deal with those who oppose you by securing their hearts and minds as a necessary prerequisite to long-term social, political and economic stability.

What is there new to say about Syria following the effective collapse of the Geneva discussions and the subsequent increase in the rate of slaughter? One thing is absolutely crystal clear: as things stand, President Assad is not interested in dialogue or in a transition process, and he will fight to preserve what is geographically and politically left of his power. In his terms, there is no alternative. It is worth noting that only 5% of Syria's chemicals weaponry—a figure that I find very difficult even to believe—has been handed in thus far, despite cast-iron assurances that led to the avoidance of further actions against his regime. We need to reflect on the consequences of the breach of this highly important and high-profile agreement.

What is emerging is the splitting of the country in three ways. In the north, the Kurds are essentially and increasingly taking on administrative authority. I note in passing the surprisingly strong relationship that Turkey and Kurdistan have developed. There may be a common ethnic identity with Kurdish Syrians and those in northern Iraq, but there remain significant differences of outlook and Turkey is completely opposed to a future federal structure for Syria. By contrast, other parts of Syria are effectively being controlled by various Islamist groups imposing arbitrary justice and their view of how life should be lived. The stalemate is completed by the resilience of the rump of the Assad regime, supported by the army and, in varying degrees, by Christians, Druze, Alawites and secular Sunnis.

All of us must have pondered many times what Russia's objective is. Initially, it was declared to be the protection of the diversity and secular character of Syria. In practice, entirely the reverse has happened. President Assad, who sold himself as the protector of secularism and of the minorities, has actually brought about their destruction in many instances. The Russians have been offered continuing military, intelligence and commercial engagement, yet it seems that their position essentially remains fixed. I can only conclude that they wish to be seen to stick with their friends, and to make the contrast, fairly or unfairly, with other nations that have interests in the region.

We can applaud Secretary Kerry for his comprehensive involvement in the region. If, indeed, it is possible to come to some further understanding with Iran, echoing the comments of the noble Lord, Lord Williams, then surely discussion must lead to its continuing and substantial support for President Assad. He needs to

be brought into a dialogue at some point, however unpalatable that may be, in the absence of any real moves for any resolution.

I conclude on this note. One of the tragic by-products of the invasion of Iraq was the decimation of its ancient Christian community, many of whose members fled to Syria. The Christian culture is now increasingly being marginalised at best, and destroyed at worst, in the region. Some years ago, my very dear friend the Archbishop of Aleppo and I were travelling in his car. He said, "Richard, do you think we will be here in 50 years' time?". I replied, "Sadly, and frankly, no", to which he responded, "I fear you are right". Last year he was captured—a wonderful and charismatic figure, and a good friend of the Church of England. His whereabouts are unknown. I fear the worst. His personal horror has been tragically replicated with thousands of his fellow citizens.

Of course, we can try, as we do, to give generous humanitarian aid, whether on a personal level or at a collective or state level—but, quite frankly, until countries such as Russia and Iran can be persuaded to bring pressure to bear for a genuine negotiation, this terrible tragedy will continue.

4.06 pm

Baroness Turner of Camden (Lab): My Lords, I thank the Minister for introducing this debate. It is very timely. Earlier in the week, we had the government Statement on Syria and other issues, and we have had another statement from the Minister this morning. Of course, we are all appalled at what is happening: 5,000 civilians dying every month; thousands of refugees in surrounding countries, sometimes in awful conditions; and children wounded and dying, ill and often starving. "What can we do?", we ask. "Can this carnage be stopped?"

The Statement made it clear that the Government are in fact doing quite a lot. Finance and aid are being provided, and other Governments are being urged to do likewise. We have undertaken to take in some Syrian refugees. The UN Security Council has unanimously passed a resolution calling for aid, opposing terrorist violence and calling for an end to the carnage. "But what more can be done?", we ask.

What is clear, however, is that military intervention is simply not an option. The Commons decided against it and there is no indication that other countries would agree to it. I support that entirely. I was against the intervention in Iraq from the very beginning. What is the point of getting rid of a dictator if those who take over afterwards are just as bad, if not worse? This is what has happened in Iraq, where there is still an unacceptable level of violence—and this after a military intervention resulting in thousands of deaths. Work has to be done with the international community and in particular with the EU, the US and Russia. There has been some evidence that, despite its problems in Ukraine, Russia is willing to try to bring pressure to bear on the regime in Syria to end the violence and to work towards some kind of eventual settlement.

As for Iran, this is a very difficult matter. I was most interested to hear what the noble Lord, Lord Lamont, said about that. However, it seems clear that

[BARONESS TURNER OF CAMDEN]

the regime has been assisting the Syrian regime in the current crisis. The new President is allegedly more moderate, but the human rights situation in the country continues to be bad, with many public executions and the oppression of women. I and a number of my parliamentary colleagues have been in contact with Iranian refugees in the UK.

There is an opposition organisation committed to democratic change led by a woman with an equality agenda. Groups of its members are in UN-protected camps in Iraq at the moment—Ashraf and Liberty—but, unfortunately, because the present Iraqi regime has extremist links with the Iranian Government, members of the camps have been subjected to harassment and there has even been violence in which some of them have been killed. A number of us protested about this at the time and we continue to do so. I know that from time to time the Government have raised objections about what is happening to these vulnerable people. People in the Ashraf and Liberty camps are entitled to protection and I hope that our Government will continue to press the Iraqi and other Governments on that issue.

I refer to this as an indication of the many complexities existing in the Middle East. People struggle for democracy and for the rights that we take for granted, particularly for women. Traditions and culture are difficult, and it takes a great deal of courage. I hope that we will continue to assist those who democratically aim to achieve change. In that respect I commend the Minister who recently made a speech in which she urged tolerance on the two major competing groups in her own religion—the Sunni and Shia. In the current situation, including what is happening in Syria, that is very important indeed and I thank her for making those statements.

However, as I said earlier, more international activity, pressure and aid are necessary to bring an end to the dreadful carnage in Syria. An immediate ceasefire, as recommended by one noble Lord, should be tried for, to put a stop to the violence in which so many people are suffering so badly. I support what the Government have been doing, but more should be done to assist the poor people caught up in all this violence.

4.11 pm

Lord Carlile of Berriew (LD): My Lords, I, too, thank the Minister for initiating this very important debate and for doing so with such concise clarity. I remind the House that I am the joint chair of the Parliamentary Committee on Iran Freedom and that in a professional capacity as a lawyer I have advised on connected matters. I am aware that a lawyer stepping into a foreign policy debate may be about as welcome as the converse in your Lordships' House. Nevertheless, I want to raise some issues on Syria, Iran and Iraq, following on from the comments just made by the noble Baroness, Lady Turner, with whom I agree.

As far as Syria is concerned, as I was thinking about this debate I reflected on Syrians I have known in my life. They have been almost entirely clever, enlightened and resourceful people. Then I reflected on the experience of one of my daughters of being in the sixth form at a school in central London with a popular and very able young student of Syrian origins

who is in fact now the wife of President Assad. So some of these issues of Syria come very close to our own experience and they are a shock to us as well. It is indeed shocking that a country full of great history and future potential should be ripped apart by the events that we observe daily. The outrages of the Assad Government are there for us all to see and wholly unjustified. However, we must be careful what we wish for.

My noble friend Lord Howell illustrated the complexity of the political situation in Syria. The rise of heretical, violent jihadism there, clearly financed and fuelled by the Government of Iran, presents a real danger if there is to be regime change in Syria at some point in the future. I also agree with what was said earlier: it is not for us or for the Americans to determine what sort of regime they have if there is a change in Syria, because our models are not necessarily suitable for them, and I agree entirely with the realism expressed earlier by the noble and gallant Lord, Lord Stirrup, on that subject.

It is, of course, in the end for the people of Syria to determine what Government they have, but whatever enabling we do must be aimed at increasing the prospects of sound, enduring government—not necessarily a western model—preferably secular but, above all, pluralist and with a secure and internationally compliant legal system. We all want to welcome Syria after a very long time back into the family of nations with whom we can walk together, whether in the United Nations or elsewhere.

I turn next to Iran. Of course, I support, as I suspect everybody in this House supports, the attempts to negotiate and negate the threat of Iranian nuclear ambition. I share the assessment of the noble and gallant Lord, Lord Stirrup, on the importance of that process. I agree with my noble friend Lord Lamont that it is important that there should be business contacts, and they should be legitimate and carefully scrutinised. Equally legitimate and important are sanctions where there are appalling human rights breaches. Although other countries in the world have similar levels of breaches of human rights, few countries with the civilised traditions of Iran have such a high level of human rights breaches. We see these breaches daily. More than 600 executions have taken place in Iran in the past six months, most of them in public—hanging people from cranes. Many of them have not committed criminal offences that we would recognise. Some of them are merely political dissidents. As recently as last Wednesday we heard an announcement by the Ministry of Intelligence and Security in Iran that appeared to commend cutting off one hand and one foot of a prisoner. Surely those are practices that we not only condemn and abhor; they should feature in our negotiations with Iran if there is to be any genuineness in that process.

Nor should we allow the impression that President Rouhani is some kind of Iranian Gorbachev—a view that I believe is gathering credence. He is not. His personal history as head of the security apparatus over many years belies that assertion and the conduct of his Government does not support that proposition. Can the Minister assure the House that the strongest possible representations are being made to the

Government of Iran that these human rights abuses are not acceptable and that one cannot simply look at the nuclear issue on its own? If Iran is to be accepted into the family of nations, to which I referred earlier, those human rights abuses have to be dealt with. My noble friend Lord Lamont referred to the large number of American PhDs in the Iranian Government. Even American PhDs allow one to understand that hanging people in public from cranes for non-criminal offences is simply not acceptable in a country that is negotiating with the western world.

Finally, I turn to Iraq, particularly to the residents of Camp Liberty, and formerly of Camp Ashraf, as mentioned earlier by the noble Lord, Lord Maginnis, and the noble Baroness, Lady Turner. There are Iranian dissidents in refuge in Camp Liberty in Iraq. They are persecuted daily. This week they have been refused access by officials of the Iraqi Government to medically prescribed therapy. In the past they have been refused access to communications; they have been refused access to water; they have had their defensive walls removed from around their premises; there have been more than 150 assassinations there; and they have been unprotected by the Iraqi Government. One well understands the difficulty that the Iraqi Government face in relation to terrorism in that country, but it is absolutely clear that Prime Minister al-Maliki for this purpose is a client of the Government and regime of Iran. That is why the residents of Camp Liberty are not being protected.

They do not want to stay there; they wish to go elsewhere. I have been to Albania to meet some of them because Albania has allowed some 200 former Camp Ashraf residents to settle there. I have heard genuine and moving testimonies from individuals. Most of them are middle-class business and professional people, not firebrand revolutionaries. Quite a few of them are old. They need to be treated on a humanitarian basis. We are not treating them that way at the moment, nor are many other countries. It is ironic that Albania is doing so; it is one of those Governments that are treated with a good deal of disdain by the Governments of the European Union. The residents have a complete lack of protection. They are supposedly being looked after, to an extent, by the United Nations, but United Nations officials—like Macavity—are never there when critical events occur. As a result, a humanitarian scandal has erupted.

I urge the Minister to declare very clearly to this House this afternoon that the United Kingdom is in the forefront of international efforts to save the lives of the residents of Camp Liberty and to give them a safe haven elsewhere. I believe that Prime Minister Maliki does not wish to remain a client of the Government of Iran but he needs an awful lot of help if he is to be able to separate himself from the wishes of that Government. If the Iranian regime has any interest in persuading us of its earnest in meeting our concerns over nuclear and other issues, surely the small question, in quantum terms, of the residents of Camp Liberty is one on which they could demonstrate their earnest at no risk to themselves and gain the respect of the rest of the world for their change and their humanitarian approach. I ask our Government to use every effort to ensure that those unfortunate people are protected.

4.21 pm

Lord Luce (CB): My Lords, I would like to follow those noble Lords who have spoken in rather more strategic terms about the Middle East. As we have been reminded, it is nearly 100 years since the break-up of the Ottoman Empire—an empire that gave considerable autonomy to Arab people in return for loyalty and for the payment of the inevitable taxes. However, in the past 100 years, the Arab world has undergone dramatic changes. If you look at the history of the Arabs over centuries, I think that today they are at their lowest ebb compared to some of the great empires that they have had in the past.

As we have discussed so much today, Syria has become the cockpit of regional tensions, exacerbating many of the undercurrents of tension that already existed in the Middle East. The civil war there is just another human tragedy of stark proportions. Currently, as I think we have all agreed, there is a military stalemate after three years of conflict. It is interesting to observe that since 1945 the average length of civil wars has been 10 years. In the Lebanon, of course, it was something like 15 years. In terms of deaths, there were 120,000 deaths in that time in the Lebanon. That has already been overtaken in Syria. Then we have the country fragmentation in Syria broadly into Sunni, Alawites and Kurds—who, of course, constitute something of a challenge to the boundaries since there are some 25 million of them in the region.

The human tragedy of the refugees, of the internal displacements and of the suffering of minorities such as the Christians, has provided a serious challenge to the neighbouring states of Turkey, Lebanon, Iraq and Jordan. Beyond that, we see Syria being used as a proxy battleground by Iran and Saudi Arabia, vying for regional hegemony. We have all talked about Sunni-Shia tensions and conflict. One is reminded of some of the Christian wars that we saw in Europe, and of the infinite capacity of religions to divide within themselves.

I digress for a moment to praise the Minister for the work that she is doing in the Middle East, in this country and elsewhere to promote religious tolerance. She comes from a very special background, a Sunni-Shia background, and her stressing that violent sectarianism is anti-Islamic is an extremely important message to get across. I very much admire the speech that she made in Muscat a few days ago, when she spoke about these issues in a country where there is strong tolerance between Ibadis, Sunnis and Shias, who work in a communal sense.

Then we have the pattern of influence of the international community changing all the time. The West is more reluctant to intervene, often for very good reason. Russia is still playing the great power game, wanting to give America a bloody nose in the Middle East. However, at the same time, there is an emerging common view between us of opposition to the destruction of the jihadis. We see China's role emerging not only in the Middle East but the world, but reluctant to play much of a part.

Amid all the chaos in Syria and the Middle East, we have fertile ground for exploitation by extremists, and a very divided opposition in Syria itself. Alongside that, the situation in Iraq is getting extremely serious.

[LORD LUCE]

Meanwhile, on the Arab-Israel issue, we still live in hope that negotiations will be successful, because without doubt it has been a poison in the Middle East for a long time.

The broader picture is the after-effects of the volcanic eruption of the so-called Arab spring—the eternal striving for better systems of accountability and governance, for less corruption and more freedom. There is the great preponderance of young people learning about the world through social media, longing for a better education and for jobs and for an end to stagnating economies. We see continuous, endless struggle.

How should we in Britain and the British Government shape up to deal with all that? I agree with my noble friend Lord Hannay that there should be continuing British engagement, but not of an imperial kind. Instead, it should be of the kind that the noble Lord, Lord Alderdice, talked about: dialogue with friends and exchanging views about our common experiences. In Syria, I think that we can take great pride in what we have done on the humanitarian side: £600 million is a substantial sum of money. I fully support what we are doing. I hope—I should like the Minister to comment on this—that, notwithstanding the stalemate, we are thinking multilaterally about what will happen in a post-conflict situation in Syria, where we must learn the lessons of Iraq.

Thirdly, in relation to Syria, I very much hope that we will do what we can to help to strengthen Jordan. Jordan has a critical role to play. If there is a settlement and a two-state solution, the role of Jordan will be pivotal. Notwithstanding all the other problems that it faces, including that of refugees, we have to do whatever we can to support our long-standing friends there.

I come to the question of Iran and Saudi Arabia; my noble and gallant friend Lord Stirrup referred to this strongly and powerfully. There has been a long history of mistrust between the West—certainly Britain—and Iran. The nuclear discussion going on now provides us with an opportunity to reduce that mistrust on both sides through the negotiating process. Of course, we all hope for an agreement that is as watertight as possible. I hope that some of the ideas that the noble Lord, Lord Lamont, produced on that will be taken on board by the Government to create confidence to move to a comprehensive agreement.

Beyond that, the question is whether Iran intends to be constructive or destructive as a power in the Middle East. Its support for Assad in Syria, and for Hezbollah, and the recent evidence of the use of Hezbollah explosives in Bahrain, seriously undermines any hope of stability. Kissinger once said that Iran would have to decide whether it is a nation or a cause. The key to progress after a nuclear agreement—in the hope that there will be a nuclear agreement—will be that Iran will not only take a more constructive line on Syria, but will enter into dialogue with Saudi Arabia.

I believe that the relationship between Saudi Arabia and Iran is key to progress in the Middle East in the longer term. Our experience in Saudi Arabia and our long history of knowledge of the Saudi Arabians will be important here. I hope that we will be engaging with them strongly, not only on Iran and Syria but

also in the Gulf. The British Government have pursued a very positive policy of developing good personal relationships with the leaders in the Gulf, through the Gulf Initiative. They are constructively helping maintain the momentum towards reform in the fields of corruption, an independent judiciary, representative institutions, and systems of governance and accountability—systems that take into account the history, culture and traditions of those countries.

I want to end particularly with Bahrain. It is a litmus test of wider regional tensions. It has a Shia majority with a Sunni Government. I welcome the renewal of dialogue by the Crown Prince with the opposition and civic society, under the King's instructions. I welcome the progress in implementing the proposals of the independent commission led by Mr Bassiouni, for example in setting up an independent ombudsman to investigate police misconduct and setting up an independent national institute for human rights to investigate human rights abuses, with activists serving on the board of the institute. We are often very quick to condemn and very slow to praise, and I hope that we will give credit to those in the Gulf who are continuing the work for pragmatic reform.

We must never lose sight of the goal of removing the long-standing sore in the Middle East—Israel and Palestine—with a two-state solution. We hope and pray that there is a prospect of that happening. Positive progress in either that area or in Iran on the nuclear issue—or in both—would give new hope to the people of the Middle East. That is what the long-suffering people of the Middle East most deserve.

4.33 pm

Baroness Afshar (CB): I add my thanks to the noble Baroness for initiating this debate and apologise for not being here at the beginning of her speech. I would like to add a comment, however, on her speech. The textual teaching of the Koran prevents any kind of cruelty or violence against any religion of the book and any religion that preceded Islam. Therefore, those who in the name of Islam kill others are going against the textual teaching of the Koran and, thus, are committing a sin.

I also thank and support the insightful views of the noble Lords, Lord Lamont and Lord Wright, who expressed the importance of understanding the situation in Iran. I support the suggestion of the noble Lord, Lord Alderdice, for discussions and peace process negotiations.

As a person born and raised in Iran who, of course, does not support the Government but continues to keep a very close eye on their politics, I suggest that any kind of aggressive cutback on medication, on support, on food—any tightening of sanctions—would be entirely counterproductive. Already, Iranians are suffering. People are dying on the street; people are unable to feed their own children. I know of quite well-off middle-class women who have to spend their day queuing for one loaf of bread to feed their families. The situation of hunger in Iran is terrible and the lack of medicine is resulting in deaths across the board.

We really need to think about treating the Iranians more humanely if we expect them to come to negotiations and deal with the West more humanely. It seems that

so long as the Iranians are seen as pariahs and treated as the enemy of all the West, they will only go on using their influence—which in the rest of the Middle East is quite considerable, as has been stated. Although they do not have an effective army, they have a very effective voice, and if they are seen as the victim of the West, it is very likely that much of the Middle East will see policies and politics in terms of what the Iranians see.

I might say that I know for a fact that the Iranian people do not wish to have nuclear power. I get told again and again that that is the last thing that they want. However, what they actually need is the possibility of using something as a negotiating tool. What do they have to use? It is only because they started the nuclear process that the West wants to talk to them. The British, who are such masters of diplomacy, should be at the very forefront of the talking—the jaw-jaw and not the war-war. I am sure that the Minister will see to that.

4.36 pm

Lord Bach (Lab): My Lords, Her Majesty's Opposition welcome this debate very much indeed. The Government are to be thanked for finding time for it. The Minister should be congratulated on her tour d'horizon at the start of this debate. She has been widely praised, and rightly so, for the work that she does in this field both in this House and outside. I am happy to join in with that praise. We agree with much that the noble Baroness has said on behalf of Her Majesty's Government and when we come to those matters on which we do not agree, a bit later in my speech, I am sure that she will take note. This is not just a debate to hear Her Majesty's Government's views or even those of the Opposition but to learn and hear from all Members of this House, wherever they sit. We are particularly blessed with expertise and what I would call good sense in this field of foreign affairs. We have had further proof of that, if it was necessary, in abundance today.

I give a special word of thanks to those responsible in this case for the note and the briefing pack from our own Library in the House of Lords. I do not know how many noble Lords have had the opportunity of reading it. Even if your Lordships do not have it now, it is well worth picking up from the Library as it is well written and clear. It has been of considerable help to me and, I suspect, to other noble Lords who have had the chance to see it. My noble friend Lord Soley mentioned it.

The tragedy that continues in Syria is of course the background to this debate and it reaches over to many countries throughout the Middle East, whether Lebanon, Jordan, Iraq or Turkey. That is obviously because of the huge influx of refugees escaping a barbaric civil war, while others are brought into this conflict by proxy, interest or design. Syria is centre stage in this debate. Noble Lords have rightly talked about other Middle Eastern countries in their speeches, so I will make a couple of comments on these before concentrating, in what I hope will be a fairly brief speech, on the Syrian question. Of course, in some ways these distinctions are somewhat artificial as what happens in one country—in this case particularly Syria—affects so many others.

On Israel and Palestine, all I have to say from the Front Bench is that we fully back Secretary of State John Kerry in his search for a negotiated settlement. We know that the Government back him too. We particularly admire his persistence and patience. The provocative actions from all sides are much to be regretted. We urge Her Majesty's Government to continue to give solid support, as we are sure they will, to the Kerry initiative.

As far as Egypt is concerned, recent events are perhaps a salutary warning to many in the West and on all sides of the political debate—and here the noble Lord, Lord Marlesford, made the point—who took a rather overoptimistic view of the Arab spring when it first emerged. As my noble friend Lady Symons made clear—her experience and knowledge of Egypt is obviously very great, as is that of other noble Lords who have spoken—there are a vast number of young people in Egypt and its huge, almost overwhelming, birth rate compared with other countries makes us concerned for this potentially great country.

It was refreshing, therefore, in what could be described as a somewhat gloomy debate, to hear the speeches of my noble friend Lord Stone of Blackheath, and indeed the noble Lord, Lord Marlesford, whose recent visits to Egypt have clearly inspired them. My noble friend Lord Stone of Blackheath has been moved to set up an all-party parliamentary group, which we welcome, and his optimistic comments came as some relief today.

Iran has, quite rightly, been the subject of much discussion this afternoon. It is a potentially great country, one that I visited many times as a student as my parents were working for the British Council there at the time. I am afraid that was pre rather than post-revolution, but it was a country one cannot forget, even all these years later.

We support the joint plan of action agreed in November, the terms of which came into force in January. It is our belief that Iran really demands a debate on its own. There are obviously very important views on all sides. We very much welcome the recent visit undertaken by British parliamentarians, including the noble Lord, Lord Lamont, who spoke very interestingly about it this afternoon. We welcome the joint plan and congratulate those who were responsible for it. However, as other noble Lords have warned, it is very early days and we must wait to see what happens next. Any steps that sensibly, safely and with due regard to human rights—as the noble Lord, Lord Carlile, made particularly clear—bring Iran in from the cold are widely to be supported.

The good news we heard about Tunisia and the constitution that has been agreed is another gleam of light in a pretty gloomy view.

I turn now to Syria, where we have been told that the scale of suffering is almost beyond belief. Nearly three years of civil strife have resulted in a sort of dystopian scenario where brutality follows brutality. I am reminded of a book called *The Road*—I do not know how many noble Lords know of this work by the great American writer Cormac McCarthy—which was made into a film about a post-nuclear scene. I have not been to Syria, and those who have can tell me whether I am wrong or right, but I get the impression

[LORD BACH]

that the kind of scene that you see in *The Road* is very similar to what must be true about large parts of that country.

The right reverend Prelate used the word “myriad”. I use it, too. Myriad opponents to the awful regime of President Assad, some moderate, some decidedly not moderate, fight not only the regime but themselves too. Those who suffer most are, as always when we are dealing with civil wars, the ordinary people of Syria. The number of those who have died, fled to neighbouring countries or been displaced in their own country is very hard to take in. I am grateful to the noble Lord, Lord Alton, and other noble Lords for giving us those figures. The effect on neighbouring countries, with huge numbers of refugees continuing to arrive and with economic, political and social problems of their own, must never be underrated by us. In this nightmare world, we must acknowledge with thanks the amazing work done by the United Nations and the many who work for that organisation, including, of course, our noble friend Lady Amos, in her important role. We are proud of what she does.

We the international community cannot shirk our responsibility for this tragedy. Those of us in the West who have such advantages have a special responsibility to do everything we can to alleviate the suffering and to bring the conflict to an end. Our history, as we have been reminded in this debate, and common humanity insist that we do. Of course, we welcome the unanimously backed Security Council Resolution 2139.

The British Government have been generous in the aid they have provided, both inside and outside Syria. It compares well with other countries. Rather later than we should perhaps, this country has accepted its responsibility to accept more refugees. That is very much to be welcomed, but will the Minister tell us how many refugees are now going to be accepted from Syria? What is the latest estimate?

However, the brutal truth is that the UN appeal for Syria remains chronically underfunded. It is no good the UK being generous when other countries are not. Time is against us. The world needs another kick up the backside on this. That is why we are asking Her Majesty’s Government to push hard and urgently for another donors’ conference to be organised. As week follows week, humanitarian needs grow and grow. What possible reason can there be for not instigating a new donors’ conference urgently?

The Government have also been right to back the Geneva II process. Congratulations and great thanks are due to Ambassador Brahimi and others for the incredible efforts that have been made in that regard. Although the new rounds of talks met with really no success at all earlier this month, no one believed that progress would have instant results. Indeed, the agreement made in the first round, on evacuating innocent citizens, was potentially of some significance, and it needs to be referred to. However, our belief on this side is that it is essential to set up, as a matter of some urgency, a contact group made up of countries that have a stake and interest in the war in Syria. At the moment, a proxy war is taking place. Surely if we want to see a realistic chance of a ceasefire—and all noble Lords

want to see that happen—it is vital to bring together the United States, Russia, Iran, Saudi Arabia, Turkey and other countries. Many noble Lords spoke of this. Many noble Lords also urged that Russia should be more a part of any talks that take place with regard to the Syrian war. Many suggested that Iran also should play a part. Saudi Arabia, obviously on the other side, should do so, too. I noticed particularly that the Foreign Secretary said in another place on Monday that he was not opposed in principle to such a group. To us it seems a sensible and timely action. Britain would be particularly well placed to instigate such a move and we think that it should happen soon. Without it the future looks even bleaker than it does with it.

As the Minister knows, we agree with the Government on many aspects of Syria and the Middle East. Where we disagree, we can engage in civilised debate and argument, as we have done today in this House. We do so without the risk of being killed, displaced or becoming refugees or lost in our own country. We are fortunate beyond belief in this country compared with those in Syria and in other countries in the Middle East and elsewhere. That on its own—never mind history or politics—puts a special responsibility on us and we cannot turn away.

4.51 pm

Baroness Warsi: My Lords, the debate has progressed faster than we anticipated and I have about an hour and a half left. I assure you that I will not be speaking for an hour and a half; I will try to keep my remarks to just under 20 minutes.

I am grateful to all noble Lords who have contributed with such authority to today’s debate, especially for the great expertise of my noble friend Lord Howell, the robust alternative critique presented by the noble Lord, Lord Maginnis, and the moving contribution of the noble Lord, Lord Williams. To my noble friend Lord Alderdice I say that the phrase “I agree with Nick” has served me well on a number of occasions in recent years.

The Middle East continues to be a region in which we see huge conflict, but one where the Government’s long-term vision, in common with Governments and people across the region, is to support a secure, prosperous future, with political stability based on open, inclusive political systems and economies. Since February 2011, citizens of the region have faced deep and difficult political, economic and security challenges. History teaches us that the path to the stable, open and inclusive societies that people across the Middle East have demanded will be neither quick nor easy. However, in the long term stability and security will come, not despite, but because of the political and economic participation of ordinary people across the region.

We have heard today about where progress has been made, for example in Tunisia and Algeria, which my noble friend Lord Risby referred to, and in Bahrain, which was referred to by the noble Lords, Lord Noon and Lord Luce.

The momentous changes we have seen across the Middle East and north Africa are at their core about the people of the region demanding more open societies and greater political freedom, underpinned by vibrant

economies offering opportunity to all. They are about establishing a more stable and prosperous MENA region based on the building blocks of democracy. It is both a reflection of our values and in line with our interests to support long-term, positive reform. However, in the short term our priority must be—and will continue to be—to relieve the appalling and unnecessary humanitarian suffering. Nowhere do we see that more than in Syria.

The noble Baroness, Lady Symons, asked what further action could be taken in relation to Resolution 2139 and humanitarian access. That resolution has an operational paragraph, paragraph 17, which lays out an intent to take further action in the case of non-compliance. The UN Security Council will keep monitoring through reporting to the Secretary-General every 30 days. That will be the first mechanism if things do not go as planned.

My noble friend Lord Palmer and the right reverend Prelate the Bishop of Wakefield asked about the human suffering in Syria. As I outlined much of this in my opening remarks, more than 9.3 million people are being displaced. Noble Lords have referred to the UK's total funding, which now stands at £600 million, which is three times the size of its response to any other humanitarian crisis. Our support has reached hundreds of thousands of people across 14 areas of Syria and in countries around the region: Jordan, Lebanon, Iraq and Turkey. UK aid supports food and water for millions of people, as well as medical consultations. However, the right reverend Prelate was right to ask how we can move from this towards a ceasefire. That is why we were so strongly supportive of the Geneva II process. As I said at this Dispatch Box before, that was the only show in town—the only process where we could have made some progress. Noble Lords heard in my opening remarks the concerns that we had about the lack of progress that was made because of the regime's action.

The noble Lord, Lord Luce, asked what we are doing multilaterally about long-term thinking on Syria. Work with the national coalition has, among other things, focused on that. We are clear that our focus is primarily on ending violence, but the Foreign Secretary announced earlier this week our intention to provide a contribution to a Syria reconstruction fund, which is run by Germany, and we are focusing on healthcare, water supply and food security. On Jordan, we are already providing humanitarian assistance, which is practical assistance both for political and economic reform there, but also support for the local population. That will also help the long-term building in the region.

The noble Baroness, Lady Symons, asked about the destruction of chemical weapons. Of course delays are affecting the timetable for the removal of chemical weapons, which we now think places the 30 June deadline at risk. It is the regime's responsibility to comply with the UN Security Council resolution by eliminating all its chemical weapons, materiel and equipment in the first half of 2014. The resolution imposes binding and enforceable obligations on the regime to comply, with the threat of action under Chapter VI of the UN charter if it does not. It also stipulates that those responsible for any use of chemical

weapons must be held accountable. So that is a binding and enforceable obligation with which the Syrian regime has to comply, and there will be further action if those deadlines are not met. It is interesting to note that there has been some concern about whether the regime has the capacity to remove that material, but OPCW has said that Syria has sufficient materiel and equipment to remove the chemical weapons quickly.

The noble Lord, Lord Soley, asked about Russia's influence in Syria. Of course Russia has a major role to play as a principal backer of Assad. It is vital that Russia uses its influence to press the Syrian regime, initially on humanitarian access and indiscriminate attacks on civilians, but also to hold Syria to the chemical weapons deadlines.

The noble Lord, Lord Alton, spoke about the opposition in Syria and asked about our assessment of the ISIL. It is clear that it is not part of a legitimate opposition and that it is a dangerous terrorist operation, which of course we do not support. However, we must not accept the regime's narrative that the only choice is between a dictator and extremists. We support the national coalition, which has a democratic, pluralist vision of what could be in Syria. If we do not support the moderates, they will be squeezed out by extremist elements on both sides.

My noble friend Lord Lamont and the noble Lord, Lord Williams, talked about Iran's role in the Geneva process. I am grateful to my noble friend Lord Lamont for his time and expertise and for visiting Tehran in January. Those visits and the expertise that they bring are incredibly useful to us at the Foreign and Commonwealth Office. We are open to discussing Syria with Iran, as the Foreign Secretary made clear in January of this year and also last year, and the PM raised that in a call with President Rouhani in November of last year. However, we have always said that the whole point of the Geneva process is to move towards a transitional Government. That is part of the Geneva I communiqué, which Iran has not at this stage endorsed. That was the problem with having it take part in the Geneva II discussions.

The noble and gallant Lord, Lord Stirrup, asked about the Iranian nuclear programme and said that it should be a top priority. It is. We are committed to securing a comprehensive agreement on Iran's nuclear programme. A successful resolution to that matter could positively change Iran's relations with the Middle East and, indeed, the rest of the world, including Saudi Arabia, as mentioned by the right reverend Prelate the Bishop of Wakefield.

I note the concern of my noble friend Lord Lamont in relation to sanctions and I value his great expertise in this matter, but I fear that the Government agree with the noble and gallant Lord, Lord Stirrup, that the bulk of international sanctions must remain in place and must be enforced while we negotiate. I am, of course, aware separately of the difficulties that the Iranian embassy in London has in securing a bank account. The UK and Iranian non-resident chargés have been working on this specific issue and we will continue to assist where we can while, of course, respecting that some of these are commercial decisions for banks.

[BARONESS WARSI]

My noble friend Lord Carlile wanted me to assure the House that we continue to raise the issue of human rights in Iran. I can give him that assurance. The human rights situation in Iran remains dire and we are determined to hold the Government to account. We frequently release statements condemning the human rights situation in Iran and have led action by the international community on this. We have designated more than 80 Iranians responsible for human rights violations under EU sanctions and we have helped to establish a UN special rapporteur on Iran and human rights and lobbied for the adoption of a human rights resolution on Iran.

The noble Lord, Lord Wright of Richmond, asked how we are normalising our relationship with Iran. We have improved our relationship with Iran on a step-by-step, reciprocal basis. Non-resident chargés were appointed last November. That was an important step and on the 20th of this month, we formally ended the protecting powers arrangements because we now feel that we can move to the next stage and have direct arrangements. Progress has been made but no decision has been made at this stage about the reopening of an embassy. We need to be confident that when that decision is made the staff will be safe and the embassy can function normally.

The noble Lord, Lord Maginnis, the noble Baroness, Lady Turner, and my noble friend Lord Carlile spoke about Camp Ashraf. We condemn the killings at Camp Ashraf in Iraq on 1 September. We have called on the Government of Iraq to investigate this deplorable attack and to bring those responsible to justice. The UN has also called on the Government of Iraq to undertake a criminal investigation and to make their findings public.

Lord Maginnis of Drumglass: I am grateful to the Minister and I promise that I will not interrupt her for long, but I suggest that putting the onus on the Iraqis to investigate the killings at Camp Ashraf is a bit like putting a fox into a chicken house to count the chickens.

Baroness Warsi: I note the noble Lord's comments.

The noble Lord, Lord Hannay, asked about the Middle East peace process. We are co-ordinating closely with Secretary Kerry and his team to support their work and to ensure that the negotiations are successful. The Foreign Secretary discussed this with Secretary Kerry earlier this week. We are working closely with EU partners to provide meaningful practical support to both sides in taking the bold steps that are needed. We were a strong advocate for the December EU Foreign Affairs Council conclusions setting out an unprecedented package of support for both parties in the event of a final status agreement.

The noble Lord, Lord Wright, also spoke about the Middle East peace process and specifically about settlements. We do not recognise the Occupied Territories, including the settlements, as part of Israel and we are advising British businesses to bear that in mind when considering their investments and activities in the region. This is, of course, a voluntary guide and it is ultimately a decision for individuals or companies whether to

operate in settlements or the Occupied Territories, but the British Government would neither encourage nor offer support to such activity.

The noble Lord, Lord Stone, referred to his work on Egypt. I thank him for the interesting account of his delegation's trip to Egypt and I welcome the creation of an APPG on Egypt, which is incredibly timely. We continue to believe that the best way to create stability and prosperity in Egypt is through a genuinely inclusive political process open to all political groups. We want the people of Egypt to have a successful democratic transition and we will support that, including through trade, investment, education, the British Council and tourism, but we have always made clear to the Egyptian authorities the concerns we have, especially concerns about development.

The noble Lord, Lord Soley, commented on the situation in Libya, where the Libyan Government realise the challenges and see security as one of their top priorities. The UK is providing a range of support to help the Libyan authorities improve security and stability, including training up to 2,000 Libyan Armed Forces personnel in basic infantry skills.

A number of noble Lords, including the noble Lord, Lord Alton, and my noble friend Lord Risby, referred to the religious dimension, including the complex Sunni-Shia sectarian dimension of conflict in the region, an issue that I spoke about in Oman only last week. I thank the noble Baroness, Lady Turner, the noble Lord, Lord Luce, and the Front Bench opposite for their warm words of support. In that speech, when laying out a potential approach, I talked about, among other things, reclaiming the spirit of Islam, much in the way that the noble Baroness, Lady Afshar, talked about today. In that, I also talked about reclaiming the language that has tragically been hijacked by extremists, including the word jihad, which I would urge the noble Lord, Lord Marlesford, to use as the word was intended. It is a word describing self-evaluation and a fight against ignorance, intolerance and injustice—the very enlightenment to which my noble friend referred.

The noble Lord, Lord Alton, specifically spoke about Syrian Christians and the challenges of what I described in Georgetown last year as an exodus of Christians from the Middle East, taking away the pluralistic nature which makes those nations successful. I used a term that noble Lords may not find very politically correct when I said that persecution was ultimately “bad for business”. You leave behind communities, which is bad for all communities that remain there. It is therefore in everybody's interests for those communities to remain pluralistic. Ultimately, it is the birthplace of the religion. Christianity did not come to London or New York—that is the birthplace of the religion, and it is where we must support and fight for it to flourish.

I had a meeting with the Greek Catholic Patriarch, Gregorios III, when he visited, and we discussed the plight of Christians and the humanitarian crisis. Tragically, minorities are just another group that suffer at the time when all humanity appears to have broken down in that part of the world. We discussed the specific challenges that the Christian community has there.

The experience of states across the world has been that lasting stability is based on consent and legitimacy, not repression. It is a message that the Government take with us in all diplomatic activities throughout the Middle East, and indeed across the world. We will continue to do so.

The debate was so extensive that I am sure that I have missed many questions raised by noble Lords. If I have, I am sure that noble Lords will write to me and I will certainly respond in detail. Again, I thank noble Lords for taking part in this well attended and wide-ranging debate. I commend the Motion to the House.

Motion agreed.

Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014

Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014

Marriage of Same Sex Couples (Registration of Shared Buildings) Regulations 2014

Marriage of Same Sex Couples (Use of Armed Forces' Chapels) Regulations 2014

Overseas Marriage (Armed Forces) Order 2014

Consular Marriages and Marriages under Foreign Law Order 2014

Motions to Approve

5.07 pm

Moved by Baroness Northover

That the draft orders and regulations laid before the House on 23 and 24 January be approved.

Relevant documents: 20th Report from the Joint Committee on Statutory Instruments, 29th Report from the Secondary Legislation Scrutiny Committee

Baroness Northover (LD): My Lords, with the leave of the House, I beg to move the six Motions standing in my name on the Order Paper en bloc. Both this House and the other place overwhelmingly supported the passage of the Marriage (Same Sex Couples) Act. The Bill was fully debated in detail, passed through all its parliamentary stages with overwhelming support in both Houses, and received Royal Assent on 17 July 2013. The passage of the Act was a historic moment, delivering, at last, full legal equality for lesbians and gay men in England and Wales. As such, it is a

hallmark of the fair and inclusive society that we all wish to see. The Act, quite simply, extends the important institution of marriage to same sex couples, ending the unfairness which has prevented people from marrying simply because of their sexual orientation.

Noble Lords will recall that in our debates during the Act's passage, some were worried that it would change the nature of marriage in some way. However, we made it clear then, and I am happy to make it clear again now, that the Act does not affect marriage as it currently exists between opposite-sex couples in any way at all. Nor does it affect the understanding of marriage held by many religious organisations and individuals that marriage should only be between one man and one woman. The Government entirely accept and respect that view of marriage, and the quadruple lock of religious protections in the Act ensures that no religious organisation or representative can be compelled in any way to participate in the marriage of a same-sex couple against their beliefs.

The Act does not change marriage but simply opens it up to more couples; that is the basis on which it secured wide agreement on all Benches in your Lordships' House. The statutory instruments we are considering today simply give effect to the matters we have already agreed in the Act. These six affirmative instruments, along with the six negative instruments laid on 23 January and 13 February, are concerned only with the practical implementation of the Act's provisions that will make marriage a reality for same-sex couples in England and Wales.

I will briefly explain each of the affirmative instruments in turn. The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 does three main things. First, in Schedule 1, it makes amendments to primary legislation that are consequential on the coming into force of the 2013 Act, the Civil Partnership Act 2004 and the Human Fertilisation and Embryology Act 2008. These amendments give effect to the central aim of the 2013 Act—that the existing institution of marriage should be extended to same-sex couples. That general position is achieved, in the main, through provisions in the Act which we refer to as the gloss—Section 11(1) and (2) and Schedule 3—which provide that references to marriage in existing law will be read as including the marriage of a same-sex couple, and a reference to a married person is to be read as including a reference to a person married to someone of the same sex.

However, in some cases there is also a need to make a consequential change to the law to ensure that the correct result is achieved so that the marriage of same-sex couples has the same effect as the marriage of opposite-sex couples. This is the case where there are historical gender-based differences and we need to equalise provision between married opposite-sex couples in order to treat all married people in the same way. In some cases we are also correcting minor omissions made when the Civil Partnership Act was brought into force.

We have always been clear that there are exceptions to this general approach, where for practical reasons married same-sex couples will be treated differently from married opposite-sex couples. In these cases we

[BARONESS NORTHOVER]

therefore need to make provision that is contrary to the gloss in order to achieve the right result, so the second thing that this order does this is to make contrary provision in Schedule 2. This approach is needed where the Government's policy is that married same-sex couples should be treated in the same way as civil partners rather than married opposite-sex couples, and where historical gender-specific provisions are to be maintained. For example, we agreed this approach during the passage of the Act in relation to pension survivor benefits—although noble Lords will recall that we also committed to reviewing that position, and I will return to that review later. Schedule 3 to the order then makes textual amendments to existing provisions where this is needed to make the effect of the law on different couples completely clear.

Thirdly and finally, the order provides for marriages of same-sex couples under the law of England and Wales to be treated as civil partnerships in Scotland. The Scottish Ministers have given their consent to this provision, which is necessary pending the extension of marriage to same-sex couples under Scottish law.

5.15 pm

I turn now to the Marriage of Same Sex Couples (Registration of Shared Buildings) Regulations 2014. Noble Lords will remember that we agreed the approach to the registration for the solemnisation of same-sex marriages of formally shared religious buildings—that is, those with agreements under the Sharing of Church Buildings Act 1969—in Schedule 1 to the Act. These regulations apply the agreed approach in the case of religious buildings that are informally shared. They deal with the processes for the registration and cancelling of the registration of informally shared religious buildings, and what happens when the identity of a sharing church changes.

The regulations will enable marriages of same-sex couples to take place in informally shared places of worship according to religious rites other than those of the Church of England and Church of Wales, but only if the governing authorities of all the qualifying sharing religious organisations have given consent to the building being registered for the marriages of same sex-couples. Sharing religious organisations can give consent to the use of the premises for marriages of same sex-couples by other sharers while still refusing to conduct such marriages themselves, and they can withhold their consent to the registration of the building if they wish, in which case no marriages of same sex-couples can take place there. The regulations also deal with the process to be followed where a religious building that is registered for the marriage of same-sex couples becomes shared, or where a shared religious building ceases to be shared.

I turn now to the Marriage (Same Sex Couples) Act 2013 (Jurisdiction and Recognition of Judgments) Regulations 2014. These regulations do two things. First, they set out when a court in England and Wales will have jurisdiction in proceedings for divorce, judicial separation or annulment for married same-sex couples. Secondly, they set out when a court in England and Wales will recognise a judgment of a court of another EU member state in respect of such

proceedings. These arrangements mirror those already in place for marriages of opposite-sex couples and civil partnerships.

I turn now to the Marriage of Same Sex Couples (Use of Armed Forces' Chapels) Regulations 2014, which set out procedures for the Secretary of State to register and cancel the registration of Armed Forces' chapels for marriage of same-sex couples. The regulations provide that, before applying to the Registrar General to register a military chapel for marriage of same-sex couples, the Secretary of State must consult the relevant governing authority of any religious organisation that makes significant use of the chapel. When considering whether and when to make an application, the Secretary of State must take into account various matters, including a same-sex couple who wish to have their marriage solemnised in the chapel and the rights of the religious organisations that use the chapel. The regulations also ensure that Armed Forces' chapels consecrated by the Church of England under ecclesiastical law will not be registered for marriages of same-sex couples.

The Overseas Marriage (Armed Forces) Order 2014 allows marriage overseas where one of the parties is a member of the Armed Forces, a civilian subject to service discipline or their child, but in respect of marriage of same-sex couples only where the host country or territory has given consent in writing. The couple will need to nominate the part of the United Kingdom according to whose law they wish to marry. It allows religious rites to be used, but religious ceremonies for same-sex couples can be conducted only if the relevant religious organisation has opted in and the authorised person is willing to be present. The order does not apply to Northern Ireland. Opposite-sex Armed Forces couples wishing to marry overseas under the law of Northern Ireland will continue to use the existing procedures under the Foreign Marriage Act 1892.

Finally, I turn to the Consular Marriages and Marriages under Foreign Law Order 2014. Like the previous order, it replaces the existing regime for marriage of opposite-sex couples in overseas consulates with one which is extended to include same-sex couples, and it includes a requirement for the couple to nominate the relevant part of the UK under whose law they wish to be married. The reason for this approach is that, until the Marriage and Civil Partnerships (Scotland) Bill is implemented, marriage of same-sex couples will be lawful only in England and Wales.

I will touch briefly on some issues that are not covered in these instruments but in which I know that some noble Lords are particularly interested. First, some have asked when couples who are in civil partnerships will be able to convert their civil partnership into marriage. Our priority has always been to ensure that same-sex couples who are not currently in a civil partnership and who have been waiting to marry in order to formalise their relationship are able to do so at the earliest possible opportunity. I am delighted that we are now doing that earlier than we anticipated, so that the first same-sex weddings will be able to take place on 29 March. We understand that some couples in a civil partnership want to be able to convert their civil partnership into a marriage quickly, and we are working hard to ensure that they can do so as soon as possible. We aim to do this before the end of 2014.

Similarly, we are working hard to implement the provisions in the Act which, for the first time, will allow people to change their legal gender without having to end their marriage, where both spouses want the marriage to continue. Again, we aim to do this before the end the year.

The Act also requires the Government to undertake three reviews, and the House might find it helpful to know about the progress on these. First, Section 14 of the Act requires us to review whether non-religious belief organisations, such as humanists, should be able to conduct legally valid marriages of both same-sex and opposite-sex couples. As part of the review, we will work with interested belief organisations, including the British Humanist Association, and will carry out a full public consultation on the issues involved. We expect to publish a report setting out the outcome of the review by the end of 2014, as required by the Act.

Secondly, Section 15 of the Act requires a review of the operation and future of civil partnerships in England and Wales. As part of the review, we launched a public consultation on 23 January and will consider responses to the consultation alongside evidence about marriage of same-sex couples, civil partnership and possible options for the future.

As I mentioned earlier, the Government are also undertaking a review to explore what the costs and other effects would be of making changes to reduce or eliminate differences in survivor benefits in occupational pensions, as required by Section 16 of the Act. I can assure the House that the review is currently under way, and is looking at the differences in survivor benefits between various different groups. We are also taking views from key stakeholders. We will publish a report on the review before 1 July this year, as required by the Act. I commend these statutory instruments to the House.

Lord Alli (Lab): My Lords, I welcome this series of statutory instruments introduced by the Government today. It is really hard, sitting on these Benches, to try to find a form of words with which to congratulate the Government when they do something well, but not congratulate them too much because they are on the Benches opposite. However, I am going to forgo convention because I think they have done a great job to bring forward so quickly the regulations to allow same-sex marriages. The way in which they have been tackling the reviews has been admirable too. It is probably the last time I will say that, so I would savour the moment.

This is a time for great pride in this House and in the role that it played in ensuring safe passage of same-sex marriages on to the statute book. As I have spoken to people up and down the country, I have detected—and I do not know whether other noble Lords have done so—a real sea change in their attitude towards this House. We did a good thing in passing this legislation and we should be proud of what we did, and of the way and manner in which we did it.

I pay tribute to Ben Summerskill, the former chief executive of Stonewall, who has left the organisation. I know that many noble Lords on all sides of the House would want to thank him for his work, not just on this Bill, but on others as well. In doing so, I

welcome Ruth to her post as acting chief executive. I hope that she will not come and visit us as many times as Ben did, but she is certainly welcome.

I am sure that Ben would say to me that it is not right to let this moment pass without reflecting on some of the not so positive changes in the law that have taken place internationally over the past seven months. New repressive and brutal laws were enacted in Uganda only this week. Every one of us would be in prison for seven years for the speeches that we make today or for the speeches that we made during the passage of the same-sex marriage Bill, and there would be life imprisonment for many of us who are gay. Publishing the names of gay activists in the national newspaper as a way of inciting violence and endangering the lives of those brave men and women is disgusting and we should all condemn it. Also, for the gay men and women in India, the High Court's decision to recriminalise homosexuality must be a real blow. We should think, too, of the gay men and women in Russia who are being violently victimised by new laws. We have seen much progress in this country, as is plain from today and from the speed at which the Government have moved to implement the Act, but in Africa, the Middle East and many other countries in the Commonwealth, there is still a lot to do.

I also hope that the Minister will work with the Foreign Office in continuing to press for the human rights of all citizens around the world. Can she now look at recognising same-sex marriage for couples who have been legally married under state law in the United States? We will not recognise it in this country as we think that it is a federal, not a state, matter. It would send out a signal to our American cousins that change needs to take place in America too. Now that we have same-sex marriage in this country, we can recognise same-sex marriage which has taken place legally and has been endorsed by those states in America.

The Minister may think that this is straying a little off the path but I think that it would also be useful if the Foreign Office put in the Library a consolidated note of all the things it is doing in terms of promoting gay and lesbian rights. I know that it is working hard in many cases but it is quite difficult to find all the different strands of work in a single place.

Finally, I thank the Government not just for implementing this legislation but for the sense of joy they have brought in doing so. It will be a lasting legacy of this Parliament, uniting all the Benches and all our parties, and proving what we all know—that this House is a place for good, it works and, more often than the other place might suggest, it is on the side of the people.

5.30 pm

Lord Jenkin of Roding (Con): My Lords, I thank my noble friend on the Front Bench for her very careful explanation of the long and complex orders and regulations before us. She made them extremely clear. When the Conservative Party put in its manifesto for the 2010 election a commitment to legislate for same-sex marriages, I wonder whether those who wrote that paragraph of the manifesto had the remotest conception of what would be involved in the way of changing legislation. The three schedules to the main order that

[LORD JENKIN OF RODING]

my noble friend described, covering nearly 24 pages of typescript and literally hundreds of amendments to existing legislation and orders, speaks volumes about what had to be done and what has been done very successfully, as far as I can make out, by the department's advisers and lawyers.

Like the noble Lord, Lord Alli, I rejoice that the first same-sex marriages will be happening sooner than had originally been planned. I have accepted the invitation of the Canon Chancellor of St Paul's Cathedral, the Reverend Mark Oakley, to a celebration of the first same-sex marriages in the cathedral at the end of this month and I am sure that I am not alone in looking forward to it. That is a remarkable development and I know that many others in the Church will recognise this as a move in the right direction.

I want to raise one specific matter which my noble friend mentioned towards the end of her speech and that is the desire of couples who are in civil partnerships to convert their civil partnerships to marriages as soon as possible. I tabled a Question on this a while ago and the reply from my noble friend Lord Gardiner of Kimble appeared in a list of Written Answers yesterday. Apparently, he was not satisfied with the first draft of the answer that he was given and he told me that it would be a while before we got it but I now have it. However, it raises a number of questions of which I have given my noble friend notice. It says that the Government hope to achieve this by the end of this year. That is nine months away and one has to ask why. It says that these aspects of the Act,

"involve developing and implementing completely new procedures and processes".—[*Official Report*, 26/02/14; col. WA261.]

Can the Minister explain to the House what those completely new procedures and processes are? After all, a civil partnership is half way there already. Compared with what has had to be done in these orders to make the rest of the law applicable to same-sex marriages, one would have thought at first sight that it would not have been too difficult to have done this, if not at the same time, at least no more than a few weeks or a month or two afterwards. Why so long? What are these procedures? Will there have to be further orders? Is it going to be necessary for Parliament to approve the orders?

The point has been made to me that some people in civil partnerships are elderly and are anxious that they should convert to marriages with the legal consequences of that as soon as possible. If one dies before that has been done, then the handling of property and so on is different from what it would be if they were married. To be told that they may have to wait nine months or more before this can be done has caused a good deal of dismay and I hope that my noble friend will be able to give a better explanation than my noble friend Lord Gardiner gave at the end of his reply in the *Hansard* published this morning.

Apart from that I very much echo what the noble Lord, Lord Alli, has said. I think the Government have done a magnificent job on this and I take some pride that in this House, in contrast with the other place, on every single Division a majority of Conservatives supported the Bill. We may be on average 20 to 25 years

older than they are at the other end and yet we achieved that. As the noble Lord, Lord Alli, said, that is a considerable tribute to the House of Lords.

Baroness Barker (LD): My Lords, there is an African proverb which says:

"If you want to go fast, go alone. If you want to go far, go together".

We are coming to the end of a very long legislative journey. It began in 2002 when my noble friend Lord Lester drafted the first civil partnership legislation, which was withdrawn but was then swiftly taken up and adopted by the then Labour Government, for which they deserve enormous credit. It continued with my right honourable friend in another place, Nick Clegg, in early 2010 stating his position that there should be equal marriage. He was closely and swiftly followed by David Cameron, who deserves enormous credit. My redoubtable colleague, Lynne Featherstone, notwithstanding the fact that this was not in the coalition agreement, announced in 2011 that there would be a consultation on equal marriage and civil partnership. It is as a result of all that work that we have arrived at the situation we are in now.

It was a joyous day on 15 July 2013 when, in the sunshine, we were all serenaded by the London Gay Men's Chorus outside, as they celebrated with us several weeks and months of very hard work by Members from all parts of your Lordships' House. We were steered through that process so ably by the noble Baroness, Lady Stowell of Beeston, in a truly remarkable piece of ministerial work. It was a momentous occasion. Since last summer it has been my privilege to meet people all over the UK. I have been a Member of this House since 1999 and I cannot remember so many members of the public going out of their way to express their thanks to this House for doing its job in passing this legislation. They know the true import of what it will mean in their communities.

There has been one very recent discordant note, from the House of Bishops Pastoral Guidance on Same Sex Marriage, issued on 15 February. It was a somewhat dispiriting announcement, and we have to accept that for our colleagues who are members of the Church of England and the Church in Wales, their road to equal treatment will be longer and tougher than they had perhaps expected. I say to the bishops that the default position in the legislation throughout our discussions was that those religions that did not wish to recognise or to celebrate same-sex marriage would not have to do so. At every point that was conceded. Throughout our debates on the subject, those of us who believe the church's position to be wrong held our peace, and we have still not had that discussion.

However, I hope that the bishops will understand and respect that even in these statutory instruments that same spirit of recognition of their position remains, particularly in the recognition of military chapels and on shared premises. I hope that the individual members of churches who support same-sex marriages can look forward to a point when they can have a dialogue with those members who do not yet formally support them. The noble Lord, Lord Alli is right. The legislation for those of us who have the great luck to live in this

country means a tremendous amount. All over the world our friends and colleagues who are gay face the most horrible oppression and intimidation. The church, as with other organisations, has a role to play in making those people's lives safe.

On 29 March, England and Wales will take one step further to becoming countries that afford dignity and respect to all citizens, including those of us who are gay. I am delighted that Scotland will be coming along fairly swiftly afterwards. I thank all noble Lords and Members of another place who joined the person who today I can call my noble friend Lord Alli, me and the rest of us on what has been a truly wonderful journey.

Lord Collins of Highbury (Lab): My Lords, I, too, want to associate myself with the remarks of noble Lords this afternoon, particularly those of my noble friend Lord Alli. I, too, congratulate Stonewall on all its hard work across all parties in ensuring that this final act of equality is achieved. In particular, I agree with the remarks of my noble friend Lord Alli about Ben Summerskill, who has done a tremendous job over recent times, and, of course, I welcome Ruth Hunt as the acting director of Stonewall.

This country is now a beacon of equality. I am proud of the record of the previous Government in achieving many changes, not least bringing in an equal age of consent, civil partnerships and the end of discrimination; I am incredibly proud of all those things. I am proud, too, of this Government and of our Prime Minister, who was determined to see this final Act of equality through. Therefore, I want to associate myself with all noble Lords who have spoken today. This country is indeed a beacon of equality but, as noble Lords have said, it brings into sharp focus the difference with those countries where homosexuality is still illegal—indeed, not only illegal but a criminal act punishable, in some cases, by death; some of us have seen the horrific films that have been circulated.

I am also proud of the tremendous cross-party support. Today is one of those rare occasions where I want to break with convention and refer to noble Lords opposite as my noble friends, because they have become friends in this fine battle. Politics is often personal, and I declare an interest in that I have been in a civil partnership since the very first day it was possible. My husband and I were incredibly proud when we were able to do that. We had planned the ceremony for 12 months previously but, ironically, the delays in this House delayed our ability to set the date that we wanted, which was on my birthday. As it happened, my birthday fell on the day when civil partnerships came into force, so we were able to do that. However, my husband has said to me in the strongest possible terms, “Why can’t we get married? It has been in the papers, it has been announced and our families are ringing us up. My niece and nephew spoke to me only last week and asked why we can’t get married”. At one point, my husband suggested—my noble friend Lord Alli knows this—“Let’s get divorced so that we can get married”; I managed to put him off. Some friends of ours who had been in a civil partnership—again, my noble friend Lord Alli knows these people—were so confident and so proud that they proposed to each other on Christmas Day, invited

all their friends from New York to come over in March and even booked the hotel. Then they discovered that they would not be able to marry because they were in a civil partnership.

I do not want to be churlish because it is fantastic news that the date has been brought forward. It is fantastic that we will see the first same-sex couples getting married so soon. However, I must associate my remarks with those of the noble Lord, Lord Jenkin. Why does it take so long to organise allowing people to convert their civil partnerships into marriage? I am pleased to see the noble Baroness, Lady Stowell, who did such a fantastic job in pushing the Bill through Parliament, here. She knows that I raised at the very first stage the question of when we would be able to have a ceremony to convert our civil partnerships into marriages. She gave me those assurances and I know that the assurances are there. Will the Minister, in her response, please do more than say, “We hope by the end of the year”? Will she set a date as quickly as possible? It does not matter when that date is. We are like other people who get married in that it takes a bit of planning—in my husband’s case, a lot of planning—and we need to book things. So will the Minister please set the date, so that I can set the date?

5.45 pm

The Lord Bishop of Wakefield: It would seem odd to me if I were to just sit here silently after people, particularly the noble Baroness, have said what they have. First, I am sure that no one in the House of Bishops would have approached with anything other than irony the fact that the statement was issued on 14 February. Secondly, I entirely associate myself with the comments of the noble Lord, Lord Alli, about Uganda and other countries where such repressive measures have been taken. I am fairly certain that no one in the House of Bishops would want to say anything different.

The next thing to say is that, without any sense of disloyalty to the college to which I belong, there was a variety of opinion on how we approach the problem. It is a problem because we are dealing with a very long tradition, set out in the Book of Common Prayer. For a church that has a tradition that now goes back 450 years in what it has been saying about marriage, to move in a significantly different direction is a significant shift. There will be a variety of opinions, but that is an issue.

The second issue refers to what the noble Lord, Lord Alli, was touching on. We are part of a worldwide communion. One very difficult thing for a worldwide communion is somehow to balance being sensitive to different cultural values in different places. By different cultural values, I do not mean repressive measures being passed in Acts by Governments, which none of us would support. That puts us in a particularly difficult position, because all the time we are trying to ensure that we listen to what people here are saying and what people’s consciences here are saying but, at the same time, to stay with the communion.

Back in the 1988 Lambeth conference, when there was a fairly heated debate about polygamy in some African countries, the western provinces in the Anglican

[THE LORD BISHOP OF WAKEFIELD]

communion worked very hard, saying, “We understand that you are in a different place from where we are, and we are not going to take a hard line on this at the moment”. We have not yet got to that position in the communion. For me to stay other than loyal to the House of Bishops’ statement would be more than irresponsible, because I know that one real concern is that it is not just about us and the Church of England, it is also about the Anglican communion. That is a key issue, and may not have been made quite as clear as it might have been when the statement was issued.

As your Lordships will see, I am not speaking from a prepared text. I think that there is universal concern in the Church of England that we move away from any sense of homophobia and do all that we can to affirm people in different sorts of relationships but, at the moment, that is where the house finds itself, because it had to respect the consciences of people bringing very different opinions.

I hope that that makes it clear to the House that that was not being done in an unthinking, hardhearted or insensitive way—it was certainly not intended to be—but your Lordships will be very pleased to hear that every Bishop, as far as I know, who is a Member of the House received an envelope last week with a note reading, “With compliments for your pastoral sensitivity”, and the envelope included a humbug.

Baroness Perry of Southwark (Con): My Lords, as one who was blessed with more than 50 years of a very happy marriage, I think it is appropriate just to pause for a moment to give tribute to marriage itself. I am so very happy for my many gay friends that they will be able to participate in something which is one of the great blessings to human beings. I join in the congratulations to my noble friend and her colleagues on having brought this legislation forward, and on speeding up the timetable and the processes. I know how very much it means to so many of my very good friends. I know that at least one of the couples who are very good friends of mine, and who are in a civil partnership, like the noble Lord, are eagerly waiting for the point at which it will be possible to translate that into a marriage.

Baroness Wall of New Barnet (Lab): My Lords, I did not intend to speak, but I am one of the Members of this House who was bridesmaid to my noble friend Lord Collins. I have forgotten how many years ago. All of us are now Peers in this House. All of us dressed up beautifully; I am just worried what we will have to wear the second time round, because we are all a bit older and it is a bit more difficult to get us into the things that we wore before.

I warmly welcome this. Obviously, knowing the noble Lords, I know exactly how sincere they are in wanting this to happen. I am sure everybody agrees with that. I firmly believe that we should not be embarrassed to congratulate the Government. If the Government are doing good things, we should acknowledge that. It would be good if we had that reciprocal arrangement all the time in the House. Nevertheless I am a pragmatist. I congratulate

unreservedly the noble Baroness on the work that she has done. It is tremendous. I share the joy that people are feeling at this moment in the House.

Lord Paddick (LD): My Lords, I do not want to detain your Lordships, but I was not part of your Lordships’ House when noble Lords agreed to pass equal marriage, so I am going to take my opportunity now.

I have to declare an interest. I am married to a man, and it is not the first time that I have been married. I remember going on an extended interview process to become one of the most senior police officers in the UK. One of the questions in the pre-interview questionnaire was, “What is the most difficult decision you have ever had to make, first, in your professional life and, secondly, in your private life?”. In the answer to the second, I put, “Having been married for five years, telling my wife that I was gay”. I never believed that I would be able to marry again.

In 2010 I took part in a debate at the Liberal Democrat Party conference where we were the first party to adopt equal marriage as party policy. I told the people at that conference about my marriage. Having fallen in love with a Norwegian, in January 2009—Norway having decided to abolish civil partnerships and allow everybody, whether they were opposite-sex or same-sex couples, to get married—I stood in the courthouse in Oslo in front of a judge. When she said, “We are here today to witness the marriage of Brian and Petter”, the difference between a civil partnership and a marriage really struck home.

I was not part of your Lordships’ House when the legislation on equal marriage was passed, but I have to tell noble Lords what a difference it makes to me, to my husband, and to people like me. It is important that your Lordships pass these statutory instruments today.

Baroness Thornton (Lab): My Lords, I think we would all agree—certainly those of us who joined forces last summer to ensure that the Marriage (Same Sex Couples) Bill reached the statute book—that today is a cause for celebration. I was reminded by the noble Baroness, Lady Barker, about that happy day when I found myself outside on the pavement with the Minister holding a placard that said, “Girls marry girls—get over it”. I have the picture on my phone and I promise that I will publish it at some point. That was indeed a happy day and a happy event, and today we are taking another step nearer the first time that an actual marriage can take place between a same-sex couple.

I know that the Government have been determined to allow that happy event to happen as soon as possible and I congratulate them on doing that. This means that there are still some matters outstanding, and the fact that we want this to happen as soon as possible should not excuse us from the need to do some scrutiny.

I have given the Minister notice of a few questions, some of which have already been asked today. First, of course, how soon can the conversion of a civil partnership to a same-sex marriage take place and what timetable might achieve that? The Act provides for same-sex couples seeking to convert civil partnerships into marriages to do so, as well as for an opposite-sex married couple

to remain married where one of the partners wishes to change gender—an important matter which we dealt with last summer. These are provisions which the update says should come into force by the end of the year. I would be grateful if the Minister could give some indication of when further necessary legislation will be brought forward, as well as providing an update on when we might expect to see these provisions come into force.

From the commencement of the Scottish Act, if a trans person living in England or Wales wishes to get married and wants to ensure that they could not later be subject to spousal veto when applying for gender recognition while in that marriage, they could well be able to circumvent this process by opting to get married in Scotland—but why should they? Can the Minister explain whether a couple whose marriage was registered in Scotland but who subsequently lived in England would be able to apply to the sheriff courts for their interim GRC, or will the Government review and revise this entire area so that they do not need to do so?

At present, of the 11 legal jurisdictions in Europe which have same-sex marriage, only those trans people in existing marriages registered in the legal jurisdiction of England and Wales are subject to a spousal veto on their access to gender recognition while married. The other 10 legal jurisdictions, including Scotland, allow gender recognition without requiring the consent of the trans person's spouse. We discussed this issue during the passage of the Bill but it is not covered, obviously, by these orders. Does the Minister at least accept that this issue does not sit well with the drive for equality for all groups? Will she therefore seek to continue working on this to make the changes that trans people want to see?

Turning to the issue of pensions, which was debated at length and with some passion throughout the passage of the Bill, Section 16 places a duty on the Secretary of State to arrange a review, as we have recognised. I am very happy to hear that this seems to be on track and will be published within the year. However, is a consultation going to take place? As far as I am aware, as yet there is no public consultation being issued by the Department for Work and Pensions. Given that there are only 18 weeks left between now and when the review is supposed to be complete, what is going to happen and how might that consultation take place? Indeed, if it is to be launched, can the Minister offer an assurance that the Government will not simply be listening to the occupational pensions industry, which will quite clearly have strong and shared financial interests in this report saying one thing, and that there will be a consultation which listens to and consults independent experts?

If the Secretary of State decides in his report that the law on survivor benefits should be changed to fit in with the spirit of the Act, will the Minister ensure that the necessary orders are brought forward quickly to redress the inequality as soon as possible? As I am sure the noble Baroness will be aware, this issue has been in the news over the past week following the conclusion of a case under the Employment Appeal Tribunal, which found that it was legal under European law for employers and pension scheme trustees to

discriminate against same-sex couples. If it becomes clear that companies are not going to do this voluntarily, the sooner the Government complete their deliberations the better for all the couples concerned—even if it is just that they will now know where they will stand financially in later life and be able to plan accordingly.

6 pm

I seek some clarification about whether the Government intend to allow foreign civil partners to convert their civil partnerships and civil unions to marriage in England and Wales in the future. Similarly, where civil partnerships or civil unions established in a foreign country are converted to a marriage in Scotland, will these be recognised as marriages in England and Wales?

I am concerned about the use of the Armed Forces' chapels regulations, which the Minister has explained to the House. While it is obviously to be welcomed that these chapels can now be registered, I am worried that this provision is unlikely to result in very many requests for registration actually being approved. The wording of the order is:

"In considering whether to make an application and the timing of such an application, the Secretary of State must have due regard to the following matters ... any agreement or objection by the relevant governing authority of a relevant religious organisation as to the proposed application".

These regulations require the Secretary of State to undertake a process of consultation before making an application to establish the views of the faiths and their congregations that make significant regular use of the relevant chapel. The Explanatory Memorandum states that the majority of Armed Forces' chapels are shared by several faiths, which may adopt different positions towards the marriage of same-sex couples. If the results of the consultation favour the beliefs of faiths that do not accept same-sex marriage, does that mean that same-sex marriages in Armed Forces' chapels would be vetoed and what do the Government propose should happen under those circumstances?

Could the Minister advise us on whether she has undertaken any initial discussions to determine what the attitude of various religious authorities is likely to be? For example, if a place of worship is used by a faith that wants to offer same-sex marriage and one that does not, will one position automatically trump the other, as it has done elsewhere in this legislation? I am trying to get to the bottom of how a decision will be made if there are two different faiths using one building or chapel and one wants to permit same-sex marriage and one is opposed to it. Given that the Secretary of State for Defence's current views are in opposition to this legislation, I am slightly concerned about how the decision would be made.

Finally, there is the issue of guidance. The Explanatory Notes mention that the Equality and Human Rights Commission will produce some overarching guidance on the Act itself. Could the Minister tell us when that guidance will be published, who it will be aimed at, what input her department will have in its drafting, and how comprehensive distribution can be ensured, given the severely reduced resources of the EHRC over recent years?

[BARONESS THORNTON]

I put on record my thanks to the Minister for her openness, her consultation and the way in which these orders have been handled. It has been a continuation of how we took the Bill through to become an Act last year. I know we are not quite at the end of the road yet, but I can assure the noble Baroness that she will have our full co-operation to make sure that we get to where we want to be as soon as possible.

Baroness Northover: My Lords, I am grateful to all the noble Lords who have contributed to this debate. I thank the noble Lords for their tributes, their thanks and, above all, for working together on this. It has been incredibly heart-warming to work on this Act and to be taking through these SIs now. As my noble friend Lady Barker has said, what a joy it was to wear the pink carnations of the noble Lord, Lord Alli, and to go outside and be serenaded by the London Gay Men's Chorus. It really was a tremendous joy. Extending marriage to same-sex couples is about righting a historical unfairness. The principles and arguments for doing this have already been fully debated and supported by both Houses and the Act is on the statute book.

Noble Lords will remember that there were majorities for this legislation in every group in this House. My noble friend Lord Jenkin reminded us of that. They may also remember—I analysed it at the time—that there was a very interesting gender difference in our voting patterns. Among women who voted at Second Reading, 83% thought that the Bill should proceed, while 17% dissented. May I suggest to the noble Lord, Lord Collins, that he consider us all as bridesmaids? I am sure we would enjoy it.

I noted the generosity of spirit that was shown, especially in the later stages of the Bill, by those for whom this legislation was a very difficult challenge. I commend them for that generosity of spirit. I echo what the noble Lord, Lord Alli, said in this regard and what the right reverend Prelate has just said.

As I made clear, I hope, when I introduced this debate, these orders simply implement the decisions we made during the passage of the Act. They make sensible arrangements for the treatment of marriages of same-sex couples in a range of legislation. I went over the details in my introduction.

I shall address some of the points made by noble Lords. My noble friend Lord Jenkin asked me to provide more detail on what processes and procedures are required before couples can convert their civil partnership into marriage, and I heard what the noble Lord, Lord Collins, said about his husband's anxiety that we proceed extremely speedily. Briefly, the procedures and processes that we are looking at are changing various IT systems used by the General Register Office. I realise that this is not very romantic information, and neither are the other bits here. There is also delivering guidance and training to operational staff for making legislative changes and designing new application forms and certificates. Although these things are under way, I know that noble Lords will appreciate that they all take time. The conversion process will ensure that the rights and responsibilities of a couple in a civil partnership are protected—so do not get divorced—when they convert their relationship into a

marriage. The effect of the conversion will be that they will be treated as if their marriage started on the date that their civil partnership was formed, although it sounds as if the noble Lord may be celebrating two dates in future. This is important for the couple, so we need to ensure that the new legal and administrative arrangements work properly.

My noble friend Lord Jenkin asked whether further orders will be required. I can confirm that various further pieces of secondary legislation will be required. I am sure that noble Lords look forward to discussing them.

My noble friend asked about delays and about when people in a civil partnership die before they have managed to convert their relationship into a marriage. We completely understand that couples in this difficult situation want to be able to fulfil their dream of being married, and we are working hard to make that possible as soon as we can. I remind my noble friend that the legal rights of such couples are assured by their civil partnership, so there will be no practical detriment to them by being civil partners rather than a married couple. However, we hear what noble Lords had to say. We are glad that they are pleased that we have managed to bring forward this date, and we are working very speedily to address the other issues. I will certainly feed back the points that noble Lords have made, especially the one made by the noble Lord, Lord Collins, that he needs to know what the date might be.

The noble Baroness, Lady Thornton, asked a number of questions, and I am very grateful to her for flagging to me in advance the areas that she wanted to probe. She asked about pensions and, in particular, the review of survivor benefits that I mentioned in my introductory remarks. I can confirm that the review is under way and the terms of reference have been published in the Libraries of both Houses. The Department for Work and Pensions and the Treasury are assessing the costs involved with any changes to the arrangements in public service and private occupational schemes. I spoke to my honourable friend Steve Webb about this the other day. They are also making arrangements to consult external stakeholders in line with the requirements of the Act. I assure the noble Baroness that these stakeholders will include representatives of the LGB community and trade unions as well as pension trustees, industry bodies and parliamentarians with a key interest in this review. We are continuing to make arrangements over the next few weeks so that the consultation begins in March. There are a number of issues that it needs to cover and a final report will be published on 1 July. We note the interest of the noble Baroness in this.

The legislation does not require a full public consultation, so we have not made additional plans for publication via the website. I am happy to feed back the concerns of noble Lords to the Treasury and DWP.

The noble Baroness asked about the implications of a particular case at the Employment Appeal Tribunal. On 18 February, the tribunal upheld the appeal and accepted the Government's submission that the framework directive did not have retrospective effect in relation to employment and pension rights accrued before the directive came into force. In this particular instance it is open to Mr Walker to apply for permission to

appeal to the Court of Appeal. I am happy to write to the noble Baroness with any further details if that would help.

The noble Baroness also asked about a transgender person who might seek to marry in Scotland and whether they would be subject to a “spousal veto” when applying for gender recognition. She flagged up a difference in the Scottish legislation. She asked whether a couple whose marriage was registered in Scotland but who subsequently lived in England would be able to apply to the sheriff court for their interim gender recognition certificate and whether we would review that area. From the outset I will be clear that there is no spousal veto in the Act that we passed. Regardless of a spouse’s views, all applicants will be able to obtain their gender recognition. The Scottish system will work in a very similar way to the English system in most respects: couples who wish to stay together following gender recognition will each need to complete statutory declarations to that effect. If a statutory declaration is not received from the non-trans spouse, the gender recognition panel will issue an interim gender recognition certificate, which will enable proceedings to be brought to end the marriage.

However, the Scottish Act differs from our own Act in that applicants in a marriage registered in Scotland will have the option of applying to the sheriff court for their full gender recognition certificate before their marriage has ended. Applicants in England and Wales will have to wait until their marriage is ended to obtain their full certificate. In those circumstances there will be no automatic entitlement to a new marriage certificate and the non-trans spouse will be able to use the issue of the interim gender recognition as a ground for divorce indefinitely.

Jurisdiction in matrimonial proceedings depends primarily on whether a couple is able to establish the necessary connection with the country in which the couple is applying. In England and Wales the jurisdiction rules are set out in the Domicile and Matrimonial Proceedings Act 1973, as amended by the 2013 Act. In every case it will depend on the couple’s circumstances as to which court will have the jurisdiction to hear the proceedings. Following implementation of our Act, I assure the noble Baroness that we have committed to monitor the position and we will continue to consider very carefully any further evidence that trans-stakeholders and, indeed, anyone else affected provides.

The noble Baroness asked me about a situation that may arise in Scotland in which civil partnerships or civil unions established in a foreign country are converted to a marriage in Scotland and whether they will be recognised as marriages in England and Wales. The Scottish Government will be consulting on this issue and we will of course work very closely with them to ensure that the law across the UK is coherent and help them to implement their own Bill. It is too soon to anticipate what may happen as a result of that.

The noble Baroness also asked about guidance and training in support of the Act. A wide range of public and internal staff guidance is being produced by various organisations, including the General Register Office, the Department for Work and Pensions and NGOs such as the Equality and Human

Rights Commission, Stonewall and Citizens Advice. The guidance covers a range of practical, legal, operational and other issues and is aimed at a variety of audiences. We are confident that there will be sufficient information for those wishing to marry, register buildings, appoint authorised persons and so on, to find out what they need to know. For example, the General Register Office has produced and is producing a variety of guidance and training materials in different formats for registration staff in local authorities, in addition to information and guidance on how to register buildings to faith groups and the public. I pay tribute to Ben Summerskill, as did the noble Lord, Lord Alli, for his indomitable work in that area. Stonewall has produced guidance for same-sex couples considering marriage and converting their civil partnership to a marriage, which covers their rights and responsibilities and the steps that they need to take when arranging a marriage, and the Equality and Human Rights Commission will also produce a range of guidance. I hope that the husband of the noble Lord, Lord Collins, will find all those pieces of paper useful.

6.15 pm

Finally, on military chapels, the noble Baroness asked me if it is possible for a veto to be exercised as regards what happens within a military chapel for a same-sex couple. With the exception of chapels which are consecrated, the Secretary of State must be able to exercise their discretion, so there can be no absolute power of veto over the decision on registration. However, the regulations are clear as to the matters to which the Secretary of State must have clear regard. Important considerations will be the views of the religious organisations that are significant regular users of the chapel, and the availability of a chaplain who is willing to conduct the wedding of a same-sex couple and who belongs to a religious organisation that has opted in. Currently, none of the religious organisations that license chaplains to serve with the Armed Forces has announced its intention to opt into the marriage of same-sex couples. The 2013 Act is clear in requiring the consent of both the religious organisation whose rites would be used and the minister of religion involved.

In drawing to a close I will return to the reasons we so overwhelmingly agreed the passage of the Marriage (Same Sex Couples) Act last year. The removal of the final barrier to full legislative equality for lesbian and gay people by giving them access to the institution of marriage is a moment we can all be proud to have been part of—and that has certainly been echoed today. We have done this in a way which protects and promotes the religious freedom of those who believe that marriage can only be between a man and a woman, and of that we can also be proud. I am confident that it will not be long before we look back on this moment and wonder why we waited so long. Listening to my noble friend Lord Paddick makes that even clearer.

Enabling same-sex couples to marry will not only bring fulfilment and joy to thousands of couples and their friends and families but is also a clear demonstration that Britain is a fair and inclusive place, where everyone

[BARONESS NORTHOVER]
has equal value. The noble Lords, Lord Alli and Lord Collins, and the right reverend Prelate are right to highlight the contrast with the situation in some countries around the world. We should treasure the freedoms that we have and be ever vigilant as we seek to support those who are less fortunate around the world. These

statutory instruments are necessary to make marriage of same-sex couples a reality, and I hope the House will approve them.

Motions agreed.

House adjourned at 6.18 pm.

Grand Committee

Thursday, 27 February 2014.

Charity Commission

Question for Short Debate

1 pm

Asked by Baroness Barker

To ask Her Majesty's Government what assessment they have made of the effectiveness of the Charity Commission.

Baroness Barker (LD): My Lords, I declare a few interests. I own a business called Third Sector Business and am a consultant with B&W Consulting, both of which are small organisations that work extensively with charities.

I thank all noble Lords who will take part in the debate. The Charity Commission was founded under the Charitable Trusts Act 1853, and I suspect that the first debate on the subject of its effectiveness probably took place in 1854. It is a subject upon which many people have an opinion and few, if any, are neutral, and it is one to which Parliament returns often in the light of difficult cases. So it is today.

The commission has been heavily criticised in a series of reports over the past 12 months and at the moment appears somewhat beleaguered. The reason for holding this debate today is simple. As long as England and Wales continue to have a large and diverse charitable sector, it is in the best interests of government, charities and, above all, the public that there is an effective regulator of charities. We had the welcome news this week from the Charity Commission that the income of charities in England and Wales has risen by almost £3 billion and now surpasses £61 billion. That is a lot of public money sitting in trust, and the organisations to which it is entrusted have the right to show that they are worthy of that trust.

Today's debate is an opportunity for Members of your Lordships' House, with their long and distinguished experience in these matters, to think about ways in which we can rebuild confidence in the Charity Commission's regulation of charities. It is not an opportunity for another bout of the favourite sport of bashing the commission. Noble Lords will remember that last year the commission appeared before the Public Accounts Committee, which asked the National Audit Office to review the commission's effectiveness as a regulator and report back. The PAC produced a report written in characteristically scathing terms. It is a shame that the precision and forcefulness of its forensic examination and questioning was followed by a set of rather unclear and unhelpful suggestions for the commission. It would have been more helpful if the PAC had given a clear indication of exactly how it wished the commission to fulfil its functions in future.

The NAO report, the *Regulatory Effectiveness of the Charity Commission*, was published on 4 December, along with its report on the commission's handling of the Cup Trust. Those reports do not make for easy reading but they make plain that the problems that the commission now faces are longstanding and are not the fault of the current officers of the commission, or indeed their immediate predecessors.

It is helpful to look briefly at the history of this issue to understand why some of those underlying problems have arisen. In the mid-1990s, charities grew substantially as providers of public services under contract. In 1996 the NCVO produced the Deakin report, which stated that in order to have a vibrant voluntary sector there had to be robust regulation, a clear role for the regulator and a clear legal framework within which the regulator and charities could operate with confidence. In 2001 the NCVO returned to the issue and produced a report entitled *For the Public Benefit?*, which, again, stated the need for a clear legal framework and, in particular, for there to be clear guidance about what is and is not a charity. That led to the 2004 Charities Bill. Many of your Lordships sat in this room throughout 2005 during the passage of that Bill and had yet more discussions on key issues such as: what is public benefit? I have to say that the decision of Parliament to leave the matter of what is public benefit to be decided by case law presents the commission with an ongoing and enduring problem in delivering its role as a regulator.

Today we are back to the position where the commission has had its budget reduced by one-third and, as ever, there are arguments about the way in which it has gone about pursuing particular cases. However, it is clear that we need to help the commission to recover ground and confidence. I work with lots of organisations, and the best of them—it does not matter which sector they are in: public, private or voluntary—do three things: they have a clear vision of what they are trying to achieve, they have the information that they need to fulfil that vision, and they have excellent relationships with other organisations. Were we to look at the commission in terms of those three issues, that might help us, the Government and the commission to see our way forward.

At heart, there remains a lack of clarity about what the commission's job is. Following the strategic review of the commission a couple of years ago, everyone has now agreed that its principal role is to be a regulator; that is the unique role that it can fulfil. However, what do we want it to regulate—simply charity law, compliance with charity law, or the increasingly individual charities? In certain parts of government, I think that there is a view that we should have a *de minimis* regulator along the lines of the FCA, which simply regulates compliance. I do not think that is right. We have the most advanced, complex and vibrant voluntary sector in the world, and we need a regulator that is much more proactive about setting standards of good governance and trust. We need the Charity Commission to regulate within that framework.

On the matter of relationships with other organisations, I have always had a feeling that the commission is a somewhat distant and aloof organisation. In these

[BARONESS BARKER]

times of straitened economics, the commission needs to be far more adept at developing good strategic relationships with other organisations. It ought to proactively signpost charities and the million trustees who use its services to go to other organisations for top-quality information and advice. It has always been reticent about doing that in the past.

The principal issue on which there could be a steer from government is the relationship between the commission and other regulators. The report into the Cup Trust has shown clearly that HMRC was at fault. From the beginning, it was clearly an issue of tax evasion and should have been dealt with primarily by HMRC, with some assistance from the Charity Commission on its areas of specialism. In future, that is what the commission should do with all regulators. The onus should be on other regulators, and the Charity Commission should be a specialist back-up point.

In the very little time remaining, I want to say one thing. The budget of the commission has been cut; we all hear about that endlessly. The Government should make one piece of investment: in the commission's digital strategy. I am sad enough that I use the Charity Commission's register all the time. It is incredibly clunky; you have to really know what you are looking for. In this day and age, it does not answer the strategic needs of anyone—of government or of the sector. The single most important thing that could be done to encourage public trust in charities—that is what this has all really got to be about—is to require any organisation that calls itself a charity to have the most simple of websites, on which it must have its annual report, its governing document, its latest accounts and its statement of activities. If the Charity Commission were in a position to actively promote digital transparency throughout the sector, far fewer problems would end up at its door. The noble Lord, Lord Hodgson of Astley Abbots, was absolutely right. There are 175,000 registered charities, and a greater number of very small organisations that call themselves charities but are not registered. The commission alone cannot police every one of them but, with the help of the Government, who are currently pursuing their own digital strategy, it can drive up standards of transparency and accountability. I hope that we will focus on that today.

1.10 pm

Baroness Berridge (Con): My Lords, I must first declare an interest. Members of my family remain within the religious group which has been the subject of much controversy with the Charity Commission, namely the Exclusive Brethren. I thank my noble friend Lady Barker for securing this debate. It is clear that the future effectiveness of the Charity Commission will involve the investigation of charities such as this. This needs resources, and clearly £137 per charity is not sufficient. As one pays for the issue of court proceedings and to get a passport, I do not think that there is anything objectionable in the Charity Commission charging for the services it offers.

Under the new leadership of William Shawcross, I believe that the commission is more effective and a new day is dawning. In what may seem to colleagues

like an Oscars speech, I thank him and Kenneth Dibble for their unique finding concerning the alleged group which I have mentioned. They found,

“on balance, that there were elements of detriment and harm which emanated from doctrine and practices of the Brethren and which had a negative impact on the wider community as well as individuals”.

The actual doctrines and harsh disciplinary practices were the issue this alleged church had to address. It was made to amend its trust deed, and will be reviewed in a year's time to see if its behaviour has changed. This finding is an important acknowledgment of the mental, emotional and financial suffering of ex-members of this group, which is controlled from Australia by universal leader Bruce Hales. I thank ex-members of the group who bravely came to Parliament recently to tell their testimonies. The mental health implications were obvious to colleagues of living in a system where people are told, “We will do the thinking, you do the doing”. In this system people risk being separated from their family if they even own a phone from Carphone Warehouse, or go away to university. People work for a Brethren-owned company, so for some gaining their freedom meant losing their home and their job as well as members of their family, even their own children.

I previously called for a church-led inquiry, as I was aware of the wonderful pastoral support being given to ex-Brethren in many churches. However, I was naive. As my noble friend Lady Brinton and I stuck our heads above the parapet others ducked for cover, perhaps sensibly. Sadly, the Christian lobby fraternity have clearly brought this group under their umbrella, despite my repeated requests not to do so. I quote from the Evangelical Alliance in November 2012:

“This particular church has now become a test case for the 16,000 strong UK movement as a whole”.

In 2014, it was called a Brethren church by the Christian Institute. Neither of those groups has thanked the Charity Commission for exposing the victims' stories, nor made them available for their many supporters to read. Nor are my speeches or those of my noble friend referenced. This does not reflect the Christians who support these groups, who I believe would give—even sacrificially—to help ex-members, particularly those who need legal fees to obtain contact with their children who remain in the group. Christians must always condemn groups such as this one, where there are allegations of racism, persecution of homosexuals and separation of families. They must never reserve criticism only for the Charity Commission's assessment of the public benefit test.

However, a more effective Charity Commission will mean more work for the Government and for HMRC. The following issues arise from this effective investigation. Are the Government really content with a public benefit law which allows a group causing such detriment and harm to be a charity? Is this decision being considered by the Department for Communities and Local Government for its cohesion implications? Just imagine if there were allegations that imams dealt out such sanctions if their people did not purchase their mobile phone from a company whose directors were also the mosque committee, so that their calls could be monitored. I have seen such technology. Is evidence

being sought by the Department of Health around the mental health implications for members of such a group?

Most chilling of all, this group runs its own schools. It does not recruit: you are born and educated into it. If this group is not a church—which I maintain strongly that it is not—then its nature is a matter of serious concern. As a friend of the Charity Commission, I believe that it needs to show that its annual review has teeth. As the right honourable Bernard Jenkin, chair of the Public Administration Select Committee, asked of Mr Shawcross, the changes for this group should be not superficial but substantive.

This group's leadership is scary and intimidating. It is only because I am immune from legal proceedings in Parliament that these matters can be stated. This privilege of Parliament has been won by my predecessors, and I and the victims of this group could not be more grateful for it.

1.15 pm

Baroness Pitkeathley (Lab): My Lords, I declare an interest as chair of the All-Party Group on Civil Society and Volunteering.

I congratulate the noble Baroness on securing this debate. She will not be surprised to see that the usual suspects are gathered here today—that is, those noble Lords with an interest in and commitment to the charitable sector. For most of us it is a commitment of many years' standing. I certainly remember the Deakin review extremely well.

None of us can therefore deny that the way in which the Charity Commission has been operating in recent times has been a cause for concern. The series of reports mentioned by the noble Baroness, Lady Barker, make dismal reading. The PAC report of 5 February this year concludes in no uncertain terms that the commission continues to perform poorly and is failing to regulate charities effectively. The reasons for this have been well rehearsed. It has been too slow; too reactive rather than proactive; too narrow and legalistic in its approach to regulation; and, as the noble Baroness, Lady Barker, clearly stated, there has been confusion about its primary purpose. Is it there to support the voluntary sector or to protect the public interest?

In addition there has been a constant problem with resources. Is the commission being asked to do too much with too little? Undoubtedly the commission, like much of the charitable sector, has taken a severe financial hit in recent times and has had to reduce staff drastically.

Much controversy has surrounded the commission, not helped perhaps by changes of personnel at the top. The appointment of a new chief executive—which I understand will shortly be announced—will be of the utmost importance. It is vital that this person has the skills and experience to enable the commission to fulfil its important role, to be clear about its mission and to provide authoritative leadership, especially in developing strategic alliances.

It is certain that, in spite of the controversy, there is universal agreement within the sector that it needs an independent and effective regulator which focuses entirely

on charities. For example, trusts and foundations which give grants to other charities have to give due diligence, and the less the Charity Commission does the more the trusts and foundations have to do. So there may be duplicated effort using donated money rather than the public money which enables the Charity Commission to do this kind of due diligence on which trusts and foundations and others who give money were habitually able to rely. It is vital that we continue with that.

Therefore the Charity Commission's move to take firmer, swifter action with the few charities which offend—we should remember that, although there have been serious cases, few charities offend—and its desire to enhance further its legal powers has met with nothing but support from the charitable sector. Better use of data, as the noble Baroness reminded us, and closer working with HMRC are also moves in the right direction. The Government would be well advised to banish all thoughts of merger with HMRC, should they have such thoughts, which I hope they have not. If the Charity Commission continues with its programme of reform and delivers the changes it is promising, the Government must do their part to ensure that they provide realistic funding for this important—indeed vital—organisation.

1.19 pm

Baroness Brinton (LD): My Lords, I congratulate my noble friend Lady Barker on securing this important debate. I welcome the fact that the Charity Commission is taking a more detailed look at charities' activities, specifically under the public benefit rule, and challenging what in the past was almost a rubber-stamp approval for charitable status.

The noble Baroness, Lady Berridge, has already outlined the reason for the commission's investigation into the Preston Down Trust but I want to add two or three more comments. For those who do not know, the Exclusive Brethren withdraws as much as it can from contact with the wider world. Its members will not eat or drink with worldlies, as they call us. They will not use TV, radio and computers that have not been approved by their Australian leaders, and its young people are banned from using Facebook. Their school books are heavily censored, with pages ripped out or stapled together.

The formal decision from the commission lists some of the evidence that it received from people who were members of the Exclusive Brethren, but who have left or been asked to leave—withdrawn or “cast out” in their parlance. Paragraph 89 of the decision says that it took evidence on:

“the impact of the doctrines and practices on those who leave PBCC; the exclusory effect on family life and relationships when members leave as a result of complete severing of ties; ... absence of assistance and support to those who leave, including vulnerable children and young people; those who leave are ostracised and consequently treated differently from other members of the public; ... loss of inheritance where relatives remain and leave their property to the Brethren which is encouraged; inability to participate in funeral arrangements and services of Brethren relatives; threats of legal action against those who speak out against the Brethren; and fear and anxiety of repercussions for themselves and family members who remain in the Brethren”.

[BARONESS BRINTON]

I have met a number of people who have had to leave the Brethren because they are homosexual. One notable case, reported by the BBC in 2011, is that of Dario Silcock, who was bullied by the elders and the children in his church because he and they suspected that he was gay. He was asked to repent, as there is zero tolerance of homosexuality in the Brethren, and the teacher from whom he sought support and advice was suspended by the Brethren school. He said to the BBC then, aged 18, “I miss my family, but I have never been happier”.

Last year, a number of Parliamentarians heard evidence from another former member, who was abused by an elder when he was in his teens. He followed the advice that I think we hope all young people in his position would follow: he went to talk to another elder about the abuse. To his consternation, he was ordered on to his knees to ask God for repentance. As far as the EB was concerned, the rape was irrelevant. Because he had taken part in a homosexual act, he was guilty. It was not surprising that he left. He too has been allowed no contact with his family since he left.

I raise these two accounts with noble Lords because I have hope for these men and many others. The Charity Commission’s decision has made it clear in paragraph 98 that, if the Brethren does not comply with its undertakings to treat former members more fairly and differently from the list of its actions I cited earlier, the commission will review its charitable status again. The current public debate on disbelief, not just looking at public benefit, is very important and one reason why I am more positive than others that the new and more thorough approach of the commission will provide some real benefit.

However, what I really pray for is a change in culture where people who have left the Exclusive Brethren are allowed to have contact with their families with no pressure on them. If the Charity Commission can have achieved this, it will have made significant progress, but I am not holding my breath.

1.24 pm

The Lord Bishop of St Albans: My Lords, I will not reiterate what has already been said about the levels of underfunding of the Charity Commission. There is great concern that the vital work that is going on needs proper support if we are going to develop this very important sector in our country. A number of noble Lords have spoken about the need for proper resourcing.

I want to comment briefly on the group of charities that are described by the Charity Commission as excepted charities. These include not just churches and chapels but charities that provide premises for some types of schools and Scout and Guide groups, and charitable service funds of the Armed Forces. It is very significant and helpful that Her Majesty’s Government have decided to extend exception from registration for a further seven years beyond 31 March 2014. It is unclear whether there are any plans afoot for an orderly transition to registration in the lead-up to 2021. Of course, to some extent inflation will reduce the number of excepted organisations and other charities as they reach that £100,000 registration threshold, but

unless some queuing system is agreed in advance, at the end of the seven-year extension there is a real possibility of a logjam.

That is just one of the reasons why we need to ensure proper funding. The commission has the responsibility to offer, as well as regulation—which clearly is needed and for which we are very grateful—advice and support. There has been a question about the focus of the work. Certainly, my experience of being involved with many charities is that with increasing legislation and, indeed, litigation, many people are deeply worried about taking on trusteeships. If we are going to see this grow, surely we need to ensure that we have proper, adequate support.

Who do we turn to, from a charitable point of view, if we want authoritative advice? Expecting umbrella organisations such as the NCVO to replace the commission is simply unrealistic. None of them has sufficient clout to do the job. In my own sphere of work, the Churches’ Legislation Advisory Service tries very hard to provide sound advice to member churches but it can never have the detailed expertise and knowledge of the commission. In short, if we are to have proper regulation and guidance, it really is important that we get proper resourcing behind it.

Many of your Lordships will have been involved in the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014, and will be acutely aware of the concerns that were expressed by a number of churches about its provisions on non-partisan lobbying, particularly about churches organising hustings at election time. The church’s provision of venues plays a vital role in the democratic process. At each general election for many years now, my own cathedral in St Albans has hosted hustings. It is by far the largest hustings around: without exception, all the candidates turn up and a very large number of people gather for the event. Many people who take part say it is one of the few times that they come to a hustings in the traditional sense, where there is real cut and thrust and argument and so on. We are convinced that this is a major contribution to political involvement at a time when there is a worrying disengagement by many voters.

The Electoral Commission and Charity Commission are both working on guidance for charities on the effect the Act will have on their activities. I hope that they are being encouraged to speak to one another as they develop those guidelines. Specifically, it would be helpful if the Minister could reassure the church that the Act will not prevent it from providing hustings in the run-up to the general election in 2015.

1.28 pm

Lord Borwick (Con): My Lords, first, I declare an interest as a trustee of four different charities, ranging from Deaf Education to the British Lung Foundation, all of which are to be found in the register, and I have been a charity trustee for 30 years.

The Public Accounts Committee concluded that:

“The Charity Commission has not regulated the charity sector effectively”,
but I think the committee’s outlook is too bleak. There is a new team leading the Charity Commission now, with William Shawcross taking over from the “Quango Queen”.

Noble Lords: Outrageous!

Lord Borwick: The search is under way for a new chief executive as well. It takes a long time to change the ethos of an organisation, to make a bureaucratic elephant tap-dance, or even to make the elephant head in the right direction at any speed. I have made a change in the private sector, changing an inefficient, lazy monopoly supplier into a tiger, but it took a long time and I got support, not criticism, from stakeholders. I am not sure that everything done so far has been perfect. Shawcross's comments on the pay of CEOs of charities could have been better.

The charity sector has changed, moving from the saintly amateur to the professional. The commission has to change from working on the chief assumption that all players in the sector are honest gentlemen to the reality that, hidden among those saints, are occasional sharks. All regulators rely in part on the integrity of their subjects, and integrity is harder to find now than 20 years ago. We should compare the Charity Commission's failures in spotting the Cup Trust as a cracked vessel with a similar failure—that of the Bank of England and the FSA to spot the “crystal Methodist” as a bad banker. After all, some politicians could not even tell there was a problem with the affiliates of a charity, even when they were employed as full-time legal officers. Is not the percentage of imprisoned politicians from another place greater than the percentage of bent charities?

I think there is another, hugely important issue that the commission must combat with time and resources. That is taxpayer-funded political campaigning. The problem starts with the Government. Over the past few decades, they have given state support to an increasing number of charities. The intention might be good, but the result is not.

Christopher Snowden of the Institute of Economic Affairs has carried out extensive work on this issue. His research has shown that some groups are being set up to champion certain pieces of legislation under the guise of a charity pursuing its objectives. He rightly calls such groups “sock puppets”. They prey on the good nature and trust of the British public because government departments and councils are camouflaging themselves as benefactors. Snowden found that a shocking 27,000 charities are dependent on the Government—or, more accurately, on taxpayers—for more than 75% of their income. That has to have a big impact on the independence of charities and their ability to criticise the Government of the day.

What shall we do to tackle this evil? A lot of the responsibility for fixing the problem lies with the Government, not with the Charity Commission. Any statutory funding should be restricted and should not be used to lobby politicians or engage in other political activity. These charities should also be subject to freedom of information legislation. Much effort was needed to put together the lobbying, non-party campaigning and trade union administration Act. Perhaps now we need a new “lobbying by sock puppets” Act to deal with this issue.

1.32 pm

Lord Phillips of Sudbury (LD): My Lords, I thank my noble friend Lady Barker for this debate. It is sad that it is so short. The issues that it seeks to cover are immense and deep, so I am going to have to be as selective as everyone else. I declare my interests, which are in the register: I have been a charity lawyer for 40 years, and I suppose I have had as many dealings with the Charity Commission in that time as anyone alive. I want to come to their aid, though it has many shortcomings. I have one point, which I know is a dangerous one to make but it is at the root of those shortcomings, of which I have been the victim over the years: it is grossly under-resourced.

The noble Lord, Lord Hodgson, made that point, as did the NAO. It is fruitless for any of us to go on saying, “They must do this better,” “They must do that better,” “There must be better inquiries, more inquiries, more of this and more of that”. In its report, the NAO says that in the past six years the commission's income has declined by 40% in real terms. None the less—like everyone else—it makes a list of recommendations, more than half of which require greater resources of men and women. The lawyers in the Charity Commission oversee more than 330,000 charities. Half of those are registered, but more than half are below the levels for registration. They all have to be registered. They are ruled, governed and led by volunteers. I hope I do not misconstrue what the noble Lord, Lord Borwick, said, but the charity sector is essentially and at its heart a volunteer movement. That is its ethos. That is why altruism is still the central legal purpose of charity. You cannot conceivably do what it is asked to do.

As I was saying, the NAO made a huge number of recommendations, over half of which need extra resources. The legal department, where I was, has only 10 to 12 lawyers. My firm, one firm of solicitors, has over 10 to 12 charity lawyers. What sort of farce is that? They do their best and on the whole they are jolly good, but they are pathetically underpaid. Any good lawyer can go out of the Charity Commission any day of any week and get paid two to five times more than they are paid at the commission. How can we ensure that it can therefore recruit the people that it needs, let alone extra people, to do the job, which—I could not agree more—is so important?

I end by emphasising how important all this is, and that the funds that I am talking about—the actual resources—are but a drop in the bucket compared with what the voluntary and charity sector does. Frankly, without the charity sector, this country would be in a profound mess; it is in enough of a mess. We live now according to money, sex and celebrity. The charity sector is wonderful counterbalance to the phenomenal materialism that engulfs us now, with 1 million unpaid trustees. Think of that: over half the adult population giving of their time willingly and lovingly in a country that is parched of those characteristics. I therefore, like my noble friend Lady Barker, do not emphasise the shortcomings of the commission. Of course it has them—I could give your Lordships 10 things that it could do. However, it must have more support and help. Without those, it is a load of hot air.

1.37 pm

Lord Best (CB): My Lords, the question I am posing and attempting to answer in this debate is, “Are there lessons for the Charity Commission from the parallel activities for the regulation of non-profit housing associations, most of which are charities?”. The Homes and Communities Agency regulates so-called registered providers and nearly three-quarters of these are “exempt charities”, operating outside the Charity Commission’s regulatory powers

Two aspects of the arrangements for the voluntary housing sector seem worth considering for the wider charity sector. First, would it help to copy the model of having an ombudsman to resolve complaints from service users? Ombudsman services cover many industries—financial services, telecoms, electricity and water companies, and legal services—as well, of course, as most public services. However, only a minority of charities, like the charitable housing associations, are covered, because they come under a specialist ombudsman service. Just as the Housing Ombudsman takes a load off the shoulders of the HCA, I suggest that a charities ombudsman could relieve pressure on the Charity Commission by sorting out the everyday service disputes that can prove so arduous and time-consuming.

I declare my interest, at one remove, as chair of the council of the Property Ombudsman, which deals with private sector estate agents and managing and letting agents. This experience has led me to the view that ombudsman services—independent redress schemes, free to the consumer and service user—can be very valuable. An ombudsman has teeth in being able to make awards—usually financial compensation—when a complaint is upheld, in being able to publicise bad behaviour and, where appropriate, in passing on its findings to the regulator, in this case to the Charity Commission. Let us have a charities ombudsman.

My second proposition relates to the concept of co-regulation, which, I feel, the Homes and Communities Agency is taking to a more refined level than the Charity Commission. The co-regulation approach brings together the regulator and the regulated. It encourages the organisation that encounters a problem, which may be governance-related, to take it to its regulator as early as possible and to discuss a mutually acceptable way forward. In place of hoping that the regulator will never find out about the problematic issue, the board—the trustees—shares the burden and gets the advice of the regulator.

This is not a mechanism for discovering criminal intent or gross misconduct but, for those cases where things have gone wrong and the trustees are well intended, co-regulation can sort out difficulties in an atmosphere of mutual trust, not defensiveness and hostility. It requires the regulator to assist the organisation to take steps to put things right and to keep in close contact. This contrasts with the regulator standing back and not coming down from on high in a heavy-handed manner. Direct intervention need happen only in extreme cases. I believe that the Charity Commission is heading in this direction and, from experience of seeing how co-regulation can work, I commend an acceleration of that process. If the way for the Charity Commission to increase its effectiveness is by taking

forward the two suggestions I am making here, perhaps by raising some part of the funding from an annual levy on the charities themselves, that might be a price worth paying for a better service for charity service users and for the charities themselves.

1.41 pm

Baroness Hayter of Kentish Town (Lab): My Lords, I thank the noble Baroness, Lady Barker, for the debate on regulating what is one of society’s most valuable assets, charities, which are often described as, “the very bedrock of our civil society”.

There are nearly 1 million trustees of charities, and I reckon that around 700 of them are in your Lordships’ House. I have set up and run various charities and I remain a trustee of two.

The regulator’s role in maintaining trust in this sector is key but, as we have heard, today’s debate comes after the NAO and PAC inquiries, the latter saying that the commission fails,

“to regulate charities effectively. The Commission is a reactive rather than proactive regulator, and has yet to use its powers properly ... we are not convinced it has the leadership capability to tackle its significant failings and transform its culture”.

It goes on to say that the commission has “no coherent strategy” and that it is “buffeted by external events”. It is,

“too willing to accept what charities tell it”,

and has failed to tackle “poor performance” and to “implement recommendations”. Indeed, the Charity Commission itself has admitted that it was,

“weakest in identifying ... deliberate wrongdoing”.

Furthermore, when asked whether it had,

“sufficient resources to effectively regulate the sector”,

Mr Younger’s answer was,

“very close to being no”.

So, should the commission and the Government begin to rethink what has become a near impossible job and consider even the issue, which has just been raised, of a levy on charities? The commission thinks that anyone who feels like it should be able to establish a charity. It gets 27 applications a day, but we have heard nothing about how those 7,000 concerns a year perform or whether all their trustees, who are often untried and untested, are actually capable of running a charity, given that,

“charity law is hard ... especially ... for trustees setting up small charities”,

and that, to quote the commission,

“in the overwhelming majority of cases where trustees are getting it wrong”,

it is “through ignorance” that sometimes seems to be “bordering on negligence”. Given this, why of all things did the chair of the commission promise to tackle “the politicisation of charities” or consider that the lobbying Act was broadly satisfactory to the sector, despite its “gagging” effect and despite the sector’s own view?

The Charity Commission’s report on investigations shows that fraud is one of the most common problems. Indeed, of its completed investigations, 39 were about fraud, accounting and crime, 33 were about trustee

issues and only one was about political activities. Is there another agenda here, as I fear we have heard something of today?

We welcome many of the suggested new powers in the government consultation, especially broadening the range of offences for which trustees can be disqualified, but focusing on powers misses the point. The problem stems from being overly cautious, not from a lack of legal powers. Some of those suggested may go too far, such as giving the commission the pre-emptive power to block charities from holding certain events or inviting particular speakers. Preventing fraud, mismanagement, abuse and the funding of terrorism should be the priority, not gagging legitimate activities.

The Charity Commission has made progress. However, there is more to make, and the Government have a role in terms of thinking whether they are asking this small organisation to do far too much on far too little money.

1.45 pm

Lord Wallace of Saltaire (LD): My Lords, I welcome this debate. Given how important the charities sector is for the country, holding regular debates on aspects of charities law and charities regulation seems to be one role that the second Chamber might usefully consider as particularly valuable for itself. These are immensely complex issues, as we all know. We have inherited charities law as developed over the past 400 years, and it continues to adapt. I have spent some time looking at public benefit issues and think I am persuaded that if we were to define “public benefit” now, in statute form, we would find ourselves having even more legal cases about the edges of public benefit. I am therefore persuaded that allowing it to evolve through case law is very important, in particular, for those elements of charities which are concerned with religion. For the first 300 years of charities law, it was almost entirely concerned with charities associated with the Church of England or, after some time, with a number of non-conformist churches. That eventually included a small number of Jewish charities and, as we all know, it now extends over a much wider area, in which the questions of what religion and belief are have come to be very much part of where we all are.

I will take on the question of the Preston Down Trust case, which went before the tribunal. One of the things I think I have learnt is that using the charities tribunal, which was intended to save money and time, has now become a very expensive legal activity. It was felt more useful therefore to negotiate. We have negotiated an agreement which will be reviewed after a year and we will see where we are then. The noble Baroness is well aware of the intensive lobbying that there was on both sides, including by a number of MPs from within her own party—not always, I think, necessarily wisely. However, this is now in train, it will be continued, and a review will take place.

To come back to where my noble friend Lady Barker started, this is an important sector which has a gross income of £61 billion, although I suspect that contains a certain amount of double counting because some charities give money to other charities. It includes more than 160,000 different charities, although 1,000

are the most important and account for the largest amount of spending. As the noble Lord, Lord Borwick, said, the sector has become much more professional, and in certain ways some of the larger charities have become a good deal more ruthless, which is part of what I discovered in the extensive consultation I had with large charities over the transparency of lobbying Bill. It is a much more professional sector than it was. Reading through the evidence given to the PAC and others shows that the Charity Commission has been going through a change of culture from one in which you automatically assume that almost everyone in this sector is full of good will and altruism and that the role of the Charity Commission is to be helpful and offer advice, to one in which we recognise that a small number of charities, whether small or large, test the limits or are involved in actual fraud, and that the Charity Commission has therefore got to be a less trusting regulator. Questions have been raised by a number of noble Lords about whether it can do that and whether its resources are too small. Reading through the various reports and the evidence given, it is quite clear to me that if the new Charity Commission board and chief executive can make a strong and positive case for additional resources, the Government will look at it very carefully. Whether some element of charging for larger charities becomes part of that larger package may be for a further debate on another occasion, but we recognise that resources are now extremely stretched and that the clear regulation we need requires to be strengthened.

Digital transition is an important part of this, as the noble Baroness said. The Government have provided a further £500,000 of capital spending to the Charity Commission to assist in moving towards an easier digital openness strategy. As a trustee of a couple of musical education charities, I agree strongly with the noble Baroness that simple provision in digital form of accounts, declaration of public benefit and all the things that one needs to do, as well as advice to trustees, is exactly what one needs. When I went around the Charity Commission's website last week looking for a simple definition of public benefit, it was not as easy to find as I had hoped and expected, so there are improvements to be made.

Lord Phillips of Sudbury: I reassure the Minister that he has not been deficient in his trawl of the website: it is just that there is no simple definition of public benefit. It is intrinsically complex.

Lord Wallace of Saltaire: That is one of the reasons why charity lawyers can make such a good living.

The Cup Trust, into which I have looked in detail, was raised. As has been said, clearly that was fundamentally a tax avoidance scheme. The Charity Commission decided that it could not take up the case. I am assured that HMRC has not paid out any money on the tax avoidance scheme. It issued guidance about such schemes at an early stage in the process and is now resisting paying the gift aid refunds that the scheme was set up to gain.

On the transparency of lobbying Act, I disagree with the noble Lord, Lord Borwick, on a number of issues, but I also disagree with the noble Baroness,

[LORD WALLACE OF SALTAIRE]

Lady Hayter. I have learned a great deal about the shift in a number of big charities towards campaigning, but campaigning has always been part of what charities have done. One of the most impressive discussions I had was with the dementia trust, which has managed by campaigning to raise public awareness of the importance of the issue—to raise the quality of understanding of an extremely important public issue. That is entirely legitimate and desirable in the public debate. The idea that charities should not have a campaigning dimension is something that I hope we all accept is not appropriate. Let me reassure the right reverend Prelate that the Act in no way affects hustings in the run-up to the 2015 election. A great deal of exaggerated concern was put out during the passage of the then Bill about what it might do. If you read CC9—I must have read it 15 times in the last year—it is entirely clear that it is not affected by that Act, and that churches will continue in their extremely valuable role in public education that they have in this respect.

I hope that I have now answered a number of the issues raised. Why not charge charities? The question is out in the open. Needless to say, charities do not respond with much enthusiasm to that suggestion. The Government are looking at the question of how we provide the resources needed for regulation. I have also discussed public benefit. We all have a concept of public benefit. Happily, no one today has mentioned public schools—that is out there as well. Public benefit can be provided in a range of different ways. Case by case, you look at the sort of public benefit being provided, but it has to be public. The noble Baroness will know that, in religious cases, those religious bodies that do not open some of their facilities to a broader public and do not provide wider benefit to a broader public are therefore not accepted as charities.

On the question of executive remuneration, the noble Lord, Lord Borwick, said that he regretted that the new chairman of the Charity Commission had offered some criticism. Charities are in the public sector and in the public view, so they need the respect of their members and people who give money. During the consultation on the transparency of lobbying Bill, I remember being told by representatives of a large charity that it is important that the charity should maintain its reputation because the people who give small sums of money need to know that it has that reputation. That is part of the reason why charities need to be aware of the dangers of becoming overly professional and corporate. Some of our big charities have edged a little far in that direction.

On the question of co-regulation, raised by the noble Lord, Lord Best, the Charity Commission now has a clear partnership strategy and works with a number of partners. Incidentally, we are aware of the question of accepted charities and how to move towards a different situation with them without swamping the Charity Commission.

The question of a charities ombudsman has also been discussed. The Government are not yet convinced that the case has been made. The Charity Commission does its best to respond to queries from charities. Part of the reason why the Charity Commission has been

swamped in recent years is because many charities throw a lot of queries for advice at it which get in the way of its compliance activity.

I hope that I have answered most of the points raised. I encourage the noble Baroness and other noble Lords to return to this question regularly. This is a large and important part of our social fabric and economy, and we need to be sure that it continues to command the confidence and respect of the public, politicians, government and financial accountants.

1.57 pm

Sitting suspended.

International Holocaust Remembrance Alliance

Question for Short Debate

2 pm

Asked by Baroness Deech

To ask Her Majesty's Government what are their priorities during their chairmanship of the International Holocaust Remembrance Alliance in 2014.

Baroness Deech (CB): My Lords, this morning Chancellor Merkel referred to the events of the Second World War as a break with civilisation and declared that she bowed her head to the victims. She referred to the hand of forgiveness and reconciliation stretched out by European nations to Germany. In this spirit I address the question of Holocaust remembrance 75 years after the start of the war.

Few countries in the world have as noble a record as the UK when it comes to Holocaust remembrance. This is the month in which the Government assume the chair of the International Holocaust Remembrance Alliance, which is very fitting. The Government are to be congratulated on the recent establishment of the Holocaust Commission, on legislating for the return of stolen art, including Holocaust education in the national curriculum and appointing a special envoy for post-Holocaust issues. They have also housed the Holocaust Archives at the Wiener Library in London and participated in the online publication of the global catalogue of looted art. For all this, I and thousands of others are immensely grateful.

However, in this special year for the UK I have to tell the Minister that survivors need action as well as memorials. They need action to combat the resurgence of anti-Semitism in Europe and they need help to reclaim their cultural heritage. The Holocaust was not only genocide; it was the greatest theft in history. The Nazis, and in some countries the communists, took not just people's lives but their religious heritage, their property, their professions and their assets.

Most people are aware of the issue of looted art, most recently through the discovery of a hoard of art in a Munich apartment. But it is not just art. Before the war, Poland was home to more than 3 million Jewish citizens, 90% of whom were killed and their properties occupied by others. There are thousands of

properties in plain sight—houses, synagogues and factories—that have not been returned to the survivors and their heirs, of a value that dwarfs the art.

But the price is not all. As Chancellor Merkel said, Europe is bound together by respect for the rule of law. Yet there is one big wound on the body of Europe that must be tended to, otherwise it will fester for ever. Poland is a success story of modern Europe but more than two decades after it became a democracy, the failure to make restitution still blights it. An entire people—killed or forced out—was dispossessed. Poland's success is built in part on the property of others. This is a property issue like no other. The stolen homes stand for the remembrance and recognition of the history of the Jewish population of Europe and the contribution of Jewish people to the culture and businesses of the countries they once lived in. Museums and tourism to the sites of former concentration camps do not begin to restore that memory. Survivors living in poverty may well ask why Governments contribute to the preservation of the Auschwitz site but not to the relief of their situation. The claims of the survivors need attention to demonstrate that Europe was not made lawless by the atrocities of the Second World War but upholds the law.

Poland is isolated as the only European country not to have enacted comprehensive legislation and settle the claims; indeed, it has retained communist nationalisation laws despite urging by international organisations and, most recently, by US Vice-President Biden. Many survivors live in poverty while their property is inhabited by the now free and democratic citizens of their former country of residence. The fact that Poland was a victim country itself does not remove the obligation to restore stolen property from which its citizens continue to benefit. But ultimately, it is not just about art or property; it is about recapturing people's history. The art that hung on their walls and the houses where they lived are part of the legacy. If we allow the theft of an entire generation of a people's culture, it is as if they had never existed. That is why the achievement of restitution must be the Government's priority this year.

In making this a priority, the Government will be fulfilling their obligations under the terrorism declaration and guidelines of 2009 and 2012. The declaration was signed by 47 countries and called for support for the welfare of 500,000 Holocaust survivors and restitution of wrongfully seized property. This was the culmination of many post-war international conferences on this issue. However, progress is slow in central and eastern Europe, for example Romania. The greatest failure is Poland. There are about 90,000 surviving claimants to property of whom the majority are non-Jewish. On at least 13 occasions, Poland has drafted legislation and then shelved it. It puts every obstacle in the way of claimants in its own courts and makes unrealistic demands of proof, given that those who were killed were unlikely to have left title deeds behind. Its Government are acting in rejection of Council of Europe, US Congress and European Parliament resolutions, in contravention of the first protocol of the European Convention on Human Rights and of hopes held out prior to it entering the European Union. There are survivors here listening to us as we

speak and they would say that their experience of claiming and being rejected has led them to believe that Poland is waiting for all the survivors to die out. They do not want total compensation. They do not want the eviction of present inhabitants, but a restitution and reconciliation commission to be set up by Poland modelled on the one that worked well in Austria. Such a commission could distribute a small percentage of the lost value from a fund donated by the Polish Government, with realistic requirements of proof carried out expeditiously.

This is nothing new. In 2001, Austria established a general settlement fund to resolve all remaining issues. The Government set up a three-person claims committee to receive claims using relaxed standards of proof—for example, the 1938 property records, witness statement and birth certificates. The Austrians put \$210 million into the fund and more for insurance claims. Claimants no longer had to take legal action at their own cost. The committee dealt with 20,000 claims relating to 240,000 individuals before closing its work. Bulgaria had a good scheme, utilising government bonds and settled private claims.

This year, Holocaust remembrance needs to be refreshed and remodelled for future generations. There are already countless memorials around the world. There is a veritable tourist industry in trips to the sites of former concentration camps. In this country we have three Holocaust museums, memorial days and sophisticated education programmes. There is much to be gained by viewing "Schindler's List" and reading *The Hare with Amber Eyes* and *The Diary of Anne Frank*, but these efforts are not an excuse for not taking the more difficult actions that survivors need. Moreover, all the conferences and education have failed signally to hold back the resurgence of anti-Semitism that we now see on the continent of Europe: the Islamist attacks on French Jews; the rise of Jobbik in Hungary and Golden Dawn in Greece; the marches in Lithuania; the resurrection of the blood libel; the antics of footballers and Dieudonné; and Holocaust denial and sales of the forged text, *The Protocols of the Elders of Zion*. Although the number of incidents reported by the Community Security Trust is down a little this year, it has only returned to the levels of 10 years ago and the totals cannot take account of the anti-Semitism so evident on social media.

The European Union Agency for Fundamental Rights reported on Jewish experiences of anti-Semitism in eight European nations in 2013: 76% said that there had been deterioration in the past five years and 21% had experienced an incident. I suggest to the Government that we need a vigorous search for, and return of, looted art, and use of the remedies that already exist in law to stamp on the anti-Semitic actions and words that are suffered every day. As chair, they should call on Poland and other countries to honour their commitment to the democratic principle of property rights. There is a case for the creation of a European commissioner for post-Holocaust issues modelled on Sir Andrew Burns's role, and a pan-European effort to provide some degree of remedy for the great injustices of the past so vividly remembered today in this Chamber.

2.10 pm

Lord Gold (Con): My Lords, I welcome this debate. In congratulating the noble Baroness, Lady Deech, on securing it, I pay tribute to the wonderful speech that she has just made. I also congratulate the Government on their chairmanship of the International Holocaust Remembrance Alliance.

The Government take up the chair as anti-Semitism is again rising in many places, as we have just heard. It is often excused as criticism of Israel or support for animal welfare as, again, religious slaughter of animals is attacked—or, as we have recently seen in Denmark, banned altogether even though no Jewish religious slaughter is undertaken there. The latest is that circumcision will be brought into question. The sight of young men making the quenelle gesture in front of concentration camps and before the Western Wall in Jerusalem demonstrates how the message of the Holocaust risks being lost only 70 years after being revealed to the world after the Second World War. My simple message to the Government is this: please use every opportunity to remind people, especially young people born long after the Holocaust, of what happened, and to reiterate that anti-Semitism and any form of discrimination will not be tolerated.

Much is done now to educate and the UK was a founding member of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research. I pay particular tribute to Dr Stephen Smith, who leads the USC Shoah Foundation and the Holocaust Centre in Nottingham, which does wonderful work in educating our young people on this subject. This work, and the work of all those who teach and remind us of what occurred, is very important.

However, I fear for the future, for a time when there are no Holocaust survivors left to tell us what happened to them and when the Holocaust appears to many to be just another history lesson. Those who deny what happened are very clever. Even now there is distortion as to what occurred. Unbelievably and shockingly, there is blame on the victims; there is denial of the extent of what took place. Many records have been kept and the USC Shoah Foundation is dedicated to making audiovisual interviews with survivors so that their message is preserved for all time and never lost.

I have a fear that in the future—not in this century but beyond—those clever and despicable people who deny what occurred will dismiss these archives and the harrowing, grainy films of the camps and survivors as computer-generated films that were the product of clever film-makers. That is why educating every generation about the Holocaust and keeping it alive is so important. The creation of Holocaust Remembrance Day, taking place around the world on 27 January each year, has become a fitting reminder of what horrors took place within the lifespan of so many of us. Many people born long after the war are taught what happened and are shocked at the murderous acts that occurred as a barbarous attempt at racial cleansing.

I am therefore pleased that the Prime Minister has set up the Holocaust Commission to investigate what more can be done to ensure that Britain has a permanent and fitting memorial to the Holocaust, along with

sufficient educational and research resources for future generations. I hope that the UK will use its chairmanship of the International Holocaust Remembrance Alliance to lead all other nations in following our excellent example.

2.15 pm

Lord Wills (Lab): My Lords, I, too, congratulate the noble Baroness, Lady Deech, on securing this important debate. In recent years a huge amount of important work has been done, including by the International Holocaust Remembrance Alliance, to ensure that the memory of the Holocaust remains alive for generations which increasingly have no contact with anyone who lived through those terrible years, and it is important that it does so. However, memorialising can distance and weaken the power of example and of history, and the Holocaust should never become dusty and remote history. The lessons that it teaches us about the fragility of civilisation and the repeated need to shore up protections against savagery need to be taught and learnt generation after generation.

However, that is made harder when open wounds remain and, as we have heard, some still do. Restitution is important because, while nothing can undo the evil that was done, it at least recognises that evil was done. The material recovery of property, as the noble Baroness said so persuasively, matters less than that recognition, the recovery of that heritage and the bearing of witness to the fact that such evil was done. Without it, the wounds will always remain raw.

Of course, the restitution of assets is not the only way for such recognition to take place. The German artist Gunter Demnig, for example, has created the concept of “Stolpersteine”, small memorials positioned in places associated with the victims of Nazism. There are now hundreds of them in Germany, Austria, the Czech Republic, Hungary and other European countries commemorating, among others, Jewish, Roma, homosexual and Christian victims of the Nazis.

However, the restitution of assets still has a crucial part to play in this process, not just for the victims of the Nazis, because the people of central and eastern Europe suffered from not only their tyranny but that of the communists. As the noble Baroness so compellingly argued—and I associate myself with everything she said—it is regrettable that Poland remains the only major European nation without legislation on the restitution of assets stolen during the Holocaust. As we have also heard, more needs to be done to make restitution effective in Romania, Hungary, Croatia and Latvia.

I hope that that will be a priority for our Government during their chairmanship of the International Holocaust Remembrance Alliance, but I hope that it will not be the only one. Of all the crimes against humanity, genocide occupies a unique place because of the way in which it seeks to exterminate entire peoples, their cultures, their society and everything that sustains them as a people. If remembrance of the Holocaust is to fulfil its purpose, we cannot be complacent about what has happened since the Holocaust took place. To the shame of the world, in the past 20 years we have been witness once again to what can only be described

only as genocide. We have seen it in Rwanda, Yugoslavia and Darfur and, for all the efforts now to secure accountability for those crimes, the civilised world failed to prevent these terrible crimes against humanity—crimes that have amounted, again, to genocide.

Moreover, we have seen brutal repression in Tibet and systematic attempts to eradicate Tibetan culture, and a savage onslaught on the Mayan people and their culture in Guatemala. No continent can take pride in its record in recent years in preventing these terrible atrocities that remind us that the Holocaust, for all its horrifyingly unique characteristics, was not the last of the ways in which civilisation can be overwhelmed by savagery—savagery that is rendered all the more terrible by the way in which the power of modern technology has been applied to its perpetration. History is harsh on those who, whatever they might say, in the end do little than more than wring their hands.

My father's uncle and his family lived in a small town in what is now the Czech Republic. The family graves in the Jewish cemetery suggest that the family had lived there since before the 18th century. Ten thousand Jews lived in that town and the remaining population was about 70,000, most of whom were Sudeten Germans who had lived there since the 17th century. My uncle was a second father to my father. The town was a place of refuge for him from a difficult childhood in Vienna, and his first job was in the family firm there.

When the Nazis invaded, my grandmother, grandfather and father managed to escape to London. My grandmother's brother refused to go with them; Jews had lived through hard times before, he thought, and this, too, would pass. He, and all his family, died in the death camps. After the war, the new state of Czechoslovakia expelled all the Sudeten Germans. In less than 10 years, that pretty little spa town had been entirely depopulated. Such tragedies happened over and over again to millions of people throughout central and eastern Europe. Such brutality still continues all over the world.

Debates such as this help to keep these memories fresh, and help us to remember why we need to remain vigilant—and, I hope, prompt us to do better in future in preventing such tragedies. For that reason, we all owe the noble Baroness a debt of gratitude for securing this debate today.

2.20 pm

Lord Shipley (LD): My Lords, I, too, am grateful to the noble Baroness, Lady Deech, for initiating this debate. My contribution is about testimony and how we can ensure that personal witness of the Holocaust in World War II, and other holocausts across the world since then, can be sustained, and what we in the UK can contribute to the international understanding of that in the coming year. Diplomacy is one of the great strengths of this country, and I hope that we will demonstrate clear, diplomatic leadership on the issue of restitution during our leadership year. A lot of work has been done, not least through the Terezin declaration in 2009. Some countries have been very responsive on restitution, but all should because it is never too late to do so.

The commemorative events planned over the next five years in relation to World War I demonstrate how, as a country, as communities and as human beings, we will ensure that the memories of the horrors of that war will never fade. Of course, so many UK families have memories passed down between generations. We have personal possessions, war memorials, public buildings paid for by subscription, monuments, films, plays, museums and wealth of personal testimony in books, many written shortly after the war. Of course, study of World War I is in the national curriculum. It is vital, now, that we clarify how we will maintain personal testimony of the Holocaust as well.

A lot has been done in developing resources in teaching and learning by the Holocaust Educational Trust since its creation in 1988. It has brought understanding to new generations, particularly since 1991, when Holocaust studies became part of the national curriculum at key stage 3. The trust tells us that when students listen to a survivor tell their personal story, they will often say that it is the most memorable lesson of the year. We should acknowledge that, within its capacity, the trust does an excellent job in teacher development, resourcing schools, colleges and universities, and in enabling visits to them by survivors and visits by students to Auschwitz. Its beacon school and regional ambassador programmes should be commended.

However, each new generation—which is, in practice, only a school's generation—moves on, and another takes its place. That is why the work of the trust is a continuous process. This raises the question of how we can maintain personal witness and testimony in the years ahead. I have on several occasions led discussion at events to mark Holocaust Memorial Day. I have done so following a performance of "The Tin Ring", a dramatisation of the autobiography of Zdenka Fantlova, a Holocaust survivor. The importance of this dramatisation is that it takes witness testimony and transfers it into a theatrical landscape where that testimony can live on the through the performer.

Testimony not communicated is not actually testimony. Sometimes drama can be the most effective way of communicating it. Sometimes that can be in writing, film, poetry, sculpture, art or painting, and sometimes it can be through another person, in particular through the testimony of the children of survivors. But my concern in relation to the debate is that we should use our leadership role this year to encourage the spread of good practice internationally on how to preserve personal testimony in the years ahead.

That is very important. There were two facts in the Library briefing that I think should be of concern to us. The first is that research shows that over 40% of teachers say that teaching the Holocaust is difficult in terms of managing cross-curricular co-operation, dealing with the emotional content, and responding to student misunderstandings or prejudice. I find that a very high percentage and it needs to be reduced. Secondly, the briefing refers to the International Holocaust Remembrance Alliance's UK country report of October 2012, which states that in 2010-11, 13,276 people came before the UK courts charged with hate crimes, either for assault or verbal abuse, most of them racially motivated. More than 80% were convicted. Those

[LORD SHIPLEY]

figures tell us that we have to maintain our vigilance, and therefore memories, and that the testimony must not be allowed to fade.

2.26 pm

Lord Finkelstein (Con): My Lords, in 1985, Ronald Reagan's visit to Bitburg became the subject of controversy. He had been visiting the graves of members of the SS and he decided that he would therefore also visit Bergen-Belsen. I remember hearing this on the radio in my bedroom and thinking that my mother would be interested because she was a survivor of Belsen. I went down to the kitchen where Mum was doing the washing up. "Mum", I said, "Ronald Reagan is going to Belsen". "So what?" she replied. "I've been".

In my brief contribution to the debate that the wonderful as well as noble Baroness, Lady Deech, has secured, I want to make just three points. First, Holocaust remembrance is about to face its biggest challenge. We are going to need to think about how to keep the memory of the Holocaust alive when the distinct and irreplaceable voice of the survivors can be heard no more. I recall my mother preparing to speak at our synagogue and telling me for the first time that she and her sister had seen their family friends, Margot and Anne Frank, arrive in Belsen, and that her sister had recorded the event in a little pocket diary, the keeping of which was in itself a crime under the camp terms. She asked me if I thought the children would be interested. Yes, I thought they would be interested. My mum is still alive and continues to give talks about her experiences, but how do we replace that electrifying testimony? That is the job of the Prime Minister's Holocaust Commission to consider and should also be a priority during our chairmanship of the International Holocaust Remembrance Alliance.

My second purpose in speaking is to lend support to the campaign of the noble Baroness, Lady Deech, for compensation for Polish victims of the Holocaust. On the mantelpiece of my parents' home is a clock embedded in a statue of Marshal Pilsudski, the leader of the Second Polish Republic. On the hour it plays Polish anthems, although generally we switch it off. My father was born in Lviv, which is now in Ukraine, but he was deeply proud of having been born a Pole. On his deathbed he told me that I should always honour the Polish people and never blame them for the crimes committed against them. So I do, and I am happy to do so. The revival of a free Polish nation and its emergence as a great European power is one of the happiest political events of my lifetime. It is why I can say with confidence and belief that I know that Poland will respond to the case the noble Baroness has made today.

Stalin's Soviet Union stole my father's house and the family business when it imprisoned and exiled my father's family. In 2005, Poland made compensation available for this theft and we are pursuing the claim, although I have to confess that progress is slow. I am sure that as that claim has been recognised, so Poland will understand and respond to the noble Baroness. Poland is our friend, a friend of liberty and justice, and a great modern nation—and that is what great

modern nations do. Helping our friends do the right thing should number among our priorities as chair of the alliance.

I have one other point to make. The alliance has 31 members and four observers. There are more than 190 countries in the world. Not to belong to this alliance and not to adhere to the Stockholm declaration is not just to show disrespect to those who died, it is the canary in the coal mine. It demonstrates that a country does not want to teach its children about hatred and genocide. We should make it our business to leave the alliance bigger than we found it.

In the 1920s my grandfather Alfred Wiener began collecting Nazi artefacts and literature. He believed in the power of truth to set people free. His library helped produce the evidence that tried the Nuremberg defendants and convicted Eichmann. It showed that truth will always have assailants and victims and will always retain enemies, but that truth can be victorious. Let us dedicate our chairmanship to that task.

2.30 pm

Baroness Whitaker (Lab): My Lords, in seeking the Government's priorities, which were so admirably set out by the noble Baroness, Lady Deech, I also want to draw attention to some of the victims of the Nazi regime who are less remembered. I refer to the Romani population of Europe, called by themselves Roma. I say this without wanting in any way to diminish the enormity of the Shoah, and the memory of those of my Polish grandfather's family who died in Auschwitz. I should declare that I am chair of the Department for Education stakeholder group on the education of Gypsy, Traveller and Roma children, and I am president of other relevant organisations which are shown in the register.

I hope the Minister will tell us how the Government's new Holocaust Commission will deal with the Roma genocide. Can he tell us whether the Government have invited any UK Roma organisation to be affiliated with the International Alliance? One of the aims of its committee on the genocide of the Roma is to find ways of drawing Roma representatives into its working processes.

I do not think that the public as a whole are aware that a quarter of the Roma population of mainland Europe were killed by the Nazis, or cares much that the descendants of those who remained are still harried, persecuted and sometimes killed because of their race throughout the European mainland. There is a history of ignorance. Little regard was paid even by the Nazis to what they were doing. In contrast to the meticulous documentation and photographing of Jewish victims, few records were kept of the Roma. Some think that this is because, ironically enough, the Roma were more Aryan than most Germans, being descended from 15th-century migrants from the Punjab, which presented a problem to Nazi racial theorists.

While the fate of the Jewish victims of the concentration camps and the gas chambers was acknowledged soon after peace was signed, it took until 1982 for the German Government to recognise the Porrajmos or Roma annihilation. Even now, the word is probably unfamiliar to many noble Lords. It was not until 2012,

after 20 years of campaigning by Roma groups, that a memorial to the Sinti and Roma people murdered under the Nazi regime was opened in Berlin. A campaign to place a memorial on the site of the Lety Roma concentration camp in the Czech Republic, where there is now an industrial pig farm, is so far unheeded.

However, as my noble friend said, it is not enough to commemorate. One Roma man I talked to said, “There is a Kristallnacht every weekend in the Czech Republic. Today it is nothing extraordinary to see patrols of extremists in T-shirts with slogans such as ‘Burn the Gypsies’”. Segregated education of Roma children en masse exists. Forced sterilisation exists. Inhuman and degrading treatment by police exists. All these are included in recent evidence from judgments in the European Court of Human Rights.

Another aim of the IHRA’s Roma genocide committee is to include Roma history and the contemporary situation of Roma in the school curriculum. Can the Minister tell us how far the Institute of Education and other bodies funded by Her Majesty’s Government to improve holocaust education have got with that?

The European Commission is well aware of the situation. Following the wretched deportation of hundreds of Roma people from France in 2010, it proposed in 2011 a Roma integration strategy which all member states of the EU signed up to. Yet the UK did not devise a specific strategy, saying in 2012 that they had got as far as setting up a national Roma contact point and a ministerial working group for the Gypsy and Traveller community with a list of commitments, although this had been set up for other purposes in 2010. Eventually, they were persuaded to include issues specific to the Roma people from the European mainland. We nevertheless hear insults and bigotry stereotyping all those of Romani and Traveller descent throughout the tabloid press and in casual conversation in a way that would not be tolerated for any other ethnic group. It is not unknown for parliamentarians and even Ministers to talk, for instance, about the proximity of Travellers having a “negative impact on business”. However, the negative impact is in the other direction: Travellers and those of Romani descent have by far the worst outcomes in mortality, general health and education of any ethnic group in the UK—although again, this is not often remarked on.

At a time when we still mourn the greatest fighter against race prejudice, Nelson Mandela, those of us who joined in the struggle against apartheid might well have cause to be ashamed of our continent. Europe, the nursery of so many ideas of freedom and justice, could do better. The UK, which is capable of great tolerance and humanity, could do better—save for the shining example of the Welsh Government, who have a comprehensive strategy. Our political leadership could do better. The leadership of the faith communities could do better in this country, although they have joined in an open letter to the Romanian Government. Nelson Mandela spoke of an,

“inalienable right to human dignity”—

what we also call human rights. We still need to make that a reality for our Gypsy, Traveller and Roma citizens. I look forward to the Minister’s comments.

2.36 pm

Lord Bourne of Aberystwyth (Con): My Lords, first, I congratulate the noble Baroness, Lady Deech, on securing this important debate, which is very timely given that the United Kingdom took over the chairing of the International Holocaust Remembrance Alliance just this week. It is also very timely in view of the address we heard this morning from Angela Merkel and the great grace and dignity with which she spoke of the awful events of the previous century.

The Foreign Secretary, my right honourable friend William Hague, in launching the chairing of this important alliance, noted that the United Kingdom was,

“one of the three founding members of the Alliance”,

and was “proud” once more to take up the leadership. He continued:

“We pledge to use our chairmanship to strengthen the efforts of the IHRA’s 31 member states”.

I very much agree with my noble friend Lord Finkelstein that that is not nearly enough members in an international community of some 180 or 190 states. We must see it as a major aim to extend that. The aims of the international body are of course, as the Foreign Secretary said,

“to promote education, remembrance and research”—

interlinked aims—

“to strengthen the moral commitment of our peoples, and the political commitment of our governments to ensure that future generations can understand the causes of the Holocaust and reflect on its consequences”.

The Foreign Secretary went on to say:

“Among our aims for 2014 will be to intensify work on the IHRA’s programme of academic, educational and commemorative research and to continue to extend the influence of the organisation beyond the confines of Europe and North America”.

I will return to that aim because it is an important one.

The Foreign Secretary’s stated aims reflect the Stockholm declaration, which is, in effect, the founding document of the organisation as an international body. It emphasises the importance of upholding the terrible truth of the Holocaust against those who deny it and of preserving the memory of the Holocaust. That is an extremely important aim and a touchstone in our understanding of the human capacity for good and evil—there was of course good in those times as well, that of people who sought to combat that dreadful evil. The declaration also recognises the responsibility of the international community to combat genocide, ethnic cleansing, racism, anti-Semitism and xenophobia. I will come back to the genocide point, which the noble Lord, Lord Wills, also mentioned.

The three core themes, as I said, are interlinked and grants are awarded for promoting these aims. I was pleased to see, just this month, that some school pupils from Pembrokeshire—an area that I used to represent in the National Assembly for Wales—are going to Poland to visit Auschwitz. I appreciate the point about the danger of a sort of Holocaust tourism industry but it is important that the memory of these dreadful events is kept alive. On the basis that hearing is not like seeing, these visits are important and vital. Indeed, there is a very real danger if we do not do these things that Holocaust memory will die. There is evidence, as

[LORD BOURNE OF ABERYSTWYTH]

has been stated, of many schoolchildren and others not really understanding this. This will certainly be perpetuated as people die who have direct memory of those dreadful events.

I agree very much with what the noble Baroness said about property restitution. This is a vital part of our chairmanship of the international institution. Through the EU and other organisations, we need to put pressure on Poland and other states. Poland is perhaps the most obvious state that is not fulfilling its obligations, but there are others and they need to be pressurised during our chairmanship to live up to their international obligations. That is an important priority. As has been said, there is an urgent need for action because the longer this goes on, the more difficult it becomes and the fewer direct survivors there are.

Finally, I applaud the work of the alliance and its important aim of extending its influence beyond Europe and North America. The link between holocaust and genocide has been noted and is important. In the past year I visited the Holocaust Memorial in Berlin, which is a deeply moving experience: you see people of all ages and racial and religious backgrounds in tears and hugging each other, which is a measure of its impact. I also visited the site of the killing fields just outside Phnom Penh, and there was a similar thing going on there. I remember as a younger man, probably in my teens, visiting the Anne Frank House, and these things are important. Restitution is also important. I associate myself with everything the noble Baroness said and I look forward to the Minister's response.

2.41 pm

Lord McKenzie of Luton (Lab): My Lords, like others, I congratulate the noble Baroness, Lady Deech, on securing this timely debate, and all noble Lords who have contributed to a knowledgeable, passionate and, in some respects, very personal debate.

There is no party-political divide on this issue. We stand as one in our commitment to the Stockholm declaration and its acknowledgment that:

"The Holocaust fundamentally challenged the foundations of civilisation",

and we must commit to remembering the victims who perished, respect the survivors still with us and reaffirm humanity's common aspiration for mutual understanding and justice.

In remembering, we must not just look back at the Holocaust as a now-distant historical event. We need to understand that genocide does not take place on its own. It is a process which can begin if discrimination, racism and hatred are not checked and prevented. If we have any doubt about that, we have the horrors of subsequent genocides in Cambodia, Rwanda, Bosnia and now Darfur to remind us—as my noble friend Lord Wills said, to the shame of the world.

My noble friend Lady Whitaker reminded us that genocide under the Nazis was not confined to the Jewish community, although of course it is estimated that as many as 6 million Jews perished during the Second World War. The Romani population, those with physical and mental disabilities, and homosexuals were just some of those also persecuted. My noble

friend made some telling points about the current plight of the Roma community in Europe and the discrimination it faces.

Therefore, remembrance of the Holocaust is not enough. This is why the Alliance was formed: to place political and social leaders' support behind the need for Holocaust education and research, as well as remembrance. We helped its creation and we support it still. We welcome the pledge of its new chair, Sir Andrew Burns, to do more to ensure that future generations can understand the cause of the Holocaust and reflect on its consequences, and that its remit must include: support for the struggle against historical revisionism; the fight against Holocaust denial, in particular, and denigration; as well as the continuing fight against anti-Semitism and racial and religious prejudice.

Sir Andrew set out a number of issues in his new White Paper, including working processes and outreach. On the first, he is seized of the need to address the problems of the restricted financial resources of Governments and NGOs, as well as the need to make deliberations more accessible to less well resourced countries. Perhaps the Minister might say something about the resourcing of the alliance. Sir Andrew's focus on plenaries being more content-driven and less administrative will doubtless ring true with many.

The White Paper notes that 13 of the Governments who were represented at the Stockholm forum in 2000 and endorsed the declaration are still not affiliated to the alliance. These need to be encouraged into the fold together with others. Further plans approved in 2010 to seek engagement with countries in north Africa had been put on hold but a tentative revival of this is suggested.

Another development outside the alliance, but sitting full square with its agenda, is the launch of the Prime Minister's Holocaust Commission. This has been referred to by a number of noble Lords and I think the noble Lord, Lord Finkelstein, sits on the commission as an adviser. We have been pleased to participate in this on a cross-party basis. The Commission's remit is to investigate what further measures should be taken to ensure Britain has a permanent and fitting memorial to the Holocaust along with sufficient educational and research resources for future generations. The Labour Party fully supports this. The point is made that we will not always have with us the survivors who have shared their stories. In Luton, at this year's Holocaust memorial event, there was only one local survivor of those who arrived via Kindertransport.

The noble Baroness, Lady Deech, spoke with passion and justice about the need for restitution. When in government, we fully supported Holocaust asset restitution and we continue to see the issue of restitution as morally important as well as legally and culturally vital to honour. We endorse the Terezin principles and strongly encourage the Government to use diplomatic efforts to encourage other states to sign up to and honour what the declaration called for. There is particular concern about Poland, as we have heard today. Poland is yet to become a signatory to Terezin and we believe that it has a moral duty to sign

up to the declaration and to honour it. As we have heard, survivors of the genocide need and deserve restitution.

A number of speakers have recognised that the Holocaust is unique. For the first time in history, industrial methods were used for the mass extermination of a whole people—the systematic and planned attempt to murder European Jewry. We have to do everything in our power to ensure it never happens again. Support for and working with the International Holocaust Remembrance Alliance will help to that end.

2.47 pm

Lord Ahmad of Wimbledon (Con): My Lords, I join other noble Lords in thanking and paying tribute to the noble Baroness, Lady Deech, for her contributions, not just to this debate but to the issue. This is an important debate for everyone, and we have seen and heard many personal and moving interventions from noble Lords today. The Holocaust will always have a universal meaning given its magnitude, the unprecedented and unparalleled suffering involved—as the noble Lord, Lord McKenzie, said—and the scarring of humanity that took place. We are collectively committed to ensuring that all our children and future generations understand the events of the Holocaust and can reflect on its consequences. We also remember the many lives which were so cruelly cut short, and we support and sustain the survivors, who are all too few. We are truly honoured by the presence of some of them here today.

Our determination to remember the Holocaust and to learn the lessons of history domestically is reflected at the highest levels of the Government, as seen by the Prime Minister's recent creation of the new cross-party, multifaith Holocaust Commission. Internationally, as noble Lords have acknowledged, the Foreign Secretary's envoy for post-Holocaust issues, Sir Andrew Burns—who I am delighted has joined us in the Public Gallery today—draws together activity across government. Along with the executive secretary of the International Holocaust Remembrance Alliance, Dr Kathrin Meyer, and with academic and non-government experts, Sir Andrew provides a clear British profile, presence and influence in this field.

I also pay tribute to all the Government's partners in the UK delegation to the IHRA, which is drawn from academic and civil society organisations. Their activities in the field of post-Holocaust issues, and the best practice they are able to share with the IHRA's other members, are the real heartbeat of the organisation. I particularly thank the brave survivors who every day actively visit schools and community groups to share their first-hand testimonies and help us in the ongoing struggle against Holocaust denial and anti-Semitism. We are truly honoured by the presence of two such incredible people, brother and sister Ben Helfgott and Marla Tribich, who have joined us to listen to the debate today.

It is a great privilege for the UK to succeed Canada as chair of the IHRA. It is an honour for us to be at the helm of the foremost international body committed to promoting multinational co-operation in Holocaust education, remembrance and research. As several noble Lords pointed out, the alliance is now at a crossroads. From three initial country members, it has now grown

to a sizeable regional alliance, encompassing 31 member states. I assure my noble friends Lord Bourne and Lord Finkelstein that outreach to new countries is central to the IHRA and is a priority in our chairmanship. Yesterday, our special envoy for post-Holocaust issues briefed ambassadors from a number of interested countries, and we will continue those conversations with countries such as Australia, Albania, Morocco, El Salvador, Uruguay and Moldova. Other countries not yet part of the organisation but registering interest in it include Macedonia, Portugal and Turkey. These countries, of course, have their own Holocaust history and their own experiences to bring to the organisation.

A key part of the Holocaust issue is education, remembrance and research. The alliance has recently launched a multiyear work plan which will feature prominently in our chairmanship throughout this year. This includes addressing the deficit of knowledge of what took place outside of the death camps. The name of Auschwitz, for example, is horribly etched in our minds and sends shivers down our collective spines, and I assure my noble friend Lord Shipley that we recognise the importance of ensuring the impact of the Holocaust is not forgotten when the survivors are no longer with us. We pay tribute to the book *The Tin Ring* and to organisations such as the Holocaust Educational Trust, the Holocaust Memorial Day Trust and the Association of Jewish Refugees, with which we work actively and imaginatively to ensure that survivors' stories are kept alive and are shared through various innovative ways. We are actively looking to share our best practices with other members of the IHRA.

However, there are other sites across Europe where mass shootings took place which remain relatively unknown, and other people suffered, such as the Roma people mentioned by the noble Baroness, Lady Whitaker, and the noble Lord, Lord McKenzie. We are taking forward the Roma integration strategy within our broader social inclusion and integration policies because we believe that is the best approach in a diverse and decentralised country such as the UK. Our approach is fully in line with that of countries we are working with at all levels.

The recent IHRA conference in Krakow on killing sites demonstrated that work still needs to be done to anchor Holocaust remembrance in our societies, and we are ensuring that Holocaust deniers do not get their way in any sense. We want to ensure that we curb these perverse and dangerous views. I assure my noble friend Lord Gold that I understand the sentiments he expressed. Tackling Holocaust denial or trivialisation is another priority of the organisation. This struggle is so important because it confronts a form of anti-Semitism which risks raising its head again, as we have already seen in parts of Europe. I assure my noble friend Lord Gold that we work actively through IHRA's committee on anti-Semitism and Holocaust denial to ensure that the international community takes action to combat anti-Semitism wherever it is seen. That means that the IHRA is not just a legacy-based body looking backwards, but, more importantly, is tackling anti-Semitism now.

The UK has, from the beginning of the alliance, played a leading role in Holocaust education, remembrance and research. Our chairmanship, 15 years

[LORD AHMAD OF WIMBLEDON]

on from the initial political impetus that launched the body, and 70 years on from the end of the fighting, brings us back to the centre. We plan to use this year to build the necessary government support to reaffirm the original declaration from the Stockholm International Forum on the Holocaust including to,

“remember the victims who perished, respect the survivors still with us, and reaffirm humanity’s common aspiration for mutual understanding and justice”.

I hope that reassures my noble friends Lord Bourne and Lord Finkelstein in this regard.

I assure the noble Lords, Lord Wills and Lord McKenzie, that we are not complacent about what has happened since the Holocaust in Rwanda, Cambodia, Srebrenica and Darfur. During the Balkans conflict, I visited Bosnia and Croatia. The situation was heart-wrenching. We work actively with international partners to ensure genocide prevention, including the concept of responsibility to protect, but there is always more we can do. That is why we are planning a reaffirmation of the Stockholm declaration, as I have already said. The IHRA will also need to address the future more directly and the “solemn responsibility” accepted at Stockholm to fight the evils of genocide, ethnic cleansing, anti-Semitism and xenophobia.

The noble Baroness, Lady Deech, the noble Lords, Lord Wills and Lord Bourne, and other noble Lords rightly drew attention to the issue of restitution. This is key to the concerns of the UK and the mandate of Sir Andrew Burns. The issue of restitution of property wrongfully seized by the Nazis between 1933 and 1945 is on the agenda. What has been described as the last injustice of the Holocaust has been played out recently in front of our media with the discovery of artworks stolen from victims of the Nazis and hoarded away or even displayed in museums. Sir Andrew continues to respond directly to the families of UK victims of the wrongdoing by actively lobbying other Governments to address Holocaust-era restitution issues. He and my ministerial colleagues have raised the issue of restitution of property with Ministers and officials from Poland, Germany, Austria, the Czech Republic, Slovakia, Hungary, Estonia and Lithuania. We are also having discussions with the US and Israel, interested non-governmental organisations and relevant international organisations such as the European Shoah Legacy Institute in Prague.

I reassure all noble Lords that we will continue to raise our concerns about the lack of implementation of international declarations on restitution. Moreover, we will go on highlighting UK initiatives on restitution, including the Spoliation Advisory Panel, established in 2000 to advise claimants and institutions in the UK on claims for the return of works of art lost during the Nazi era, and will continue to push this through bodies such as the European Shoah Legacy Institute.

The record of other countries in addressing the issue of restitution of property, whether communal or private, is not all negative. For instance, there was the extraordinarily successful Austrian operation to compensate Holocaust survivors. We must also recognise that issues of legislation are matters for sovereign parliaments and that international agreements in this area of restitution are ultimately non-binding. We

believe that there is more that countries can do to right this wrong. We will continue to put pressure on them and to play our part, bilaterally or collectively, through the offices and channels of the European Union.

I feel honoured and humbled to be responding to a debate of this magnitude and importance, not least by the presence of Holocaust survivors with us here this afternoon. I came across a prayer for Yom HaShoah which was found on a piece of paper in one of the concentration camps. It reads:

“Lord, remember not only the men of good will but also those of ill will. But do not remember all the suffering they have inflicted upon us. Remember, rather, the fruits we have borne thanks to the suffering: our comradeship, our loyalty, our humility, the courage, the generosity, the greatness of heart that have grown out of this. And when they come to judgment, let all the fruits we have borne be their forgiveness”.

The Prime Minister, on visiting Yad Vashem in Jerusalem in 2006, wrote:

“We owe it to those who died—and those who survived—to build a world in which this can never happen again”.

The pledge of our Prime Minister is the pledge of our Government. That is why Britain will remember. That is why Britain will never stand by. That is why I say to everyone present, both domestically and internationally, the past will never die, and its valuable lessons will not be forgotten as we build our future and our tomorrow for the benefit not just of ourselves but of generations to come.

2.58 pm

Sitting suspended.

Counterterrorism Practices

Question for Short Debate

3 pm

Asked by Lord Hylton

To ask Her Majesty’s Government what assessment they have made of the effectiveness of counterterrorism practices; and what measures they will adopt to reduce any harm caused by ineffective or provocative practices.

Lord Hylton (CB): My Lords, the background to this debate is the Question asked by the noble Lord, Lord Judd, on 25 June last year. In a characteristically hard-hitting speech, the noble Lord pointed out that criticisms of secret detention, rendition and Guantanamo had made:

“Killing ... a more attractive proposition than making captures”.

He went on to ask,

“where does that leave the rule of law ... Where does it leave the credibility of the alliance?”.—[*Official Report*, 25/6/13; col. 721.]

I start from the proposition that democracy and humane values can best be defended by humane and lawful methods. The so-called war on terror has been a mistake from the start, although the use of force against particular terrorists is acceptable. I remind your Lordships that successive British Governments used the criminal law against terrorists associated with

Northern Ireland. Internment and shoot to kill were briefly tried, but soon rejected. If anyone says that the IRA or others were just operating in a remote part of Ireland, I would reply that we should remember that the whole British Cabinet were twice nearly killed, in Brighton and in Downing Street.

For the reason I have given, I opposed the use of indefinite detention without charge or trial. My name was included, with many others, as an *amicus curiae* in cases about Guantanamo detainees and I have met with Reprieve and others defending such detainees. I deeply regret that President Obama has not yet fulfilled his pledge to end detention without trial. Secret detentions—in eastern Europe, Djibouti, Afghanistan or elsewhere—are equally objectionable. Rendition to enable others to carry out torture that Western states are too law-abiding or too squeamish to do themselves is wholly despicable. It cannot be doubted that British airspace and airfields were used to assist renditions, whatever equivocations have been used to deny this. Waterboarding and other techniques of enhanced interrogation, although approved in some cases by US authorities, are tantamount to torture and therefore rejected by most fair-minded people. Why have I gone through this list of unacceptable practices? It is because they are wrong in themselves as well as short-sighted. They sacrifice long-term interests and reputation for the sake of short-term gains, which may well prove illusory.

Attacks by drones, or UAVs, began in 2002. In Yemen, there were 93 strikes, killing some 900 people, including 66 civilians, for example a wedding party last December. In Pakistan, at least 400 civilians have been killed, including some children. Survivors have given evidence to Congress, and only this week I met some such survivors here in Westminster. The toll may be much higher, as also in Afghanistan and Somalia. The All-Party Parliamentary Group on Drones last May put the total number of deaths at 2,700. The noble Earl, Lord Attlee, who I am glad to see in his place, when replying to the earlier debate, said the RAF had launched 394 missiles in Afghanistan. Our forces were relatively lucky, because it is claimed they have only killed four civilians.

Since 2001, detention and drone killings have been principally used against Afghans, Arabs and other assorted Muslims who have come under the sway of jihadi ideologies. What seems to have been overlooked is that Afghans and Arabs have a highly developed sense of personal honour. The special term for this is “*izzat*” in Pashtun and “*karama*” in Arabic. For every person arbitrarily detained, tortured or maltreated, and for every related woman or child killed, a whole extended family or tribe may seek revenge in order to restore their wounded honour. It is true that traditional Sunni ethics forbid suicide, even to promote a just cause; they also ban the killing of women and children even in a just war. The extreme jihadi/takfiri ideology has, however, consistently rejected such teaching. We should therefore beware of policies that simply raise up future generations of jihadi holy warriors, including suicide bombers. We should understand that death from the skies is a good way to alienate whole populations, who are largely defenceless.

It is worth noting that the United States has followed Israel in its policy of targeted killings of supposed enemies. Between 1995 and 2012 Israel assassinated at least 61 men in the Middle East outside its own borders, and no doubt others before and after those years. Israel thus lowered itself to the level of the notorious medieval Old Man of the Mountain, the patron of the Assassins. I hope that the US will see that assassinations have not stopped terror attacks, or even defeated national resistance. Neither has administrative detention, as the Israelis describe it.

Will our Government discuss these issues with the United States, pointing out the risks involved and how counterproductive some of the practices are likely to prove? Will they press for binding codes of conduct? Will they emphasise international law and conventions and assert the importance of parliamentary, civilian and judicial control over the treatment of suspects and the use of drones to kill alleged enemies?

I thank in advance your Lordships who are kindly speaking in this debate, despite the strong pull of the main Chamber. I look forward to replies to questions of which I have given notice. Some of the counterterrorist practices which I have criticised are wrong in themselves. All of them may harm British citizens overseas, provoke terror attacks at home and damage our social cohesion.

3.08 pm

Lord Judd (Lab): My Lords, I am glad to follow the noble Lord, Lord Hylton. Nobody has been more consistent, in his modest but effective way, in pursuing the issues before us in this short debate. In supporting him, I will make a few general observations.

First, we must not allow ourselves to be tempted into thinking that it is somehow weak to say that we are in a battle for hearts and minds. We are faced with an appalling threat which every father and grandfather in this country must take seriously: the threat to the innocent is real. We must therefore talk about what is muscular in policy. What is muscular in policy is not to react—not to settle for simply containing and managing the problem—but to seek to win minds. One observation that I would make about extremism and terrorism is that they operate best in the context of ambivalence.

There are large numbers of people, as we saw in our own history in Ireland, who would individually be appalled and horrified by some of the things that happened. Yet they would always have an element of doubt. However dreadful and however deserving of unqualified condemnation the acts, there was the idea that the perpetrators were perhaps on their side. They were perhaps fighting for rights and a concept of society which had not yet been achieved. There is a grey area of ambivalence. This means that people do not leap up from—or struggle out of—bed every morning and say, “What can I do today to expose the terrorists?”. There is an undermining element of doubt and ambiguity. That is why I will never take second place to anyone in saying, “Let’s be rid of the nonsense which we allow ourselves to hear from time to time about what is strong and what is weak in the response”.

The real issue is to win minds. If we are to do this there must be something to which people can relate. There must be hope, and a context of decency and

[LORD JUDD]

fairness in society. There must be a convincing context of justice that people can see and relate to. In the aftermath of Syria we have been presented with a renewed campaign. I applaud those with responsibility in this area who remind us without qualification that the dangers of terrorism in our own society are accentuated because of what is happening in Syria. We have to be on our guard and we have to be effective.

However, that makes it all the more important that we establish in the United Kingdom in all we do a transparent commitment to the values that we say are basic to our society and which we wish at all costs to defend. That is why I am very glad indeed that the noble Lord, Lord Taylor of Holbeach, is replying to this debate. If I am allowed to say so, over a number of issues over the years I have come to like and admire him as a decent parliamentarian who cares about society, although across a political divide.

I now want to make some points about the interconnections, or connected government as we sometimes call it, and our effectiveness in winning hearts and minds. Forgive me if I have to oversimplify slightly. If a well qualified, intelligent, thinking and decent man or woman, who is struggling to find a future for their family in the real desperation of the world as it is, has a bad experience in the immigration process, are we not sowing the seeds of the ambivalence of which I speak? I am not one of those who object to the concept of the need for a convincing immigration policy; we cannot just have an open door. However, this is why it matters desperately that everything within the procedures happens with decency, civilised values and so on.

When something goes wrong, let us please remember that there is an element of real potential—I hesitate to use the word because it is very strong—treasonable activity. It plays into the hands of the extremists, who play on the doubts and the anxieties that exist. It strengthens the climate of ambivalence: is this society really about the things it talks about, or has it got double-speak and double values? That is why what we do in immigration policy is so important. It is why, when we are talking of the armed services, the police or the security services, we should uphold people within those organisations who are determined to operate by the highest standards.

When things go wrong, they are not just wrong and to be condemned as acts that are insupportable in terms of the rules and regulations and conventions, they are counterproductive in terms of giving ground to extremist recruiters. We have to be infinitely more rigorous in seeing the connections in so many elements of our society and public life between what is happening and the way it is happening, and our determination to preserve security in this country.

I think I have said this in the House before and I do not apologise for saying it again: I was greatly influenced at the age of 13, in 1948, when I was taken to Geneva by my father to an international conference that he was organising. At that conference, I had the privilege of meeting personally Eleanor Roosevelt. Eleanor Roosevelt was not just championing a nicer way of organising society in which human rights would be an

element. She was a tough woman. Like many others in the aftermath of the Second World War, she had seen that human rights and all that attaches to them were a fundamental and indispensable element of security and stability. If you do not have human rights, there is always the danger of extremism gaining ground. The commitment to human rights throughout everything we do is therefore desperately important.

Sometimes I am anxious about phraseology that is too easily used about the trade-off between human rights and security. There is no trade-off between them. Human rights are central to security, and from that standpoint it is all about how we uphold them in everything we do.

3.17 pm

Baroness Williams of Crosby (LD): My Lords, perhaps I may also add my voice of thanks to the noble Lord, Lord Hylton, and say of him and a number of his noble colleagues in the House of Lords that they constitute the collective conscience of the Chamber, and in that context I want to express my great appreciation of all the work that he does. Let me also say, like the noble Lord, Lord Judd, for whom I have the greatest respect, that it is very nice to have the noble Lord, Lord Taylor of Holbeach, here to respond to the debate. As far as I can tell he works infinitely hard to respond to the questions and pleas of his fellow Members. I would like to express my thanks to him and to the noble Earl, Lord Attlee, for their willingness to be present and to take seriously the issues we are raising.

I am going almost entirely to address the domestic scene because the noble Lords, Lord Hylton and Lord Judd, have talked quite rightly about the international and broader position. I want to talk a bit about the issue of the indefinite detention of those who are either suspected of terrorism or, in some cases, are simply illegal immigrants, because I believe that it is a very serious issue. We all heard this morning an inspiring speech by the Chancellor of Germany, and one of the most impressive things about it was the way in which she frequently reiterated the goals of the European Union. She said that they are peace, freedom and prosperity. I want to address the issue of freedom.

Of all the countries of the European Union, there are only two that have no limit on the length of detention of people who are sent to detention centres either because they are illegal immigrants or because they are suspected—in most cases it is found to be rare—of being involved in some kind of terrorist activity. I found that amazing when I first heard about it. I did not really believe it, so I pursued it using every line of research I possibly could. Let me say in a completely non-partisan spirit that the understanding and agreement to allow non-limited detention to go on started with the Labour Government and has been continued, to my great regret, by this Government. I want to challenge this bipartisan policy.

For every EU country which has not opted out of the so-called return directive which was passed in 2008 and made active in 2010—it is a prime EU directive—that directive says that the maximum period for which people can be detained without any form of trial is six months. One can then appeal for an extension of an

additional 12 months, making a total maximum figure of 18 months. However, we should not forget that that figure is subject to there having been an agreement to the extension of 12 months: the normal limit is six months and 18 months is the absolute limit. That is not so in the United Kingdom or the Republic of Ireland, partly for reasons that are a hangover from the terrorist issues of the past, as the noble Lord, Lord Judd, indicated.

That means that, at the present time, on the figures for 2012-13, we spend £34 million in keeping just under 3,000 people—the latest figure is 2,685—in unlimited detention. That is bad enough. However, in addition to that, these detention centres—and there are enough to deal with the 3,000 figure, which is the current maximum—are outsourced to private administrators or private executors of the rules. They are not run by the Home Office or the police; they are run by private bodies.

As I understand it, these private bodies are not subject to any form of regular inspection. They are inspected if there is a death in their premises by the Independent Police Complaints Commission, but that is the only form of accountability there is. Therefore one of the first questions I want to ask my noble friend Lord Taylor of Holbeach is whether the Home Office might consider bringing in a regular inspection of these detention centres. In some centres, such as Harmondsworth, the numbers are quite troubling. Eight people have lost their lives through self-harm, suicide or accident in Harmondsworth over the past few years. The figures are lower for other detention centres.

I declare an interest: I am a patron of the Gatwick detention centre, which is remarkable and has never had a single unacknowledged death. What characterises Gatwick but does not characterise Harmondsworth is the existence of a regular pool of volunteers drawn from the locality, from the countryside—from the community, if you like—who regularly visit those in detention, giving them moral support and help and useful advice. That has had a wonderful outcome because it has not only given the local community an understanding of the detention centre and made it willing to engage with it, but it has also given the detainees, some of whom had been tortured or imprisoned for years before they got here, the kind of moral support and friendship that they desperately need. It is a wonderful social experiment, recognised by the Queen but not very much by Parliament.

Having asked the noble Lord, Lord Taylor, whether we could consider some kind of accountability for these detention centres, I come to the serious point that many of those in detention find it difficult to apply for bail. Under the new Immigration Bill, they will largely be expected to apply for any reconsideration of their case from another country. For most of them, that is not possible and not practicable. They cannot afford it, they do not have the communication, they do not have the language and they do not have the advice.

The other aspect of this issue which troubles me, apart from the high expense, is the fact that it makes the UK look like a poor member of the attempt to get civil liberties and freedom strengthened within the European Union. I repeat that we are the only country—

along with the Republic of Ireland, which has been persuaded by us to support an opt-out—which has opted-out completely from the return directive of 2010. Sadly, that opt-out was made in 2006 and so, once again, none of us can say, “Sorry, it was not us”. It was us. It was all of us.

As I have said, the current expenditure is £34 million, which is quite a lot for 3,000 people, but there is now a proposal to convert the old prison at Verne in Dorset to a detention centre at a cost of £30 million. That is a big jump in the amount of money made available for detention. It is due to open later this year or, at the latest, early next year.

So, on the basis of legality, freedom and expense—and, not least, on the basis of losing the good will and respect of other countries, because we are one of only two in the whole of the EU about which this is true—we really ought to consider whether there are some alternatives.

Let us take people—for example, from Somalia—against whom there is no criminal charge but who cannot be returned under United Nations HRC rules because their country is too dangerous to be sent back to. They are in suspension: they are not out of detention but cannot be returned, they have not been tried, they have not committed crimes and there are several hundred of them in this condition. I ask the noble Lord, Lord Taylor, whom I regard, as does the noble Lord, Lord Judd, as a sensible and thoughtful person, whether he and the Home Office might not find it possible to let such people—I am talking now about Somalis, or others who cannot be returned for the reasons given—be released on licence, or, if you like, under probation, where they might have to report to police every week and their position would be regularly reviewed? It would cost the country a great deal less, it would obviate a great deal of real psychological and mental suffering, which, as I said, has led in some cases to self-mutilation and suicide, and it would save the Government a great deal of money and gain them a great deal of respect.

3.26 pm

Lord Ahmed (Non-Affl): My Lords, I thank the noble Lord, Lord Hylton, for providing us with the opportunity to discuss this important subject. I am delighted and honoured to follow the noble Lords, Lord Hylton and Lord Judd, and the noble Baroness, Lady Williams, who are all much more experienced, knowledgeable and committed than I am. However, I want to say a few words. We are discussing this important issue a day after Michael Adebolajo and Michael Adebowale were sentenced for their appalling, despicable and heinous crime against Lee Rigby, an innocent soldier. I thank Mr Justice Sweeney for separating these two criminals from the Islamic faith and the Muslim community in his remarks.

In February 2011 the Prime Minister, David Cameron, tarnished the image of British Muslims by speaking in Munich about radicalisation and “Islamic extremists”. Then in December, during his visit to China, he said:

“There are just too many people who have been radicalised in Islamic centres, who have been in contact with extremist preachers, who have accessed radicalising information on the internet and haven’t been sufficiently challenged. I want to make sure in our country that we do this effectively”.

[LORD AHMED]

I have no problem with the Prime Minister's fight against extremism and we will help him and work with him, but I wish that he had made these two speeches in east London, Bradford or Luton, or even at his Eid party at Downing Street, rather than in Germany and China. It sounds so much like the colonial attitude of divide and rule. The good guys are invited to the Eid party but the bad guys he cannot face—Sufi Islam versus the Jamat-e-Islami, the Deobandis and the Ahl-e-Hadiths, the so-called Wahhabis. Although he enjoys the hospitality of Saudi Arabia, Qatar, Kuwait and others, I wonder whether the Prime Minister tells them what he says and does at home.

The isolation of large sections of the Muslim community is not good. Demonisation and sensational headlines in the tabloid newspapers are also bad. Despite what the media portray, Muslims are not the major source of terrorist atrocities. The Government seem preoccupied with Islamist terrorism despite the fact that, according to Europol, fewer than 6% of terrorist acts across the continent, year on year for the past 10 years, have been carried out by Muslims. Counterterrorist anti-extremism measures need to be more holistic in their approach and be careful not to cast aspersions and turn particular communities into social outcasts.

Counterterrorism practices have often been leveraged through dangerous rhetoric on so-called “non-violent extremism” and “conveyor belt theory”. The whole discourse is problematic and lacks evidence. CIA officer Marc Sageman, who also advised the New York Police Department and testified in front of the 9/11 Commission, described the conveyor belt theory as “nonsense” and said that there was little empirical evidence for such a conveyor belt process:

“It is the same nonsense that led governments a hundred years ago to claim that left-wing political protests led to violent anarchy”. The Government need to take an evidence-based approach. There are clear laws surrounding incitement to violence and hate speech. For the Government to develop a new category called “non-violent extremism” and claim that it produces a conveyor belt to violent extremism has real implications for freedom of speech. People have a right to hold opposing views on political governance, whether they be communist, socialist or whatever.

Both the media and the Government have made assertions that radicalisation is occurring at universities, yet the Universities UK report makes clear that there is no evidence for such a link. Ms Dandridge, the chief executive of Universities UK, said that universities had been unfairly singled out for attention because many terrorists went to university,

“but they tend to be young people and 40 per cent of young people go to university”—

again, an evidence-based approach, not simply making assertions. Such measures would only be detrimental to free speech at university campuses and oppose the values that we are supposed to cherish. The protection of free speech on campus is enshrined in law within Section 43 of the Education Act, but it is in jeopardy.

Professor Michael Lister and Professor Lee Jarvis from Oxford Brookes University and Swansea University wrote a paper based upon empirical data from a series

of UK-based focus groups. It was on the impact of antiterrorism measures on citizenship in the UK. They found that people felt that antiterrorism measures eroded rights, freedoms and liberties and went against the whole point of living in a democracy. If you remove the freedom of individuals, it restricts the democracy we live in. The Government should take on board a wide range of expert opinions, not a few select or cherry-picked voices.

I turn to policies abroad, a point raised by the noble Lords, Lord Hylton and Lord Judd. At the meeting of the APPG on Drones on Tuesday, we heard evidence from two victims of drone attacks and from Mr Clive Stafford Smith from Reprieve, who described the 600,000 citizens of North Waziristan as living through a blitz. His mother had lived through the Blitz and he said that she described how people lived day after day in the same conditions. One third of the population in the region is on antidepressants due to drone attacks and the fear of them. He said that the American policy on drones has made the Americans the most hated people on earth for the Pakistanis in Pakistan. True, the Pakistan Government are taking action against the terrorists and the Taliban. It because they are doing it themselves that the public support that action. However, they resent any outsider making attacks on their land, on their culture and, as they perceive it, on their religion. That increases radicalisation and creates suicide bombing.

3.35 pm

Lord Rosser (Lab): My Lords, I thank the noble Lord, Lord Hylton, for giving us this opportunity to debate a matter of real concern and import to the citizens of this country. The subject matter of the debate is the Government's assessment of the effectiveness of counterterrorism practices. I want to refer in that context to the recent developments in Syria.

Terrorism is not just a major issue for the United Kingdom; it is a global threat. As I understand it, in 2011 more than 10,000 terrorist attacks occurred in around 70 countries, resulting in almost 45,000 casualties and more than 12,500 fatalities. About three-quarters of those attacks occurred in the Near East and south Asia, but in 2011 attacks in Africa and the western hemisphere were at a five-year high. The figures indicate that in the 12 months to 30 September 2012—I am not sure if there are any more recent figures—there were 245 terrorism-related arrests in Great Britain; 45 people were charged with terrorism-related offences and 18 convicted, with a further 25 people awaiting trial. At the end of 2012, 122 people were in prison in Great Britain for terrorist, extremist or terrorism-related offences, including those on remand. As the noble Lord, Lord Ahmed, has already mentioned, the sentencing in a case yesterday reminded us of the brutality and savagery that can be involved in such offences in our own backyard in broad daylight. The value and importance of the work that our police and security services do to protect us cannot be overestimated.

In their last annual report on the UK's strategy for countering terrorism, the Government stated that there were now hundreds of foreign fighters from Europe in Syria and that, as and when UK residents return here,

there is a risk that they may carry out attacks using what were described in the report as the skills that they have developed overseas. The most recent annual report of the Intelligence and Security Committee of this Parliament also referred to the increasing potential for those who travel overseas to train and fight alongside one of the al-Qaeda affiliate groups to subsequently return to the UK and pose a direct threat to the UK's national security. The report went on to say that what was most significant in this regard was the growing trend for UK resident extremists to join elements of the opposition in Syria, and that this was likely to form part of the terrorist threat picture for years to come. The report said that the shape of the terrorist threat was potentially changing from what it described as tightly organised cells to looser networks of small groups and individuals who operate more independently, and that it was essential that the agencies continued to make a clear assessment of this evolving picture in order to keep ahead of the threat.

We have had a much more recent update on the position, with the head of the Office for Security and Counter-Terrorism being reported in the media as saying that the biggest challenge now facing the police and intelligence agencies was the size of extremist groups in Syria and the number of Britons joining them. He was reported as having gone on to say that the number of foreign fighters in Syria was higher than anywhere since Afghanistan in 1989, and that Syria was different from any other counterterrorism challenge that this country had faced since 9/11 because of the number of terrorist groups now engaged in the fighting; their size and scale; the number of people from this country who are joining them; the ease of travel; the availability of weapons; and the intensity of the conflict. Statements along very similar lines have also been made recently by the head of Scotland Yard's counterterrorism unit.

There have been suggestions—I stress that that is all they are—that there may now be new laws being considered by the Government. That would of course be an interesting development; the Government have hardly strengthened our ability to keep a check on the potentially most dangerous people, since the Government's own terrorism prevention and investigation measures, which placed the most menacing terror suspects under special, albeit watered down, restrictions were, I assume—subject to the Minister telling me otherwise—brought to an end, as intended, a month or so ago.

The independent reviewer of terrorism legislation has confirmed that those who were the subject of terrorism prevention and investigation measures and their special restrictions were considered the most dangerous threats even by the standards of international terrorism. In relation to one who absconded, the Secretary of State simply tried to assert that the only reason why that individual had been made subject to a TPIM was to prevent them travelling to support terrorism overseas. In the light of the recent warnings about Syria, that suggests that if that really is the Government's criterion, rather more people should be being placed on TPIMs instead of allowing the measures to lapse after two years with the consequences that we now see. It would certainly be helpful if the Minister could indicate what the additional cost has been, in terms of extra surveillance,

of watering down the previous control orders and replacing them with TPIMs, and what is now the additional cost of surveillance of those who, I assume, were until a month or so ago subject to a TPIM and its associated restrictions, but are no longer so even though there has presumably no change in the assessment of the serious threat that they represent to national security.

Perhaps the Minister could also say if the Government are indeed considering new laws. Are the Government considering activating the Enhanced Terrorism Prevention and Investigation Measures Bill, which, in essence, reinstates control orders? Is Clause 60 of the Immigration Bill, on deprivation of citizenship, the Government's response? A number of steps were initiated following the work of the task force set up by the Prime Minister on tackling radicalisation and extremism. What is the position now in regard to the implementation of those steps, and what consideration is being given to any further steps that may be needed in the light of very recent concerns that have been expressed, particularly in relation to the potential implications for us of the situation in Syria?

We all have a common interest in national security and in protecting the citizens of this country from acts of terrorism. We need to have the ability to take proportionate, strong and firm action quickly and decisively, within the law, against those individuals who constitute a real threat. Equally, though, the approaches that we adopt and the actions that we take need to give at least as much attention to strengthening the hand of those who work hard to persuade predominantly young men and women to ignore the siren voices of those who may seek to encourage them to go down the road of violence and hatred, and instead to reject that route.

I hope that the Minister will be able to say what the Government's response is to the very recent concerns that have been expressed about the potential consequences of the situation in Syria, and apart from—of course—continuing to try and get negotiations to resolve matters under way, what further actions if any the Government now intend to take in respect of counterterrorism practices.

3.44 pm

The Parliamentary Under-Secretary of State, Home Office (Lord Taylor of Holbeach) (Con): My Lords, I thank all noble Lords for their contributions to this debate, particularly the noble Lord, Lord Hylton, for tabling it. It has been a useful discussion. The debate has ranged far and wide. I hope that my noble friend Lady Williams of Crosby will allow me to write to her on detention and detention centres because I would like to be a position to reassure her. She raised some challenging issues in bringing that into this debate. If I may, I will copy all noble Lords in on the subject and place a copy of that in the Library.

I think it is clear that we all share a common agreement that the Government's first responsibility is the security of the public. We face a real and serious threat from terrorism, and this threat becomes more diverse and less visible. It disperses into areas where it is harder for us to work and threatens the freedoms that we all hold dear. The police and the intelligence

[LORD TAYLOR OF HOLBEACH]

agencies do an outstanding job in identifying and disrupting terrorist plots. It is good that the noble Lord, Lord Rosser, paid tribute to their work. It is vital that they have the resources that they need to do just that. The Government have protected police counterterrorism funding, maintaining core capabilities since 2010.

As Andrew Parker, the director-general of MI5, informed the Intelligence and Security Committee when he appeared before it in November last year, since the attacks on London on 7 July 2005, 34 terrorist plots have been successfully disrupted in this country. However, there can be no guarantee that each and every plot—some hatched thousands of miles away, or by a lone individual—can be thwarted.

The noble Lord, Lord Ahmed, reminded us of the sentencing yesterday of the murderers of Fusilier Lee Rigby in Woolwich. That, in turn, reminds me of the similar incident of the vile murder of Mohammed Saleem in Birmingham. Further afield, we remember the attacks at the Boston Marathon and the Nairobi shopping mall, which resulted in 60 deaths, six of them British nationals. All this goes to show that terrorism is an international problem. The numerous casualties of terrorism are found in many countries. Our partnerships with international allies are vital to the protection of the UK and our interests overseas, and innocent people everywhere. The noble Lord, Lord Ahmed, should be assured that the Government are well aware that both victims and protagonists of terrorism are of many different faiths and are found in many different countries. The statistics given by the noble Lord, Lord Rosser, reinforce that point.

The threat continues to arise from Syria, as the noble Lord, Lord Judd, pointed out. We know that it is the number one destination for jihadists today. As the noble Lord, Lord Rosser, pointed out, thousands of foreign fighters, including a large number of Europeans, gain combat experience and forge extremist links there. It is sobering that more than 200 of these individuals have connections with the UK.

Notwithstanding the terrorist threat, this Government also remain committed to protecting our freedoms. In combating the threat, the United Kingdom will never use methods that undermine our deep attachment to freedom, human rights and the rule of law, and we will not condone them anywhere. The noble Lord, Lord Judd, was right to emphasise the necessity of maintaining civilised standards in regard to human rights. Naturally, we expect all states to act in accordance with international law and take all feasible precautions to avoid civilian casualties when conducting counterterrorism operations.

The noble Lord, Lord Hylton, asked me how we measure the effectiveness of our counterterrorism practices. As he will know, we do this under the UK's counterterrorism strategy, *CONTEST*, with its four key aims. I hope that as I recount these I will reassure noble Lords about this strategy. Our strategy is to prevent people becoming terrorists. Our strategy is to protect against terrorist attacks. Our strategy is to prepare, in the event of an attack, and to pursue terrorists and those who support them. That lies at the core of our policy. It is shared, I think, by people across the political spectrum.

Under *CONTEST*, we continually review our counterterrorism powers to ensure that they are effective and fair. Following our 2011 review of these powers, we reduced the limit on pre-charge detention from 28 to 14 days. We ended the indiscriminate use of stop and search powers. The Independent Reviewer of Terrorism Legislation, David Anderson, QC, is often quoted when we discuss these matters. He said,

“The cautious liberalisation of anti-terrorism law from 2010 to 2012 is to be welcomed”.

While ensuring that our powers that are proportionate, we also have to be certain that they remain effective. The Justice and Security Act 2013 means that civil courts can handle and protect sensitive material and provide for robust oversight of our agencies by the Intelligence and Security Committee. Noble Lords will remember passing that legislation through this House late last year. The Bill that I have just been handling provides further safeguards that we have proposed to Schedule 7 to the Terrorism Act 2000. These include a reduction of the maximum time for which someone can be examined at our ports and borders.

We have also recently updated the royal prerogative, which can be used to prevent individuals from seeking to travel on a British passport to, for example, engage in fighting overseas and to return to the UK. Any action to refuse or withdraw a passport must be proportionate, and this power will be used only sparingly. We continue to enjoy an open and constructive relationship with international partners, including the United States, on a range of counterterrorism matters, such as the security of our borders.

Since the attempted aviation attacks on Christmas Day 2009 and at East Midlands Airport in 2010, we have banned inbound flights from the highest-risk countries, helped to raise security standards at departure points, strengthened pre-departure checks and introduced a no-fly scheme to stop those who pose a threat from travelling here. Following the Boston and Woolwich attacks, we have worked with the US to share learning on preventing radicalisation, including radicalisation online. Our success in countering terrorism is supported by our relationship with other countries, by sharing our learning with each other.

In order to be truly effective—in order to work—our counterterrorism powers must also command the trust of British communities. The Prevent strategy, which we revised in 2011, aims to stop people becoming or supporting terrorists. It can work only if the public believe our approach is measured and appropriate. I reciprocate the generous comments that the noble Lord, Lord Judd, made about me. He pointed to the importance of a civilised relationship between citizen and government at all times. He will know we work closely with local authorities, the police and others to challenge the radical and distorted ideologies that can lead to violence and to support those who may be vulnerable to them. The Prime Minister's Extremism Task Force will ensure that no opportunity is missed to counter terrorism in all its forms. We cannot be complacent: the terrorist threat changes and develops. We must change and develop with it.

I have mentioned the threat from Syria and elsewhere overseas, but back home we must also continue to build Prevent capability, make our borders and aviation sector more secure, and give the police and agencies what they need to do their jobs. There can be no doubt that the publication of intelligence material stolen by Edward Snowden has made this work harder. Communications data remain essential to the investigation of serious crime, and this must be addressed in the next Parliament.

Our powers must remain strong and effective to counter the terrorist threat. But I assure the noble Lord, Lord Hylton, and all Members of the Grand Committee that we are clear that they must remain within the bounds of international law. We must also ensure that they remain necessary and fair, and are understood publicly by all to be so. We have a proud tradition of protecting our freedoms, and this must be upheld. It is fitting for me to pay tribute to the police officers, prosecutors, community workers and others who protect us all from the very real threats we face.

Lord Hylton: Before the noble Lord sits down, will he say something about the kinds of bilateral conversations with the United States for which I was asking?

Lord Taylor of Holbeach: I think I made it clear that we work very closely with the United States and with other allies. If the noble Lord would like me to, I can perhaps expand in writing to some degree on what I have said in my response if he feels that it will help, and I will certainly include other noble Lords in that correspondence, but he will also be aware that we do not comment in detail on security matters. Given the scale of the threat we face, we have to honour that convention because it is very important for our security that we do so. But to the extent that I am able to reply to the noble Lord, I will very much seek to do so; I will copy in noble Lords who have participated in this debate and place a copy in the Library.

3.58 pm

Sitting suspended.

Health: Concussion in Sport

Question for Short Debate

4 pm

Asked by Lord Addington

To ask Her Majesty's Government what advice they are giving to (1) sports national governing bodies, and (2) national medical services, regarding concussion sustained in sporting injuries.

Lord Addington (LD): My Lords, I first thank everyone who bothered to put their name down for this debate. I would like to say why I felt that a discussion on this matter would be worth while. When we start talking about concussion and injuries and the areas around them it is important to try to get the whole situation in context. When it comes to head injuries there is always

a great deal of fear within any organisation, and quite rightly so, because we are not entirely sure what happens. If your head goes, everything goes. Every time you talk about this, in particular when there is the idea that children will be involved, there is a fear reaction. Also, in sport—and this is probably very true of my own sport, rugby union—there is the machismo. “Well, it didn’t do me any harm”, a player will say as he twitches and staggers. However, that reaction always comes in.

I want to look at a debate which started at the elite level of the game. Here I pay tribute to Chris Bryant MP, who I first met on the Commons and Lords rugby trip about 10 years ago. Not a bad centre, likes to run straight and does not miss many tackles: that is my assessment of Chris. He has done a great deal of work at the professional end of the game. In the period of time since I had my flirtation with the top end of the game—and when push comes to shove it was a flirtation—professional rugby union players have got bigger, stronger and harder. They have gained weight and got fitter. They are now basically monsters. One of the biggest changes in the game is that they now take the defence more seriously and look for heavier collisions more frequently.

The other side is that those players are professionals. They have a structure which looks after them, which is aware of them and has invested in them on dozens of different levels to observe what is going on. At all levels there is a great incentive to make sure that people are functioning properly. Most of sport does not have that. It is also the case that most sport is played at an amateur or community-level basis, where people are not playing or training primarily because they are paid but because they want to be there. They enjoy the process. There are some, possibly not in this debate but quite frequently in other situations, who cannot understand this process and the fact that people enjoy what they are doing.

Virtually all sports have a danger of concussion and head injury. They involve people moving around and bumping into each other, and occasionally bumping into very hard balls travelling very fast. All sport has an element of risk. All sport will have to try to adjust and ensure it knows what it is doing. All of sport will have to interact with the National Health Service to make sure that these problems do not become chronic. As we become more aware of these problems we tend to discover more of them.

At the amateur, more participatory, casual end of sports, people frequently play more than one sport. The specialist at the top end will concentrate on one sport alone. That is why I frame this debate in these terms. Rugby union, rugby league and possibly gridiron football, although not that much of it is played in this country, look for a collision, as do the martial arts. In other sports it will occur as an inevitable part of the game at even the most casual level. In basketball, players are not supposed to hit each other, but people jump up for the ball and two of them can hit each other. If they do not clash heads and elbows, there is a nice hard surface to bang their heads on. It will occur. For example, in football, if the defender, goalkeeper and the forwards all go up for the same ball, all trying

[LORD ADDINGTON]

to head it—or the goalkeeper punch it—there is the possibility of impact. It has occurred at the top level of the game.

I have tried to look at how all sports manage to get the information running through themselves about what they should do and how they manage to get this down to the more vulnerable groups. In this case, children and the young are more at risk—more of them apparently have head injuries and more come into casualty. Much of this may be simply because the young climb trees, for instance, or cross roads less carefully than others, but it still occurs. They are more at risk not only from the one incident but the secondary incident. How do we take this on board and encourage the sports themselves to identify when somebody is at risk? How do we make sure that the people who are in charge of the organisations and of coaching know to tell the rest of them when to step down? How do we tell the medical services when they should take action and when they should tell you to go home? Very importantly, how do we tell them when not to overreact?

There is a general consensus that exercise is the wonder drug. It helps prevent types of cancer and even dementia. Most people take exercise, at least initially, through a sport. If we could all be trained to jog the 2.3 miles 2.4 times a week that are required to keep our bodies healthy, we all would and we would not have to worry about this—but we do not, as people find it basically fairly boring. How do we interact and make sure that this is going on?

When it comes to examples of good practice, the best culture I have seen for dealing with injuries is probably in anything to do with riding or the equestrian world. I live in Lambourne, the valley of the racehorse, and in National Hunt jumping, people come off the horses fairly frequently. I have seen quite an intimidating tea-towel about some old National Hunt jockey—I cannot remember which one, but he had X number of wins, rides and broken bones—which showed which bones he had broken flying off a horse. In that sport, a hard hat is the thing you absolutely always wear. The sport knows that people get hurt and it shares doctors now with rugby union. In rugby union, you probably have twice the amount of person to practise on but similar types of injury.

How do you get that culture down into the grass roots? Rugby union has a very good scheme, which seems to be a brand leader, called “Use your head”. It comes down to a culture of making sure that introductory-level coaches are taught how to deal with people who have head injuries. Will the Minister encourage all sports to get similar types of schemes going? We need to encourage people to take part.

Also, how do the medical services react? They should not just say, “Don’t do it” for X number of weeks. That would mean people will ignore you, because most of the time—statistics prove this—although you have a slight headache and feel slightly giddy, you are fine. We do not want to go back to assuming that you are not in danger, but most of the time you are fine. It is when this gets compounded and, on the odd occasion, the freak event and the panic occur. How do we square

this circle of reaction? Can we please have some guidance about what are the best schemes? How can we address this and get through?

We are told not to go to accident and emergency all the time as we are clogging up the doors. Will the other elements of the National Health Service know when to refer you on, when to tell you not to panic, when to tell you to rest and when to come back? That is what I am trying to get at. If we overreact here and act inappropriately we get rid of the benefits of sport. If we do not react at all, we will have occasional cases of tragedy and then more commonly occurring cases of impairment and damage in later life. We have got to work these together. What are the best practices for what we are doing and how are we going to bring them together? That is what I am trying to get at here.

I hope that this is the start of a process in which the NHS and all the sporting bodies talk to each other. They need to ensure that there is communication at the grass roots, at the schoolboy—or schoolgirl—level, and that people know what is going on and what is best practice. If they do not, we are in danger of creating another case where overreaction, bluff and basic ignorance mean that we end up with slightly less competition—not just in sport but in any competitive environment—and a few tragedies are the result. We do not want that. We want to go forward with activity and safety. That is something that we can achieve and we should try to.

4.10 pm

Lord Moynihan (Con): My Lords, the Committee is indebted to my noble friend Lord Addington for securing this debate. It is both timely and important. It is timely because it comes on the eve of the screening next week at the Curzon cinema here in London of the world premiere of “Head Games: The Global Concussion Crisis”, which will spark nationwide comment and debate. From the acclaimed director Steve James, it is a revealing documentary featuring neurological findings related to rugby and soccer players that will serve as a wake-up call for those who think that the devastating and chronic effects of repetitive head trauma are found only in American football and boxing. The film is inspired by the book *Head Games: Football’s Concussion Crisis*, written by the former Ivy League football player and WWE wrestler Christopher Nowinski. I believe it will capture the attention of the sports world, and it is already causing a stir in the United States.

Concussion is increasingly recognised as a serious medical condition that is interesting legislators around the world. Indeed, it is the only medical condition whose treatment is currently mandated by legislation in the United States. This is the result of the Zackery Lystedt law, started in Washington state, home of the Seattle Seahawks, by the Seahawks’ doctor, Dr Stan Herring, after a terrible accident involving a teenager, Zackery Lystedt. There are now Zackery Lystedt laws in 49 of the 50 states of the union; Mississippi is the only one that does not have one.

The Zackery Lystedt law states, first, that concussion education must be delivered to parents, coaches and players in all sports, not just contact sports. Secondly, after a concussion the player must be removed from play and not allowed back on to the pitch. Thirdly,

after a concussion the player cannot be allowed to return to sport until cleared to do so by a healthcare professional who has experience in concussion.

We have no legislation in the United Kingdom and, as my noble friend Lord Addington has highlighted, individual sports vary greatly in their attitude towards concussion management. That is the urgent issue that needs to be addressed. My noble friend mentioned horseracing, which is way ahead of the rest and started a management programme in 2004. The work that Dr Michael Turner, until recently chief medical officer of the Jockey Club, has done for jockeys has been world-leading and deserving of careful study and praise.

Rugby is still trialling new and appropriate codes; for example, the five-minute concussion timeout to allow doctors to assess and diagnose concussion. Speaking from a non-medical perspective, that seems a totally inadequate length of time and yet rugby has put many of the issues under consideration on the world stage. The highly controversial decision to allow Australia's George Smith to return to action during his side's third-test defeat to the British and Irish Lions last year, despite clearly having been concussed, has prompted one of a series of changes to the global trial of the pitch-side suspected concussion assessment, the PSCA protocol.

What is needed above all is education at the grass roots. At the moment there is nothing in this country that is structured for coaches, parents and clubs. That is a very serious state of affairs, which should concern all sports administrators and politicians. The South Africans have a great programme in this context called BokSmart, which should seriously be considered by all our governing bodies. The Canadians have Parachute and we have Headway.

The main source of information is the latest concussion consensus statement from Zurich 2012. It recently emphasised, once again, the need for education and in the United Kingdom all sports, not only contact sports, have faced the consequences of this. In soccer, there were changes to pitch-side assistance and medical requirements soon after the Reading-Chelsea match when Petr Cech sustained a depressed skull fracture and then the substitution goalie sustained a concussion, leaving John Terry in goal.

The Australians are probably the leaders internationally given the work being done in Aussie rules football in particular. Many sports are now caught up in the debate—NFL, ice hockey, FIFA, boxing, equestrian, rugby league and union. It is a global issue as well as a legal one.

What needs to be done? In this country we could create a national concussion and head injury research centre. This could address all of these issues, bring them together and ensure that what we are debating today is not a series of different practices across sports, clubs and schools but a centre capable of bringing together all research in this area and then disseminating it to all sports in this country. Above all, we need consistency in the approach of the national governing bodies of sport, both amateur and professional. Without it, and without such a voluntary approach working with the governing bodies of sport, there may be serious calls for legislation in the future, as there are at the moment in the United States.

Will the Minister, with his ministerial colleagues at the Department of Health, agree to a further meeting with interested members of the medical profession to discuss the establishment of a world-leading centre in the United Kingdom based on international co-operation, which I have called today the national concussion and head injury centre?

Perhaps I may set this in context. The current definition of concussion was first agreed in 2001 at the Vienna concussion consensus conference and has remained largely unchanged over the subsequent three meetings—the Prague concussion conference and then in 2008 at Zurich 1 and in 2012 at Zurich 2. It has been recognised that concussion is a complex neural process that does not involve any structural brain damage and does not produce any changes on conventional imaging—for example, an MRI scan. Normally it resolves spontaneously in seven to 10 days without medical intervention. However, it may linger on, and post-concussion syndrome may lead to long-term problems.

On the subject of long-term concerns, recent research published in the USA suggests that multiple concussions or sub-concussive impacts might lead to a serious brain condition called chronic traumatic encephalopathy. This has resulted in a number of law suits being initiated in North America against the governing bodies of professional sports, the NFL and the NHL, and unless we in the UK act, sports governing bodies must expect similar legal action in the future.

My noble friend focused his remarks on the sports with the highest incidence of concussion. We need to look at all sports. Dr Turner, to whom I have referred, recognised that if concussion does not involve any structural damage it is reasonable to suggest that a little more impact would lead to a few nerve fibres becoming damaged or dying. He refers to this as concussion plus. You cannot tell the difference between concussion and concussion plus. They are indistinguishable at present because the tools we have are not sensitive enough to pick up the microscopic structural and chemical changes involved.

This is the tip of a highly complex medical iceberg. It is vital that we bring together all the expertise available in order to ensure that, by setting up a national centre—which could be world-leading and could co-operate internationally with best practice—our athletes, our clubs and our governing bodies are best served. I repeat, I hope the Minister will accept that this kind of initiative is worthy of further study and that he will attend a meeting—I hope with his colleagues from the Department of Health—with medical experts in this field, including Dr Michael Turner, to see what can be done to ensure that we are world leaders in this context, above all because we will be protecting the interests of our athletes, both able-bodied and disabled, as our first priority.

4.19 pm

Baroness Grey-Thompson (CB): My Lords, I thank the noble Lord, Lord Addington, for tabling this timely debate. The issue of concussion has been gaining momentum over recent months. The journalist Anne Peters has written extensively about it and it comes on the back of the announcement last August of the case

[BARONESS GREY-THOMPSON]

of the NFL in the USA, where 4,500 athletes took a class action suit and sued the league. The league agreed to pay out a total of \$765 million to fund concussion-related compensation, medical exams and research.

I am very pleased that the noble Lord, Lord Moynihan, raised the issue of “Head Games”. Unfortunately, I cannot make the premiere next week, but I have read the book instead. It makes stark reading in terms of the information it lays in front of us. Who can forget the tragic case of Ben Robinson who died in 2011? He was a young man who died after being concussed on the pitch three times. I spoke to Ben’s father Peter this morning. It was very emotional. It is hard enough reading about Ben’s case, but it is incredibly powerful listening to a man talking about his son who died playing the sport he came to love. It is probably fair to say that Ben was not a natural rugby player, but he was really good at the sport and was one of the best players on the team. The hardest part was listening to Peter say that Ben’s mum Karen had been at the game and she realised that something was not right, but did not feel that she had any power to stop the game going ahead. When she did try to intervene, she was told to “calm down”.

This is a powerful argument in making us realise that we have to involve many people and governing bodies in the discussion. I absolutely do not want to stop children playing sport, because the benefits are greater than being inactive. Peter told me that Ben received advice on nutrition, training and absolutely everything except concussion. Peter also said that he has a younger son who does not play rugby, but he would let him if he felt that he could do so safely.

There is a lot of information out there, but would I have gone out and looked for it had I not been taking part in this debate? The answer is no, because I would have assumed that concussion would not be an issue in most sports that my daughter and I are involved in. Some of this comes back to how we educate people. Sport Scotland has issued a really good leaflet highlighting the issue of concussion and what you have to do if you see it in a young player. At the launch of the leaflet, Dr Willie Stewart presented a huge amount of information. He had interviewed 300 schools from the south-west of Scotland. The good stuff was that 90% recognised that concussion could be fatal. However, 30% of the schools said that they would still leave a child with suspected concussion on the field of play. Curiously, virtually all the 30% who would have left the child on the pitch would have then informed the parents that they thought the child had concussion, so there is a bit of a mismatch in terms of how young people were being treated. The survey also made it very clear that there was a need for a physical test in the first 24 hours after injury, but there was not the understanding that it was important for the brain to rest as well—that is a really important part of rehab.

It is also interesting that well known rugby players like Will Greenwood have spoken out on this matter and the need to take it seriously. However, it is really difficult for current players to speak out, because it is their career. How much time they spend on the pitch

affects their sponsorship, media coverage and future contracts. So I think it is important that we engage retired players and, I hope, encourage more competing players to think about this.

Over the weekend, I was told the story of a professional club player who was very clearly concussed but refused to leave the pitch. The good news is that the referee refused to carry on. That might be easier to do at club level and it should be hugely applauded. But at a lower level, where there is a lot of pressure from parents and the children themselves who want to play, we should not be asking the children, “Are you okay to play on?”.

I have had a lot of help with preparing for this debate. The RFU has showed me a lot of information. Rupert Moon, a great Welsh rugby player and also a friend of mine, put me in touch with a lot of professional people within the sport who are trying to filter the information down. But we have to do so much more than we currently do. We have to recognise that, while there are many stories about rugby, the problem is about so much more than rugby. Yesterday, in the *New York Times*, there was a story about a young man, a 29 year-old former soccer player who died from chronic traumatic encephalopathy. He is the first named player to have died from this condition. On a four-point scale of severity he was considered to be at stage 2.

Part of all this is education and getting people to think about the issue, no matter whether it is lacrosse, hockey or any other sport we can think of. We also have to recognise that sport is dangerous. There were a number of concussion injuries during the recent Winter Olympics, while Maria Komissarova was injured during ski cross training. She has undergone a number of operations on her spine. My own husband broke his back cycling, and indeed many of my friends are in wheelchairs due to playing sport. I have twice been hit by cars while out training. By the end of my career I also knew that, despite all the benefits of doing sport, I would probably end up with some severe damage to my back, neck and shoulders, which has happened. But I still believe that the benefits far outweigh the risks.

I was trying to find some kind of context for this. Stories about sports injuries will obviously hit the headlines in lots of media outlets, but it is a question of trying to figure out what the comparable data are. Statistics from Headway using data extracted from the NHS show some massive figures for head injuries. During 2011-12, 213,752 people were admitted to hospital. There has been a 33% increase in UK head injuries over the past decade. The number of severe traumatic brain injuries is running at between 10,000 and 20,000 per year in the UK. Interestingly, men are twice as likely to sustain a brain injury as women, and if we look at the target groups, it is 15 to 24 year-old males and people aged over 80. Those figures are important in terms of putting the issue in context and showing how many people are injured. However, it is hard to find data for the UK, so measuring data is an area in which we need to do more work.

Mortality rates due to blunt trauma in the USA among athletes aged under 21 in organised high-school and collegiate sport show that there were 261 trauma-related deaths, 1,139 cardiovascular deaths and 427 deaths

from other causes. If those numbers are broken down by sport, American football is responsible for 56.7%, track and field 10%, baseball 6.9% and then gymnastics at 1%, hockey at 1% and weightlifting at 0.4%. The average number of deaths per year is nine. Again, comparing these figures against deaths in the general population, some 12,000 are killed in road traffic collisions, there are 6,000 homicides, 2,500 young people die of cancer and, bizarrely, 50 are killed in lightning-related incidents, which is interesting. That is why we need some context in the UK.

I am also very conscious as a mum whose daughter plays a lot of sport that the temptation is to stand on the sidelines and say, "Come on, you are all right". My daughter has never hit her head playing sport, but when they skid across the hockey pitch one says, "Come on, darling. Give it a bit of a rub and you'll be okay. Get back out there". That is because there is pressure on people to carry on playing, and that is much more the case for boys. We have a culture where it is cool to be a sporty boy but not so cool to be a sporty girl. I think that that kind of pressure on boys is huge.

I have received some interesting information from a colleague of mine, David Sutton, who is the strength and conditioning coach at Northants Cricket. He has worked in numerous sports. He sent me some information on fencing, which I had never considered to be a sport where there was a risk of traumatic head injuries. What is looked for is the natural position of the arms following concussion. Immediately after moderate forces have been applied to the brainstem, the forearms are held flexed or extended, typically in the air, for a period lasting up to a few seconds. It is interesting that there is a lot of work in this area through fencing. David Sutton said that this ultimately comes down to three simple things. We need to educate our PE teachers and coaches. We need to be unafraid of running a SCAT score in order to check whether a young person has been injured. It is not enough just to say, "Are you okay?". We also need much more training through accident and emergency departments and GP surgeries so that health workers understand the realities of concussion.

I am really pleased that we are discussing this subject in a debate and I hope that we will return to it again in the future.

4.29 pm

Lord Storey (LD): My Lords, first, I thank my noble friend Lord Addington for initiating this important debate. I must say at the beginning that I am speaking on this issue while being aware that there are noble Lords here who have far more experience and understanding of the subject than me. I wanted to speak in the debate for a number of reasons, which will become apparent in the next few minutes. I am a former teacher, and the importance of sport in general, and team sports in particular, is there for all to see. I do not need to catalogue the details of that importance. We are becoming an increasingly sports-mad nation, with more and more people participating in sport in so many different disciplines.

Every parent wants to know that their child is as safe they possibly can be, whatever sport they take part in. Parents want to know that their child has the right and suitable advice, equipment and medical support if something goes wrong. Of course, accidents do happen, and I am mindful of that myself. Having taken up skiing late in life, I was standing at the side admiring the view, completely out of anybody's way, when a snowboarder hurtled towards me. The next thing I knew I had broken my tibia and torn my cruciate ligament. I had to be rushed off to hospital through no fault of my own. These things do happen.

In contact sports, the problem of concussion must be taken seriously. A cursory browse through the newspaper headlines shows what a real issue it has become: "Brain Damage Fear Hits Junior American Football"; "Concern over the Effects of Heavy Knocks to the Brain is Rising among Contact Sports"; "Rugby Union Doctor Warns of Legal Cases over Brain Damage"; "Concussion is a Massive Problem for Rugby, Says Players' Union Manager" and so on.

I have been rather disappointed by Answers to some Questions in the other place. Jim Shannon asked the Secretary of State for Health,

"what recent discussions his Department has had with the Rugby Football Union regarding the problem of concussion in that sport".

The Reply was that there had been,

"no discussions with the Rugby Football Union regarding the problem of concussion in the sport".—[*Official Report, Commons, 27/1/14; col. 435W.*]

Sir Bob Russell asked the Secretary of State for Culture, Media and Sport what advice players were receiving regarding head injuries and was told:

"It is a matter for National Governing Bodies".—[*Official Report, Commons, 20/1/13; col. 921W.*]

I do not think it is a matter just for the governing bodies of those sports. We should not think is somebody else's problem—it is an issue for all of us. I think that all of us would expect that the Government take these issues seriously and work with the national bodies and relevant partners to see what can be done.

One of the delightful—or less delightful—things about debates is that you have to do some research. The noble Baroness, Lady Grey-Thompson, mentioned Ben Robinson, who I did not know about until I did some research. I was saddened by the case of this lad who suffered a double concussion and died while playing a sport that he loved but, as in so many other cases like this, the parents immediately took up the issue, and a campaign was started. There was a meeting with the Scottish Government, there are leaflets available on what can be done and the message was developed, "If in doubt, sit them out," which has been taken up by American football authorities. Out of this personal tragedy, a really important campaign has started. In my own city, a young boy called Oliver King died while swimming due to sudden arrhythmic death syndrome. He was 12 years old. As a result of that terrible tragedy, his father set up the Oliver King Foundation, which campaigns for defibrillators to be placed in every school. I am pleased to say that the

[LORD STOREY]

Minister, the noble Lord, Lord Nash, is going to meet with the parents in the next few weeks. Again, some good has come out of a tragic sporting death.

It is not just a matter for sporting authorities. What should we do? First, we should not assign contact sports some sort of pariah status, but nor should we pretend that there is not a problem. We should not believe that there are quick and easy answers, such as a mandatory three-week rest that will solve the problems. Nor should we believe that we can spend 15 minutes looking at a cut as a result of a contact sport, but only a few minutes if there is concussion.

After doing the research, the person who best summed up for me what our attitude should be is the rugby player Dean Ryan, and I will leave his thoughts with you. My noble friend Lord Addington will know that Dean Ryan had six caps for England and is currently director of rugby at Worcester Warriors. Bizarrely, he was concussed not while playing rugby but in the victory celebrations after winning a match when somebody, in moment of hilarity, actually hit him. Examination showed that he had a large bruise on the side of his head. As he said in a newspaper article:

“The rule then was that concussion brought a mandatory three-week rest from the game, hence me missing that final league game at which the cup was presented”.

He had to give up the sport, as he started having 20 to 30 seizures per month and so on. I think that what he says is very telling and sums up my thoughts:

“To rid ourselves of the effects of a poisoned history and the macho culture which still pervades the issue of concussion, players have to believe in the guidance they are getting and this is where my frustrations lie. The game, the professional game, isn't getting it. I've been to recent conferences on the subject hoping to learn the way forward, but instead came away with yet more conflicting views and argument. What the professional game needs is to be told what it must do. It must be authoritative and convincing. And until it gets that guidance there is little chance of persuading players that there is a way forward; that they can stop running away from the doctor, that they can stop hiding behind a wall of lies which prevents appropriate and sensitive treatment”.

4.37 pm

Baroness Billingham (Lab): My Lords, I thank the noble Lord, Lord Addington, for this debate. After listening to all the previous speakers, there is not much left to say. That is a good job because I have just been told that I have two minutes. Despite that, I am undaunted.

The purpose of this debate is to show that we are living in changing times. Only days ago, we were being thrilled by the Olympics and seeing people whizzing down slippery slopes on trays and so forth—all potentially lethal. At the weekend we saw the England and Wales rugby match; if ever there was a clash of titans, that was it. In past times we would have accepted the odd bang or fall and expected play to resume fairly quickly. However, these are new times. The recent medical evidence has brought with it a far more cautious approach. The long-term effects cannot be ignored. In fact, the medical evidence has already affected the views of parents and participants in a whole range of sports. Rugby union, as has been said, is under more scrutiny than ever. It is now apparent that parents are

refusing to allow their children to play that sport, which is something we all ought to be concerned about.

All sports played at either a competitive or non-competitive level share the possibility of injury. However, life is strange, and it is not only contact sports which have become the focus of public attention and apprehension. Three weeks ago, I went to the ballet at the Royal Opera House. Before it began, the house manager came forward and said that two of the dancers had collided at the matinee that day and had mild concussion. Previously, there would not have been an issue, but the manager said that he was very sorry but they were unable to dance tonight and the ballet was cancelled. In the old days, it would have been on with the show.

We have to be very careful now. This is a game-changing period. We cannot ignore advice, and we have to be sensible. The Government must take their responsibilities keenly. We do not want to spoil or lose the beauty and wonder of our sport, but we must ensure that people taking part are fully protected. I look forward to the Minister's reply.

4.40 pm

Baroness Jones of Whitchurch (Lab): My Lords, I am extremely grateful to the noble Lord, Lord Addington, for tabling the debate today. As a couple of other noble Lords have admitted, I also have to admit that this is not an issue that I knew a great deal about prior to this debate but, now that I have looked into it, I agree with him that this is a serious problem. I very much look forward to hearing from the Minister about how the Government are acting to address the issue.

As the noble Lord has pointed out, growing awareness has occurred because of very sad deaths, particularly among several young people. It is particularly sad when that happens on a school playing field, where pupils ought to be properly supervised and protected by the highest standards of safety protocols. Parents should be able to feel assured that their children are being looked after in that context.

However, there is also growing awareness of the more insidious and widespread threat of longer-term damage for those who play sports, particularly professional sports on a regular basis. It is becoming increasingly clear that a number of sports players who have suffered concussion on a repeated basis are suffering from dementia and other longer-term brain issues. That is obviously a particular cause for concern. While it might not be possible to eradicate the danger completely, we owe it to amateur and professional sports men and women to invest in research to understand the dangers better; to provide rules for safe play; to ensure that staff are educated in diagnosis and response; and to ensure that there are strict regulations regarding return to play.

What does this mean in practice? First, we should welcome the latest Zurich consensus statement on concussion, mentioned by the noble Lord, Lord Moynihan, which provides a well informed and practical set of recommendations for those involved in the healthcare of sports men and women. Their advice provides diagnostic tools about what should happen

should concussion be suspected, and emphasises the importance of standard emergency management procedures to ascertain the extent of the injury.

Importantly, the advice recommends that it should never be permitted for a player to return to play on a day where concussion is suspected, not least because, even if they get up and say, “I feel all right”, or if their mum and dad say, “Come along, pull yourself together and get back on the field”, there may be post-injury damage that is not immediately apparent. This is a particular challenge in high-level high-contact games such as rugby and football, where both the player and the medical team may be keen to downplay the injury and allow the player back on the field. However, as evidence grows of the longer-term health risks, it becomes more apparent that we need strict enforcement of the rules on the principle about returning to play.

The guidance that I have just referred to also makes it clear that any return to play should be on a graduated basis—over a period of a week is recommended—while tests continue. Again we need to ensure that this approach becomes standard practice. I would be grateful if the Minister would confirm whether his department is taking on board the Zurich conference recommendations and what discussions are being held with the Department of Health to ensure that health professionals are more aware of the dangers of this type of sporting injury and understand the signs that they should look for.

Secondly, we need a clear set of rules specific to children and adolescents, recognising the particular health dangers for this group whose brains can swell uncontrollably after a single bang on the head. All schools need to be aware of the dangers and the steps that need to be followed immediately an injury is suspected. Every PE teacher should be trained in the assessment procedures, and should be expected to carry a card that lists the nine red-flag symptoms that warrant urgent action. Parents and governors should be expected to check that the necessary staff training and awareness has taken place and should have a system for monitoring the responses to sporting accidents, as well as rules for rest, rehabilitation, and return to play. I agree with many of the points about the improvements in school procedures made by the noble Baroness, Lady Grey-Thompson. Will the Minister give details of any discussions held between his department and the Department for Education about the need to raise standards of care in sporting accidents, specifically on school premises?

Thirdly, at the professional end of sports, all players and coaches should be trained to understand the dangers of concussion and its diagnosis. This should follow the initiative already taken by the rugby union, to which the noble Lord, Lord Addington, referred, and should extend to other sports. This is increasingly necessary in the light of the rising number of concussions that have been recorded per 1,000 hours of play since 2011. Andy Hazell, who was forced to retire from England rugby after failing to recover from a concussion injury, rightly made this point, which was echoed by the noble Lord:

“Players are getting bigger and faster, and the collisions are getting a lot bigger”,

so the challenges in this particular sport remain high. It is not just rugby union, though; concussion remains the most common injury in premiership football. Training and awareness for both players and coaches across all sports have to be key to improving safety, so will the Minister give details of discussions held with the governing bodies to roll out a programme of training for players and coaches across the spectrum for all sports?

Lastly, there needs to be a review of what further preventive measures can be undertaken. It is not good enough to say that these games are inherently dangerous and that this is the nature of the sport. Where changes can be made to the rules to protect players from dangerous practices, they should be introduced. Most sporting rules are not set in stone; they are constantly being reviewed and updated by their governing bodies. For example, rugby union rules have been regularly updated to provide greater protection for individual players without taking away any excitement of the game, and that can be done across the board in other sports. We should be asking all sports bodies to review their rules to see what further steps can be taken to limit impact on the head, and what penalties should be introduced against those who flout the rules.

We should also be encouraging more research into helmets and other head protection to ensure that the best possible guards are available and permitted in the games. Will the Minister reassure us that dialogue is continuing with sports bodies to encourage research into safety equipment and to develop safer rules of play? Will he give serious consideration to the proposal of the noble Lord, Lord Moynihan, for a meeting to discuss the establishment of a national research centre? I thought that he made the case very well in his contribution.

The solution to many of the problems that we debate in this House is better liaison between departments and more joint working, and that is certainly true in this debate. The solutions lie in better education, better awareness among health professionals and more responsible sports governing bodies. I hope that the Minister is able to persuade us that he is taking all these issues on board, and I look forward to hearing what the department is doing to liaise effectively and improve performance on this important issue.

4.48 pm

Lord Gardiner of Kimble (Con): My Lords, I, too, congratulate my noble friend on securing this debate on such an important subject. I thank noble Lords for this illuminating debate. As the noble Baroness, Lady Grey-Thompson, and my noble friend Lord Storey acknowledged at the outset of their speeches, participating in sports greatly benefits individuals and society, but we must ensure that risks are minimised and that appropriate medical treatment is available to all.

Any head injury sustained on the sports field must be treated seriously. Instances of serious injury are, thankfully, low, with many patients recovering fully without special intervention. However, a minority experience complications that must be minimised

[LORD GARDINER OF KIMBLE]

or avoided with early detection and appropriate action. The noble Baroness, Lady Grey-Thompson, spoke movingly about the tragic death of Ben Robinson and about his brave parents.

Instances of concussion are undoubtedly of concern to governing bodies. From what I have seen, I believe that they take this matter increasingly seriously, and responsibly. The Football Association and other sports with experience of head injuries, such as rugby, American football and ice hockey, are working together to establish appropriate internal guidance. This point was raised by my noble friend Lord Addington. The equestrian community, to which my noble friends Lord Addington and Lord Moynihan referred, is very much at the forefront of this. We need to ensure that the experiences of the equestrian world are incorporated into what other sports are doing.

The FA rules on head injuries are extensive but, in essence, a player suffering a head injury must leave the field of play and may then return only if he is given medical clearance to do so. My noble friend Lord Addington referred to the amateur and community level of sport—what I would call the grass-roots end of the game—where a medic may not be present. There, the default guidance to all affiliated clubs in the FA is that the player cannot resume play, and the reintroduction of the player to football in the following weeks should be tightly controlled. The FA emergency aid certificate provides club representatives and volunteers with crucial skills and gives prominence to head injuries and concussion.

As the leading body on concussion management in sport, the Rugby Football Union works proactively with the International Rugby Board and independent experts to raise awareness, stay at the forefront of research and promote best practice, to which the noble Baroness, Lady Jones, referred. My noble friend Lord Moynihan mentioned the importance of global exchanges of experience. I have the leaflet produced in Scotland and supported by Scottish Rugby, the Scottish FA and sportscotland, to which the noble Baroness, Lady Grey-Thompson, referred, entitled, *If In Doubt, Sit Them Out*. Rugby has taken specific steps to reduce risk in the game and these messages are being cascaded to clubs.

My noble friend Lord Storey referred to the “Don’t be a HEADCASE” initiative, which educates players and coaches—it is very important to mention coaches as well—below professional level to recognise and remove players with concussion. Some 200,000 concussion awareness cards have been distributed, and posters have been sent to every member club and newsletters to every member school. The “HEADCASE” website has also been adopted by the Medical Officers of Schools Association. The RFU’s first-aid course for volunteers, coaches and officials also gives prominence to concussion. Its pitch-side immediate trauma care course for healthcare professionals also includes specific concussion training.

The noble Baroness, Lady Jones, rightly raised the important issue of safety within schools. Many young people engage in sport at school. Indeed, the Department

for Education expects schools to provide a safe environment for their pupils and they must ensure that their training includes child safety and well-being. There is, of course, also the DfE advice on health and safety. Indeed, the Association for Physical Education and the Royal Society for the Prevention of Accidents provide professional advice to schools on how to manage activities safely and reduce the risk of injuries. My noble friends Lord Addington and Lord Storey mentioned that advice.

The noble Baroness, Lady Jones, rightly referred to the need for dialogue. DCMS Ministers meet DfE Ministers monthly as part of the ministerial board on PE and sport. The board also includes external partners, such as the Association for PE, that play a lead role in health and safety in PE lessons. The departments continue to work together to ensure that schools have the necessary resources to deliver high-quality PE and sport, including through professional external partners such as the Association for PE, and provide guidance and advice on ensuring the safety and well-being of their pupils when playing sport. The Association for PE guidance on safe practice in physical education and sport is available online through the Department for Education. This comprehensive guide provides examples of issues that schools should consider in risk management for school sport, and advice on managing and applying safe practice.

All sports governing bodies working with schools should ensure that participation takes place in a safe environment. All national governing body coaches working in schools should obtain the level 2 coaching standard, which includes basic first-aid skills as a minimum requirement. Indeed, as part of the school games initiative, in which around 17,000 schools take part, national governing bodies have developed competition formats designed to ensure that schools can provide safe, meaningful and appropriate competition to all pupils regardless of age, ability or disability. As to guidance on sports-related concussion, the national governing bodies and schools do good work in disseminating advice to prevent injury and improve pitch-side care. However, it is clear from the examples given today that undoubtedly more needs to be done.

At an international level, my noble friend Lord Moynihan and the noble Baroness, Lady Jones, referred to the Zurich consensus of 2012. I am pleased to acknowledge and endorse what the noble Baroness said about the welcome for this statement, which of course forms part of the learning that is increasingly being developed in the area of head injury. This outlines that when an individual shows any symptoms of concussion they must either be assessed on site by a licensed healthcare provider using standard emergency management principles or be safely removed from practise or play for urgent referral to a physician. The statement also highlights that a player with diagnosed concussion should not be allowed to return to play on the day of injury; that sufficient time and adequate facilities should be provided for the appropriate medical assessment, both on and off the field; and that the final determination regarding a diagnosis of fitness to play should be a medical decision.

Standards in sport and exercise medicine are set and maintained by the Faculty of Sport and Exercise Medicine, a faculty of the Royal College of Surgeons and the Royal College of Physicians. The faculty works to develop and promote the medical specialty of sport and exercise medicine, and oversees the training and assessment of doctors working in this discipline. In November last year, the faculty outlined key messages of concussion management in sport at all sporting events for athletes of all ages.

The noble Baroness, Lady Jones, asked about advice to health professionals. The National Institute for Health and Care Excellence, established by the Government to provide evidence-based clinical advice, issued updated guidance last month to support clinicians on the diagnosis and treatment of head injuries, including concussion. The faculty helped to develop this guidance.

The noble Baroness, Lady Jones, asked about the rules for children and adolescents in these matters. The recent clinical guidance, CG176, is on the *Triage, assessment, investigation and early management of head injury in infants, children and adults*. So the guidance refers to it all.

My noble friend Lord Moynihan raised the issue of a research centre. The Department of Health's National Institute for Health Research is supporting a research project in Birmingham that is looking at the effects of repetitive concussion on athletes from sports such as rugby, football, cycling and gymnastics. The institute has awarded a research professorship to Peter Hutchinson at the University of Cambridge to study head injury. The institute at the moment has an annual budget of over £1 billion and I hope that this will be an important resource. I shall of course be pleased to have a meeting with my noble friend to discuss his proposal and see how best we can all help on these important matters.

There is so much more to say. The noble Baroness, Lady Jones, mentioned guidance. A lot of this further public awareness, which is so important, is on the NHS Choices website.

Concussion is one of the most complex injuries to assess, diagnose and manage. Clinicians will make a diagnosis on a case-by-case basis, using their training and clinical judgment, and take into account the individual circumstances of each case. Much has been said in this debate. If there are any outstanding points that I have not raised, I will write to your Lordships. It is important to say that I have consulted officials from all three departments in preparation for this debate. It is clear that all three are working together. UK Sport, as part of DCMS, is working with the governing bodies. The system is working, but I think we can always work better. It is important that individuals engaged in sport, which is such a force for good and benefits society so much, are safe and secure. We must make sure that participation is in the right environment and that, in the event of injuries, all steps are taken to secure a full recovery.

Young People: Suicide

Question for Short Debate

5.02 pm

Asked by **Lord Eames**

To ask Her Majesty's Government what steps they are taking to reduce the levels of suicide among young people in the United Kingdom.

Lord Eames (CB): My Lords, each year in the United Kingdom, between 600 and 800 young people aged 15 to 24 take their own lives. Under the age of 35, the number rises to more than 1,700. In England and Wales, around 24,000 attempted suicides are made by 10 to 19 year-olds. To put this in another way, as appeared recently in the national press, that represents one every 20 minutes.

In Northern Ireland, since the signing of the Belfast agreement, the number of suicides almost equals the number of killings during the years of our Troubles. Professor Tomlinson of Queen's University has concluded that the steep increase in the Province's suicide figures are accounted for in part by those who lived through the Troubles as children in the 1970s—some of the worst years of our violence.

These are truly shocking figures. The statistics from across the United Kingdom are the reason for my Question to the Government this evening. Last week's release of the latest UK suicide statistics shows a welcome decrease in the number of young people under the age of 35 who took their own lives during 2012 compared with the previous year: 1,625 compared with 1,746 in 2011. This fact is welcomed by the many charities that do such valuable work among young people. I will quote the words of the chief executive of one of those charities, PAPYRUS Prevention of Young Suicide. He said:

"While we welcome this downward trend, suicide remains the highest cause of death for men and women in the 15 to 34 age group in England and Wales."

Taken against the figures for suicide in the United Kingdom as a whole across all age groups, it might seem as if I am asking noble Lords to consider a small proportion of this tragic problem. However, any of us here or further afield who in our professional lives have seen first-hand the emotions of parents and families where a young person has succeeded in taking their own life, or indeed attempted to do so, have little doubt of the impact on family life and community reaction.

So what are we talking about in this debate? A future of possibilities, a lifetime of promise and usefulness cut short; shattered hopes unfulfilled; hopes never realised. There are the inevitable questions, none of which have easy answers: why, how, and could it have been prevented? Then there is the agony of parents—"Where did we go wrong?". Much research over the years has been devoted to seeking answers to those questions. That research has produced a complex and at times contradictory picture. It has spoken of broken homes and family relationships, drug and alcohol abuse, mental and emotional conditions, bullying, the

[LORD EAMES]

influence of the social network on vulnerable lives, and the impact of certain aspects of television and some films that seem to cheapen the gift of life and paint a picture of the glorification of self-inflicted sacrifice of life.

However, a single fact emerges: each case represents individual circumstances and needs. Therein, I suggest, lies the problem, not just for government but for society. Prevention calls for a multifaceted and multidimensional approach. It calls for many disciplines to work in collaboration—social services, the medical profession, charities and the churches, to name but a few—and for a sharing of information. However, research is expensive, and in today's economic climate many charities ask about government priorities in this field.

The recently published *Preventing Suicide in England: One Year On* was the first annual report on the cross-government outcomes strategy to save lives. Of the regions of the UK, Scotland, with its "Choose Life" campaign, was well resourced and had a clear implementation strategy, with a 20% target to reduce the rate of suicide. In Northern Ireland, some £7 million is allocated annually to suicide prevention, but here in England there is concern on the part of charities when comparisons are made with Scotland and Northern Ireland. PAPYRUS claims that had there been as clear a strategy and sense of purpose as in Scotland, probably 814 lives could have been saved. There is a genuine feeling that the Government have not granted new resources to deliver their strategy and have failed to present a clear implementation strategy. That may be the view of one charity, but I found that it is shared by others. Equally, there is a growing concern that in various parts of the country children and adolescent mental health services are seriously underresourced to meet the growing demands on their services.

I could point to many more aspects of this tragic scene but time permits me to mention only two. First, how accurate is the picture we have of the enormity of this problem? In a coroner's court, a suicide verdict cannot be given for those under 10 years of age. That means that many of the figures published tell only part of the tragedy. Equally, how can we gain an accurate figure of those children attempting suicide or inflicting self-harm?

There is one option that I suggest could be followed and would be welcomed. There is an urgent need to change the burden of proof used by coroners to reach a suicide conclusion. The continued use of the criminal standard of proof is surely unacceptable in this day and age. It contributes immensely to what so many of us refer to as the stigma surrounding suicide—a stigma that a lot of us feel inhibits many from seeking help.

I will end on a positive note. There has been a general welcome for the support of the Department of Health and the Royal Colleges for the sharing of information in a suicidal crisis. However sensitive though the issue may be—and I fully accept the sensitivities of patient confidentiality—many support the words of the chief executive of PAPYRUS:

"The duty of patient confidentiality should not be allowed to outweigh the chance of saving someone's life".

I hope that this debate, short though it is, will give the Minister ample opportunity to reflect on some of the challenges that we know are there in everyday life across the UK, and to put on record the Government's reaction.

5.12 pm

Baroness Bottomley of Nettlestone (Con): My Lords, I warmly congratulate the noble and right reverend Lord on securing this debate on a critical and all too often overlooked subject. It is a source of huge pain for all those concerned, not just the loss of life but for the family, friends and community in which the individual lives. A traumatic, violent death is bad, but when it is self-inflicted it is hugely confusing.

Of course, suicide is historically fraught with stigma—not least, I do not need to tell the noble and right reverend Lord, in the church. Some 20 years ago, when I had to formulate the "Health of the Nation" strategy, there were five areas where we wanted to see improvement, which the health service or government departments could not deliver but which required the co-operation of the community and the charities. Under mental health, my targets in 1992 were indeed reducing the overall suicide rate by at least 15% by 2000 and reducing the suicide rate of severely mentally ill people by at least 33% by then. However much prejudice there was against mentally ill patients at that time, the greatest danger that they posed was to themselves, and the rate of those officially receiving mental health care was appalling.

I do not want to encroach on the area of the noble Lord, Lord Ramsbotham, but in today's environment the terrible loss of life in young offender institutions is of great concern, as is the extraordinary influence of the internet, which in one way can be a source of befriending those at risk of suicide but, it seems, has somehow been distorted, misused and abused to actually precipitate suicide events. It is my view that, rather like when the Member of Parliament for Worthing was very preoccupied with reducing road accidents, there was a time when more young people lost their lives in road traffic accidents. Now, of course, the figure for suicide is higher, and has been for some time.

A campaign to tackle that could not be done just by allocating money. I fall out with the noble and right reverend Lord for simply thinking that charities need more money so that they can abuse the Government further for not giving them more money. The answer here is more subtle and requires broad ownership.

In the voluntary sector I want to commend Cruse Bereavement Care, of which I am a patron. It provides support for those whose relations and friends have taken their own lives. As the noble and right reverend Lord touched on, the result is intense anger—how could the individual have done it?—shame and isolation. You can tell somebody that your relation died of cancer, but it is still very difficult to say it of suicide. There is guilt—what more could we have done? There is confusion—why?—and endless reproach. It is very hard to achieve a sense of peace when a close relation has taken their own life. As we know, there are all too many in our parliamentary family whose children have done that.

The parents of Charlie Waller set up a wonderful charity when their son took his life in 1998. It works with health, education and the private sector on tackling depression and giving practical advice to people whose children and friends might be thinking of suicide. These people might think, “If I mention suicide, will the individual go over the top and take their own life?”. Many people are uncertain what the toolbox is. Traditionally GPs were particularly poorly equipped in mental health skills, but they are improving.

I congratulate the Government very warmly. I have looked closely at the suicide prevention strategy. I think it is a tremendous step forward. It is in the context of the “No health without mental health” keystone of government policy in relation to health. I am not sure it is just a question of more money. I am sure that it is constantly reminding that this is a critical issue, a serious threat to life that people should not be afraid to discuss and draw to other people’s attention. For that, again, I praise the noble and right reverend Lord.

5.16 pm

Baroness Linklater of Butterstone (LD): My Lords, I apologise for arriving late. If it is the Minister’s feeling that I should not continue, having missed a very large part of the opening speech, which I bitterly regret, I will sit down.

Lord Ahmad of Wimbledon (Con): It is the normal convention to hear the person who is moving the Motion, so I think my noble friend knows my advice in the matter. It is really a matter for her to consider.

Baroness Linklater of Butterstone: I will go on. I will focus on suicide among young people in the criminal justice system. They are the most disadvantaged and damaged in our society, with enormous mental health needs while being in the care of the state—our care. We lack adequate skills to recognise and understand the degree of the vulnerability of many of these young people, with the result that, since 2000, 282 children and young people have committed suicide while in custody. Untold numbers of others have tried but did not succeed.

One example is that of a 19-year-old girl with no previous convictions and a long history of self-harm who set fire to her mattress as an act of self-harm and was remanded in custody for arson with intent to endanger life—her own. She was recognised as having a personality disorder but could not be sectioned because she was deemed to be untreatable, so she continued to self-harm until she strangled herself to death. Meanwhile, her twin sister, also a self-harmer, found appropriate support in a therapeutic community.

Prison staff greatly need training and skills to understand better the needs of this very vulnerable group, but so do the Government, as their plans demonstrate. Hence, although restraint is now understood to be hugely distressing for these children, future plans, under the new Criminal Justice and Courts Bill, will allow restraint to be used by prison officers if their orders are not followed. Places at secure children’s homes—the one source of real security—are now

going to be reduced by 17%, and fortified schools will cater for children who offend. A huge secure training college taking 320 young offenders—the antithesis of what these children need—is being planned. Young people over the age of 18, who are indeed just as needy and immature, will be left only the option of prison. Vulnerability is an explicit element in remand decisions in the court but not, amazingly, when it comes to sentencing, apart from mitigation if imprisonment is being considered. Crucially, sentencers too must be made more aware of what provision is locally available to them and what is appropriate for children in such desperate straits.

I am delighted that there is going to be an independent review into deaths in custody, chaired by the noble Lord, Lord Harris of Haringey. It must include children as well as those over 18 if they are to have a chance. Children’s lives depend on our getting plans for them right. Prison is for the most violent, dangerous and prolific offenders in society, not vulnerable children who are at risk of taking their own lives.

5.20 pm

Lord Ramsbotham (CB): My Lords, I congratulate my noble and right reverend friend Lord Eames on obtaining this debate. As was forecast by the noble Baroness, Lady Bottomley of Nettlestone, and as the noble Baroness, Lady Linklater, has done, I shall focus on young people in custody. I am conscious that what I am going to say may not strictly be the province of the Minister, but I hope very much that in the context of this important debate he may relay some of what I am going to say to his colleagues in the Ministry of Justice.

In 2012 I launched a report by the Prison Reform Trust and the charity INQUEST, titled *Fatally Flawed: Has the State Learned Lessons from the Deaths of Children and Young People in Prison?* The answer to that question was clearly no. Of the figures that my noble friend gave, 46 of this age group died in custody by their own hand between January 2011 and January this year. This report showed that there is commonality between the children who had committed suicide. They all had multiple disadvantages: substance abuse, mental health difficulties, learning disabilities, ADHD, special educational needs and personality and conduct disorders, plus all the other neglect.

Added to that, one has to remember that the adolescent brain has not fully formed at this stage, and cognitive behaviour and the development process are not completed until, possibly, the mid-20s. Therefore the problems that young people face are first, acute, and secondly, different from those of adults.

Last week the Youth Justice Board published the report *Deaths of Children in Custody: Action Taken, Lessons Learnt*. This was the result of long analysis, and it included the conclusion that the Youth Justice Board must work with providers of custody to enable them better to understand how to support children who are at risk of being suicidal or self-harming. There are other factors in this, but the clear finding was that there were common features in all the reports on all the suicides of this group, which surely gave an opportunity to identify common solutions.

[LORD RAMSBOTHAM]

Having called for an independent review and having had that call rejected by the Ministry of Justice, when I raised a Question about this three weeks ago I was disturbed to hear that the review to be carried out by the noble Lord, Lord Harris of Haringey, will not include children. This was also mentioned by the noble Baroness, Lady Linklater. Well, why on earth will children not be included? The factors include, first, inadequacy of management in the custodial centres, inadequacy of staff training, multi-agency failure in communicating individual vulnerabilities and needs, and failure to listen to children. There is also failure to circulate and implement recommendations which have been laid down in countless reports by the ombudsman and others, and recommendations made by coroners in inquests under Rule 43 of the Coroners' Rules.

The Ministry of Justice's reasons for rejecting the report were that, instead, it would have internal reviews by Ministry of Justice agencies; it would have discreet specialist reports into such things as the use of force; it would have better publication of information; and it would try to expand the scope of the law governing inquests. That has absolutely nothing to do with the subject of this debate, which is the prevention of children committing suicide, particularly in custody. I therefore ask the Minister to do all that he can to persuade his colleagues to include children in the review by the noble Lord, Lord Harris of Haringey, so that, among other things, it can include the Youth Justice Board report which contains many of the factors that it will need to carry for a slightly younger part of the same age group.

5.25 pm

The Lord Bishop of Lichfield: My Lords, I, too, thank the noble and right reverend Lord, Lord Eames, for initiating this debate.

The Association for Young People's Health recently published its key data on adolescence. At present, the statistics show that the levels of self-harm are relatively stable, although for such a sensitive topic there is likely to be low reporting. It is clear that girls are at least three times more likely to self-harm than boys; on the other hand, suicide is much more prevalent among young males, particularly those aged between 20 and 24. This coincides with the evidence from ChildLine. Numbers have fallen fractionally in more recent years but the report questions whether this will continue.

How this correlates with child well-being needs careful consideration. We all remember the United Nations report about the unhappiness of children in this country. ChildLine reports that the number of children contacting it about suicidal feelings has risen for the third year running, including a rise of 33% in the last year. Overall, child well-being in the UK, according to the United Nations, has improved from 21st out of 21 to 16th out of 29 countries. Economic reasons have been stated and there is much correlation with the commentary from the Association for Young People's Health.

Clearly the motives towards suicide are varied but the underlining factor seems to be lack of self-worth. This is underlined by the evidence of high rates among

minority groups. I shall say a word about that later. Whether or not bullying is a component, although often it is, the social isolation and lack of affirmation which these young people feel are key components. It is both encouraging and concerning that more young people are contacting ChildLine about this. Obviously it is good that they are communicating, but bad because they say that when they have rung up other places or have been online, they have not really felt the understanding or acceptance that they were hoping for. All this shows that we, as a society, may not be providing sufficient support in the early days when these young people's foundations in relational networks are initially developed.

I have time to mention two particular topics in relation to this. First, bullying is often directed at those who are different and it is well known that disability frequently gives rise to despicable behaviour in others. This is starting to appear insidiously in the area of assisted suicide. Recently a young man in Northern Ireland telephoned a radio phone-in to complain that since the increasing cover of assisted suicide cases, he had noticed a change in people's attitudes towards his own motor neurone disease, that he was being asked with increasing regularity if he had considered suicide. This shows, if nothing else, that the messages we give young people about their self-worth and their dignity as human beings is crucial.

Secondly, on asylum seekers and refugees, many children from these groups suffer high levels of mental health issues, which is unsurprising given that many of them have experienced hugely traumatic events. Add to this their poverty, homelessness, practical and emotional insecurity, let alone the hostility from the natives, it is not surprising that levels of well-being and self-worth are significantly diminished.

The conclusion of all this is that a society will be judged on how it treats its most vulnerable members, a matter over which all of us have deep concerns. Let us at least seek and do all we can to make sure that those who are struggling, or who are different, do not go on falling through these gaps.

5.30 pm

Baroness Buscombe (Con): My Lords, I, too, thank the noble and right reverend Lord for obtaining this valuable debate. I also declare an interest, of which I am very proud, as chairman of the advisory board for the Samaritans. I want to talk about how both government and the private sector are working to try to reduce levels of suicide. I will focus upon the internet and the need for free phone numbers to break down access to help and support, particularly among young people.

There has been considerable debate in recent weeks about the influence of the internet and social networking sites on young people vulnerable to suicide. The truth is, it is much more difficult to reduce access to potentially harmful information when it is online. The Samaritans has been focusing on this for a number of years, and its experience shows that the most effective approach is to both expand the sources of support to vulnerable people online and also to encourage organisations which run highly popular sites to develop responsible practices and to promote sources of support.

In pursuing this approach, the Samaritans has worked in partnership with major companies to develop practical initiatives to support people at risk of suicide online. In November 2010, an initiative was launched in partnership with Google which adds a new feature to search results. The Samaritans helpline number and a highly visible telephone icon is now displayed above normal Google search results when people in the UK use a number of search terms related to suicide. We have also launched a pioneering new scheme in partnership with Facebook which allows the 30 million Facebook users in the UK to get help for a friend they believe is struggling to cope or feeling suicidal. People who are concerned about a friend on Facebook can report suicidal content such as status updates or wall posts through the help centre page on the website. The distressed person then receives an email from the Samaritans offering to open a line of communication with a volunteer so that they can access our services.

We also expect organisations that run these websites, such as social networking sites and online news media outlets to take action to reduce the availability of harmful content hosted on their sites. As part of the Samaritans media monitoring work, we contact newspaper staff directly to suggest amendments to the online version of articles with potentially harmful content.

One of the main difficulties in reducing the risk of suicide online is that the current research on the internet and suicide is extremely limited. The Samaritans are therefore working on new research in partnership with the University of Bristol, funded, I am pleased to say, by the Department of Health's policy research programme on how people with suicidal feelings use the internet and the impact that this has on suicidal behaviour. We are hopeful that this research will provide new evidence to help to inform policy and best practice.

However, an important element of suicide prevention is that support is immediately available to people in distress, and that people know how to access it. The Samaritans national helpline number currently uses an 0845 prefix, which means that, while calls from landline phones are relatively inexpensive, calls from a mobile phone can cost considerably more. Several years ago, the European Commission decided that certain services of social value should have the same memorable telephone numbers in all member states, and should be free. In 2009, therefore, Ofcom awarded such a number to the Samaritans, which has since launched a successful pilot of this new free number in limited areas.

The problem is funding. At the moment, thankfully, the Big Lottery Fund is funding the rollout of the free-call service in just 10 areas, targeting those most in need of a free-to-caller service. This will allow Samaritans to understand how a free-to-caller number targeting people in socioeconomically deprived areas will change the nature, volume and pattern of calls. But the issue that Samaritans urgently needs to resolve is how to make the service financially sustainable in the long term.

Here I turn to a debate on this subject that I initiated in your Lordships' House last July. Following that debate and the very helpful, supportive response

from my noble friend the Minister, the Department of Health agreed in principle to host a round-table meeting with the telecoms industry and Ofcom to discuss how the telecoms industry and others can fund free-call for the longer term. This was discussed when the CEO of Samaritans met Norman Lamb in October and it was agreed that this meeting should take place. A suggested list of stakeholders has been submitted to the Department of Health. We understand that the meeting is still in the pipeline, but progress is slow and there is still no date for the meeting in the diary. I urge my noble friend the Minister to follow this up.

5.35 pm

Baroness Brinton (LD): My Lords, I declare my interest as a co-chair of the bullying APPG and a patron of Red Balloon. I thank the noble and right reverend Lord, Lord Eames, for instigating this debate so that we can discuss the root cause of so many avoidable deaths in young people. He was quite right to quote PAPYRUS's data on the number of attempted suicides by young people: one every 20 minutes. That is three during this short debate.

The 2012 government report *Preventing Suicide in England* identified nine categories needing customised care, including children, those with untreated depression, LGBT people and ethnic minority groups. Although I am pleased by the emphasis placed on children as a separate category, we do well to remember that children can fall into most of the other groups as well.

A major factor leading to suicide is bullying. It is shocking that 69% of children in the UK report being bullied. The National Centre for Social Research report on bullying showed that each year 16,000 children are out of school long-term with depression because of bullying, and that there are at least 25 confirmed suicides as a result of bullying, but there are probably many more that do not meet the criminal standard that the noble and right reverend Lord, Lord Eames, spoke of earlier.

Early intervention is vital. Most children do not suddenly decide to kill themselves. ChildLine says that there has been a,

"trend towards younger and younger children dabbling in self-harm, with a 50% increase among those aged 12 in the last year alone".

However, even younger children are at risk. Last year nine year-old Aaron Dugmore hanged himself after being targeted by a gang of older bullies at his school simply because he was new. Ayden Keenan-Olson, aged 14, overdosed on prescription pills after homophobic and racist bullying by his classmates. He had reported up to 20 instances of bullying since joining his school but no action was taken. He eventually bypassed security settings on his computer to research suicide.

That raises the issue of online suicide forums and cyberbullying. Later this year, family-friendly content filters will be set automatically for new broadband users. However, most kids are so tech-savvy that they are able to bypass these settings in minutes. There is much more to fear from the "dark web" free of filters than from known, visible sites, so we must educate and support our young people to protect themselves.

[BARONESS BRINTON]

The launch of Zipit, ChildLine's first app for smartphones, is great news. It is packed with humorous tips for teens and advice to help them to cope with flirting and messaging, equipping them to protect themselves from online sexting, bullying and trolling. In the two months since its launch, more than 45,000 young people have signed up.

Frankly, CAMHS are struggling to deliver mental health services or reduce the number of young people killing themselves. Pressure on services can mean many months' wait for urgent appointments, or having to travel 300 miles to get a bed in a tier 4 clinic. I heard on Monday of a child who had had to go from Birmingham to Glasgow for such a bed. I ask the Minister what is being done to speed up access to CAMHS facilities and to minimise the distances that must be travelled in instances of urgent child referrals. The coalition Government are rightly demanding parity of esteem for mental health services, but we have yet to see it happen.

I want to end on a more positive note, although it may not seem that way at the start. First Capital Connect asked to work with Red Balloon, a specialist bullying charity, after three bullied children threw themselves in front of trains. One was a 14 year-old ballerina and the second two were a young Goth couple who jumped together in front of a train. Red Balloon works with suicidal bullied children, offering intensive recovery and education support so that children can return to mainstream school and to their friends and society. However, only a handful of places are available nationally, and CAMHS beds are also limited, not to mention the constant problems around funding. My worry is this: does that reflect the value we place on these tragically short lives? Much more is needed to get early support to youngsters before depressive thoughts of death turn into the horror of young suicide, which affects family and friends for ever.

5.40 pm

Lord Black of Brentwood (Con): My Lords, I join others in expressing gratitude to the noble and right reverend Lord for securing a debate on this tragic and important subject. I want to highlight one particular group of young people for whom suicide and attempted suicide is a very real issue. Gay boys and girls are vulnerable because they are struggling with how to come to terms with their sexual orientation and they can face an unacceptable degree of bullying because they are different from others in their school or local community.

I am indebted to Stonewall, as is so often the case in these debates, for providing me with some deeply disturbing figures. According to a study conducted for the organisation by Cambridge University two years ago, almost one in four lesbian, gay and bisexual young people say that they have tried to take their own lives. That is a truly shocking figure when compared with the estimate of 7% of young people in the general population. The same research showed that gay young people who are bullied are tragically much more likely to take their own lives. More than seven in 10 of those who suffer homophobic bullying contemplate suicide

at some point, and half of them have symptoms consistent with clinical depression. Let me put these appalling figures into the human context. The Stonewall study highlights the case of a 15 year-old boy called Rabi, who reported as follows:

"The bullying went on for the whole five years of secondary school. I tried to fight back. I was depressed. I cut myself. I was on the verge of suicide. For one year, I came home every day crying into my mum's arms".

Rabi was lucky enough to be given the support that helped him get through it. One young man who did not was 14 year-old Essex schoolboy, Ayden Keenan-Olson, whose case has just been highlighted by my noble friend Lady Brinton. He was found dead in his bed by his father in Colchester almost exactly a year ago. His case was highlighted by the publication *Pink News*, which does an excellent job of campaigning in such crucial policy areas. As my noble friend said, Ayden, who had come out to his parents just a few months before his death, left two suicide notes outlining the homophobic and racist bullying he had experienced. He had been targeted with consistent violence, abuse and malicious allegations because of his sexuality and his Japanese origins.

Although huge strides have been made in recent years in the battle for equality for gay men and women, it is a sad fact that there is still too much homophobic bullying in some schools, much of it now done through the internet, which can all too often lead to tragedy. There are too many Aydens, but there need not be. There is a great deal that schools can do to turn the tide. Much of it is set out in Stonewall's excellent "Education for All" packs, including schools having clear and promoted policies on tackling homophobic bullying, whether it is physical bullying or cyberbullying. It makes clear that school staff should be trained to spot problems and to provide young people with information and support to keep them safe, signposting them in the direction of professional help when they need it. It means that school nurses should make clear that young people can talk to them in confidence about their sexual orientation, and be aware, too, of the particular mental health issues they may face, intervening as necessary to support them. Local health services have a role to play in working alongside schools to focus on early intervention, a subject mentioned by my noble friend Lady Brinton, which is absolutely crucial because early intervention is the sort of thing that might have saved the life of a young man like Ayden. Local health services can also help train their staff on the particular issues that young gay boys and girls might face as they struggle with their identity.

When we passed the Marriage (Same Sex Couples) Act last year, with a huge majority in this House, many may have believed that the dark shadow of inequality, prejudice and intolerance was now behind us. It is a deeply regrettable fact that in too many communities those basest of human instincts are alive and well and, as we have heard, have deadly consequences. It will take many years to tackle that, but in the meantime we can and should do a great deal more to protect those who we know are most vulnerable—young people who are struggling because they are different. Will the Minister restate the Government's strong commitment to tackling this issue and encouraging all

schools and local health services to ensure that they have the policies and procedures in place to spot trouble, intervene where they can, and provide the support that too many frightened, lonely young people desperately need?

5.45 pm

Baroness Royall of Blaisdon (Lab): My Lords, this has been an excellent, albeit painful, short debate, for which I, too, thank the noble and right reverend Lord, Lord Eames. We have heard the devastating facts and figures. Each and every young life lost through suicide is a tragedy, of course, to the young person, but also, as has been said, to the family and friends who love them.

I am ashamed that in the 21st century in a wealthy developed country with so many advantages and where we know the effects of bullying behaviour, too many young people contemplate or attempt suicide, too often successfully. I recognise the strains and stresses in our society, where there is great pressure to succeed and where much is expected of individuals, but who are not always able to live up to their own expectations, let alone those of their peers or society. Feelings of inadequacy, of being different, can be made acute by the media, including social media. The report, *Alone with My Thoughts*, produced last year, showed that nearly one-third of young people have contemplated or attempted suicide. This is a shocking statistic that I discussed with a friend in the forest who works in mental health. She suggested that there needed to be better training for staff in schools to identify the difference between perceived lack of motivation and depression and between anxiety and apathy, and that more support was needed around low confidence and self-esteem, especially in the world of social networking, where cyberbullying is rife.

I also know from talking to students that there is a similar problem in some colleges and universities. The Government have a suicide prevention strategy which includes the development of an e-portal for children, young people and those working with them. This is welcome, but will the Minister say how he will ensure that young people and their teachers will know about it? I also wonder what training, if any, teachers have to enable them to identify those children with mental health needs or those who are being bullied. Should not all staff working with children and young people receive training in mental health, including suicide prevention training? Some excellent charities are working in this area, including YoungMinds, but they rightly say that, despite the Government's rhetoric or good intentions, we are a long way from seeing parity between physical and mental health.

Young people's mental health is a vital issue that must be prioritised. It is not acceptable that in 51 of England's 58 NHS mental health trusts there were 350 under-18s admitted to adult wards in the first nine months of 2013-14. This marks a 36% increase on the previous 12 months. Will the Minister say what action the Government are taking to ensure that under-18s are not admitted inappropriately to adult psychiatric wards and that, when they are sent to young people's units, they are not hundreds of miles from home? Young people aged 16 to 25 are going through a

number of transitions. If they are in contact with mental health services, there is the additional transition from child and adolescent services to adult services. I would be grateful for an assurance that steps are being taken to ensure that adequate care and support is given at this difficult time. A difficult transition can make young people disengage with services, with the risk that their mental health problems will become entrenched and harder to treat.

The Prince's Trust has produced an excellent report, *Youth Index 2014*, the message of which is clear: long-term unemployed young people are in desperate need of support. Some 40% of jobless young people say that they have faced symptoms of mental illness, including suicidal thoughts, feelings of self-loathing and panic attacks as a direct result of unemployment. I pay tribute to the extraordinary work of the Prince's Trust, which is helping these young people, many of whom grow up in poverty and face an increased risk of mental health problems as a result. The same is said in a recent report by the Samaritans, which reports that there are systematic socioeconomic inequalities in suicide risk defined by job, class, education, income or housing. Whatever indicator is used, people in the lower positions are at a higher risk of suicide.

Some recent reports suggest that the changes the Government are making to social security, including the bedroom tax, are exacerbating or creating problems for people who are already struggling, so clearly it is important that the Government rapidly monitor the effect of the changes and take the requisite action. My friends in mental healthcare tell me that, as a consequence of the changes, the pressure on their services grows by the day with a tidal wave of referrals each week, including from young people. These people working in mental health are themselves overstretched, and they feel that no one is listening to and addressing their concerns.

The Government have a suicide prevention strategy and a mental health strategy, both of which are welcome. I look forward to hearing that they are being implemented and, most importantly, that they are adequately resourced.

5.50 pm

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe) (Con): My Lords, I am very grateful to the noble and right reverend Lord, Lord Eames, for raising this important issue, and for the valuable contribution made by all speakers today. The Government take the issue of suicide very seriously, and are working hard to reduce the number of people who take their own lives.

The suicide rate among teenagers is below that in the general population and has remained steady over the past few years. However, we know that this group is vulnerable to suicidal feelings, as has been made abundantly clear in this debate. The risk is greater when they have mental health problems or a behavioural disorder, misuse substances or alcohol or have experienced family breakdown, mental health problems or suicide in the family. However, any suicide is one too many.

Suicide is devastating for loved ones left behind, and it is especially tragic when the victim is a child or young person. That is why children and young people

[EARL HOWE]

have an important place in our 2012 publication, *Preventing Suicide in England: A Cross-Government Outcomes Strategy to Save Lives*. The report identified those groups of children and young people who are thought to be particularly vulnerable, including looked-after children, care leavers, children and young people in the youth justice system and gay and lesbian young people.

The noble and right reverend Lord mentioned funding. This strategy is backed by £1.5 million of funding for research. One of the funded projects will be exploring the use of the internet in relation to suicidal behaviour and identifying priorities for prevention. I assure noble Lords that the Government are committed to continue working with the internet industry in the UK to keep people safe online and to promote access to positive support for all suicidal people, including children and young people.

Education is also key. A number of noble Lords have mentioned bullying, including my noble friend Lord Black. The Government have sent a very clear message to schools that all forms of bullying are totally unacceptable and should not be tolerated. The Department for Education is in the process of reviewing behavioural guidance, which will be made available to all teachers.

The new national curriculum will see children aged five to 16 taught about internet safety in a sensible, age-appropriate way, a really important step to help children and young people to understand some of the issues. Furthermore, the major internet service providers are working on a parental awareness campaign, due to launch in the spring. This aims to raise parents' awareness of, and ability to effectively use, the filters that they provide, and to provide parents with information about how to keep their children safe online.

We have also been clear that social media sites need to take responsibility for inappropriate content that is made available on their sites, which includes images of self-harm and suicide. We expect social media companies to respond quickly to incidents of abusive behaviour and inappropriate content on their networks. This includes having easy-to-use reporting tools, robust processes in place to respond promptly when abuse is reported and, where appropriate, suspending or terminating the accounts of those who do not comply with the acceptable-use policies. The Minister for Culture, Communications and the Creative Industries met with a number of leading social media companies to discuss what more might be done to protect young people when they are online, and we will continue to discuss this and work with the social media companies.

It is good to report that the industry has already worked on positive initiatives in this area. I want to echo the tribute paid by my noble friend Lady Buscombe to the excellent collaborative work that Facebook and Google have done with the Samaritans' mental health strategy. The Samaritans have been facilitating a call to action for suicide prevention in England. More than 50 national organisations have signed this call for action, committing to work together so that fewer lives are lost to suicide and to support those who are bereaved or affected by suicide. My noble friend prompted

me on the issue of the promised round table. I reiterate to her that free-to-caller access to the excellent Samaritans service would be an important step forward. Work to set up that meeting is in hand, and a date will be fixed shortly.

The Samaritans have also been instrumental in developing media guidelines for the reporting of suicide. Those guidelines are aimed not only at journalists reporting suicide but also at authors and producers of television and film dramas. Research tells us that reports of suicide can lead to copycat suicides. I am sure that all noble Lords will agree that it is important that any media reporting should be sensitive.

The noble and right reverend Lord, Lord Eames, mentioned stigma. The Government are very pleased to be supporting Time to Change, a campaign to end stigma and discrimination faced by people, including children and young people, with mental health problems. It is clear, thankfully, that attitudes towards mental illness are improving in the general public, with the latest national surveys showing continuing improvement. Any incidence of self-harm, however, must always be taken seriously. In all cases of self-harm, all noble Lords will agree that it is important for health professionals and others to intervene early, before it is too late.

Last month my right honourable friend the Deputy Prime Minister, with the Minister of State for Care and Support, launched the mental health action plan. Of the 25 actions, one relates to our commitments to change the way frontline services respond to self-harm and to ensure that no one experiencing a mental health crisis should ever be turned away from services.

I now turn to what the Government are doing to protect vulnerable young people in custody, an issue raised by my noble friend Lady Linklater and the noble Lord, Lord Ramsbotham. It is very sad that three young people in custody took their own lives in 2011 and 2012. My right honourable friend the Secretary of State for Justice has established a working group to learn from these tragic deaths. The group has identified and disseminated the key learning points from the deaths, highlighting common themes and actions to be taken to prevent further deaths of children and young people. Additionally, a review of the assessment, care in custody and teamwork procedures for young people is being undertaken. I shall convey to my colleagues in the Ministry of Justice the points made so powerfully by the noble Lord, Lord Ramsbotham.

The Government strongly support the recommendations in the report of the Children's and Young People's Health Outcomes Forum and the Chief Medical Officer's report, *Prevention Pays—Our Children Deserve Better*. We are working with key partners to consider options for taking this important work forward, to look at the prevalence of mental health conditions in children and young people. The Government are very keen that all professionals who work with children and young people have access to information about mental health. I am delighted to tell my noble friend Lady Bottomley and the noble Lord, Lord Ramsbotham, that my honourable friend the Minister for Care and Support is launching an interactive e-learning tool for children and young people's mental health on 25 March. This is aimed at health professionals—teachers, social

workers and others—who are not necessarily mental health specialists and who work with children and young people. I want to pay tribute to the consortium of organisations headed by the Royal College of Paediatrics and Child Health for developing this exciting tool.

The mental health services for children and young people are very much in the Government's sights. Between 2011 and 2015 we will be investing £54 million in children and young people's improving access to psychological therapies, the CYP IAPT programme. This will give children and young people improved access to the best-evidenced mental health care.

My noble friend Lady Buscombe referred to the problem faced by children when they had a long distance to travel. Our aim must of course be to support children and young people with mental health problems near to where they live. Admission to hospital should be a last resort for a young person, quite clearly. We recognise the difficulty if people are treated away from home but the decision, inevitably, will depend on what facilities are available locally and the clinical needs of the individual.

The noble and right reverend Lord, Lord Eames, rightly pointed out that a multifaceted approach is needed. We completely support and agree with the need for such an approach. The role of the voluntary sector here is key and I pay tribute to the excellent work that is being done by the third sector—for example,

by PAPYRUS, an organisation mentioned by the noble and right reverend Lord, and by CALM, which supports families who are concerned about suicide or have been bereaved by it.

My noble friend Lady Linklater and others raised the vexed topic of self-harm, which should always be taken seriously. Child and adolescent mental health services are there to support children and young people who self-harm. There is evidence that self-harm is a symptom of stress and mental illness. Clinical care must always focus on these causes and on coping strategies rather than on the self-harm itself. In 2004, NICE published clinical guidance on the management of self-harm which covers the care that people who self-harm can expect to receive.

Finally, as we have debated frequently in this House, the Government are working towards parity of esteem between physical and mental health. We have been clear that there must be equal priority between mental and physical health services. One of the 24 objectives in the mandate to NHS England is to put mental health on a par with physical health and to close the health gap between people with mental health problems and the population as a whole. We expect the NHS to bear this in mind when taking decisions about how to spend NHS money on services for local people, including young people.

Committee adjourned at 6.02 pm.

Written Statements

Thursday 27 February 2014

Armed Forces' Pay Review Body: Triennial Review

Statement

The Parliamentary Under-Secretary of State, Ministry of Defence (Lord Astor of Hever) (Con): My hon. Friend the Minister for Defence Personnel, Welfare and Veterans (Anna Soubry) has made the following Written Ministerial Statement.

I am today announcing the start of the triennial review of the Armed Forces' Pay Review Body (AFPRB), an advisory non-departmental public body (NDPB).

Triennial reviews of NDPBs are part of the Government's commitment to ensuring, and improving, the accountability and effectiveness of public bodies.

The AFPRB provides independent advice to the Prime Minister and the Secretary of State for Defence on the remuneration and charges for members of the Armed Forces.

The review will be conducted in accordance with Government guidance for reviewing NDPBs, and will focus on the core questions of effectiveness and good governance. It will be carried out in an open and transparent way, and interested stakeholders will be given the opportunity to contribute their views.

I shall announce the findings of the review in due course.

Child Poverty *Statement*

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Lord Freud) (Con): My right honourable friend the Secretary of State for Work and Pensions (Mr Iain Duncan Smith MP) has made the following Written Ministerial Statement.

Today, jointly with my Rt Honourable Friend the Minister of State for Schools, I am publishing the Government's draft Child Poverty Strategy 2014-17. We are seeking views through a public consultation, closing on 22 May 2014.

Our draft Strategy builds on the good progress we have made so far in tackling child poverty. Despite the tough economic climate, employment has increased by 1.3 million since 2010 and the number of children in workless households has fallen by 274,000. Poor children are doing better than ever at school; the proportion of children on free school meals getting good GCSEs including English and maths has increased from 31% in 2010 to 38% in 2013.

Alongside our Strategy, we are publishing an in-depth evidence review which identifies what leads families to be stuck in poverty and what leads poor children to become poor adults. By identifying and understanding the root causes of child poverty, now and across generations, we can target action effectively. This is an important step in our mission to eradicate child poverty.

Based on the evidence in the review, our Strategy sets out the action Government is taking to tackle child poverty. It sets out how we will tackle poverty now through supporting families into work and to increase their earnings, support living standards through decreasing costs for low income families and prevent poor children becoming poor adults through raising their educational attainment.

However, central government action cannot, by itself, end child poverty. Action is also needed by employers, the devolved administrations, local areas and the voluntary and community sector. Today, we are asking for views on what more can be done and how we can all work together to end child poverty. Only by working together can we transform the lives of the poorest children in our society.

Correction to Lords Oral Question *Statement*

Lord Wallace of Saltaire (LD): An error has been identified in an answer to the oral question asked by Baroness Hanham CBE in the Official Report of 6 February 2014 Column 259. The information provided was as follows:

Lord Glentoran (Con): Is the noble Lord aware that personal identification is now in operation in Northern Ireland, has been for some time, and is, I believe, a success?

Lord Wallace of Saltaire: My Lords, I am well aware of that. Indeed, the Electoral Commission looked at the Northern Ireland scheme in particular and has estimated that if we were to extend it to Great Britain, with likely take-up, based on the Northern Ireland model, of 10%—mostly young voters—it would cost some £28 million.

The correct answer should have been:

“On the basis of figures provided by the Electoral Office for Northern Ireland on the costs of the Northern Ireland Electoral Identity Card scheme, we have estimated that if we were to extend the scheme to Great Britain, with uptake in the first year, based on Northern Ireland's experience, of about 10%—mostly young voters—it would cost some £6 million.”

This clarifies that:

- i) EONI provided information on the costs of the Northern Ireland scheme, not the Electoral Commission.
- ii) The original £28 million estimate has been revised down. It was based on a cost per card of £6 (EONI figure for 2008/9). EONI have since provided an up to date figure of £1.30 per card. For a local government electorate of 46.5 million in Great Britain, at 10% uptake in the first year, the total cost of cards would therefore be £6 million.

Department for International Development: Contingencies Fund Advance *Statement*

Baroness Northover (LD): My Rt Hon Friend the Minister of State for International Development has made the following statement.

I would like to inform the House that the Department for International Development: Overseas Superannuation requires an advance to discharge its commitments which are set out in its Supplementary Estimate 2013-14, published on 12 February 2014 as HC 1006 (CG Supply Estimates, Supplementary Estimates).

Parliamentary approval for additional net cash of £6 million for existing services has been sought in a Supplementary Estimate for the Department for International Development: Overseas Superannuation. Pending that approval, urgent expenditure estimated at £3 million will be met by repayable cash advances from the Contingencies Fund.

DVLA

Statement

The Minister of State, Department for Transport (Baroness Kramer) (LD): My Honourable Friend, the Parliamentary Under-Secretary of State for Transport (Stephen Hammond) has made the following Ministerial Statement:

I am today publishing the report on the review of the Driver and Vehicle Licensing Agency, which I announced on 8 October 2013. The Department for Transport commissioned this review as part of its commitment to delivering improved quality and better value motoring services to the public, business and other interested parties.

The review has concluded that while DVLA is an effective organisation that is delivering important services, there is significant scope to increase efficiency. Strategic recommendations have been made covering DVLA's digital transformation, reducing the burden on customers, modifying the governance and management structure and optimising DVLA's value as a service provider for Government.

I am content to accept all of the recommendations in the report. I have asked the Chief Executive to prepare a strategic plan for DVLA on this basis, which prioritises those measures which will bring the greatest advantage to customers.

I am placing a copy of the review and my response in the libraries of both Houses and on the Department's website. I would like to thank Mary Reilly and the review team for their work.

EU: Justice and Home Affairs Council

Statement

The Minister of State, Ministry of Justice (Lord Faulks) (Con): "The Justice and Home Affairs (JHA) Council is due to be held on 3 and 4 March in Brussels. My Right Honourable Friend the Secretary of State for Justice (Chris Grayling MP) and my Right Honourable Friend the Home Secretary (Theresa May MP) will attend on behalf of the United Kingdom. The Lord Advocate, Frank Mulholland is also due to attend on behalf of the Scottish Administration. As the provisional agenda stands, the following items will be discussed.

The Interior day of the Council will start with a general state of play update from the Presidency on the Europol negotiation. The Presidency are also expected to seek agreement from the Council to remove the provisions in the Europol text relating to CEPOL.

This would secure formal agreement not to proceed with the Commission's proposed merger of the two agencies. The UK will support this position and there is expected to be a strong overall consensus in favour of opposing the merger.

There will be a discussion on the EU's future JHA programme, which will replace the current Stockholm Programme. This exchange of views will focus on the Commission's forthcoming Communication, which will not be published until after Council. The UK will press for more clarity on the next steps towards developing a strong JHA Council contribution to the new programme, which should include key priorities such as a strong commitment to tackle free movement abuse and modern slavery.

The Council will be updated on current migratory pressures, with presentations from Frontex and the European Asylum Support Office. The pressures stemming from the Syrian crisis are of particular importance here, in particular the situation in Bulgaria, which has been under particular pressure in recent months. This item will be followed by discussion on the Task Force Mediterranean, which was convened by the Commission following the tragedy off Lampedusa last October. The UK participated in the Task Force meetings, which led to set of coherent proposals, which we welcome, for concrete action to prevent further migrant deaths in the Mediterranean. At this Council we understand that the Commission will set out an action plan for implementation, which will require the co-operation of the Member States, European External Action Service and EU agencies. The UK will reiterate its support for this work; we are currently developing plans for our contribution in conjunction with other European partners.

Over lunch, practical co-operation on the area of returns will be discussed.

During the Mixed Committee there will be an update on the proposed Data Protection Directive which covers areas of police co-operation and judicial co-operation in criminal matters and would replace the existing Data Protection Framework Decision 2008/977/JHA (the DPDF). The UK's priority is to ensure the right of access to, and to erase, personal data does not prejudice or hinder criminal investigations or proceedings.

During AOB there will be an update by the Commission on the Implementation of the financial programmes 2014-2020 for Home Affairs. The Presidency may also wish to discuss the draft Directives on Intra-Corporate Transfers and Student Researchers.

The Justice Day will begin with information from the Presidency on a number of current proposals. Firstly, the European Account Preservation Order to facilitate cross-border debt recovery in civil and commercial matters which the UK has not so far opted into, given our concerns about the adverse impact on debtors. The Council will then be updated on the Regulation amending the "Brussels I" Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. This is a technical amendment, fully supported by the UK, to set the rules governing jurisdiction for the Unified Patent Court. Finally the Council will receive an update on the proposal for a Regulation amending the Council

regulation on insolvency proceedings, which is a key measure for growth and the UK broadly supports the Commission's proposal.

The Presidency will next facilitate a state of play/orientation debate on the Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office. The Government continues to oppose this measure and agrees with Parliament that the Commission has on this occasion breached the principle of subsidiarity.

This will be followed by an orientation debate on the recently published proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings. The Presidency is expected to try to establish some guidance to inform the expert level negotiations. The Government has offered time in March for the House of Commons to debate the question of the UK's opt-in regarding this proposal.

There will be a state of play/orientation debate on the Proposal for a General data Protection Regulation. The UK continues to believe that this proposal is far from ready for a general agreement, and that no such agreement can occur until the text as a whole has been approved. The proposal remains burdensome on both public and private sector organisations and the Government would not want to see inflexible rules on transfers outside the European Economic Area which do not reflect the realities of the modern, interconnected world.

Over lunch there will be a discussion on the ways and means to promote the simplification and acceptance of public documents: expectations by the citizens and business.

On non-legislative activities, the Commission will present its 2014 Anti-Corruption Report, which we broadly welcome, to the Council. There will then be a presentation of the Commission's Communication on the Future Development in the JHA area where the UK, as mentioned before, will push for a strong Council contribution, including a focus on better targeted legislation, consolidation where necessary, and ensuring that the EU Prisoner Transfer Agreement is fully implemented by Member States. The Council will then seek to adopt Conclusions on justice systems in the European Union. The UK supports these Conclusions which highlight the deficiencies of the Justice Scoreboard approach to monitoring national justice systems and suggest a more collaborative dialogue between Member States. This will be followed by a presentation by the Commission on the 2014 Justice Scoreboard itself, expected for publication in March. Justice day will end with a presentation by the Commission on the 6th annual EU Disability High Level Group Report on the implementation of the UN Convention on the Rights of Person with Disabilities."

Health: Mitochondrial Disease

Statement

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe) (Con): My hon Friend the Parliamentary Under-Secretary of State, Department of Health (Jane Ellison) has made the following written ministerial statement.

We are today publishing for consultation draft regulations to allow mitochondrial donation to prevent the transmission of serious mitochondrial disease from mother to child. The regulations will be subject to full scrutiny by the public and Parliament through the affirmative procedure.

It is estimated that 1 in 200 children born every year in the UK has some form of mitochondrial DNA disorder. These disorders can range from mild and asymptomatic to severe enough to be fatal. However, at present, mitochondrial donation techniques to prevent the transmission of serious mitochondrial disease are prohibited.

In anticipation of significant advances in this field, the Human Fertilisation and Embryology Act was amended in 2008 to include a regulation-making power that, if introduced, would enable mitochondrial donation to take place in treatment. This legislation is reserved to Westminster.

The Government gave very careful consideration to advice it received from the Human Fertilisation and Embryology Authority (HFEA) in March 2013 about the comprehensive public dialogue and consultation process the HFEA has undertaken into the acceptability of new techniques for mitochondrial donation. As a result, in June 2013 we announced our intention to consult on draft regulations which would allow this.

This proposed change in the legislation would give women who carry mitochondrial DNA disease the opportunity to have genetically-related children without risk of serious conditions. It would also keep the UK in the forefront of scientific development in this area. In framing the draft regulations, we have largely accepted and taken account of the advice contained in the HFEA's report of 28 March 2013.

Consultation on the draft regulations begins today and will run until 21 May 2014. We welcome responses from everyone with an interest in this area. We have also asked the HFEA to reconvene the Expert panel to review the latest evidence of safety and efficacy. We will consider their advice alongside the responses to the consultation.

Expert briefing meetings for hon Members and Peers will be arranged during the consultation period, and will be an opportunity to discuss issues arising from the consultation document.

Mitochondrial Donation: A consultation on draft regulations to permit the use of new treatment techniques to prevent the transmission of a serious mitochondrial disease from mother to child has been placed in the Library. Copies are available to hon Members from the Vote Office and to noble Lords from the Printed Paper Office.

Legal Aid *Statement*

The Minister of State, Ministry of Justice (Lord Faulks) (Con): My right honourable friend the Lord Chancellor and Secretary of State for Justice (Chris Grayling) has made the following Written Ministerial Statement.

"I am today publishing the Government response to the Transforming Legal Aid: Next Steps consultation that took place in the autumn of 2013. Copies have been placed in the Libraries of both Houses.

The House will be aware that this programme of reform commenced in April last year when we launched the initial consultation *Transforming Legal Aid*: delivering a more credible and efficient system. The rationale for proposing this package of measured reforms has always been clear and has always remained the same: due to the acute pressure on the public finances we must to continue to bear down on the cost of legal aid to ensure we are getting the best value possible, while ensuring that the system commands the confidence of the public. When almost every area of public spending is facing increased scrutiny, the Legal Aid scheme cannot be ring-fenced.

Today's publication outlines the Government's final decision on a modified model of competitive tendering for criminal legal aid contracts in England and Wales; and a range of new measures requested by The Law Society and others to help lawyers through what I know will be a challenging period. The plans published today include a package of financial support and specialist advice specifically designed to help lawyers respond to the current challenging economic climate, including:

- a commitment to work with BIS to provide guarantees for commercial loans to legal firms who need to invest to deliver the new contracts;
- measures to ease cash flow in legal aid firms through interim payments for lengthy Crown Court cases;
- exploring the possibility of grants to aid practitioners to invest in digital technology as part of a digital criminal justice system; and
- providing, through business partnering, support and guidance on business planning and restructuring.

The response paper also outlines our approach to reform the Advocates Graduated Fees Scheme (AGFS) in order to achieve further simplification of the fee structure by adopting a model broadly based on the Crown Prosecution Service model.

As part of our ongoing monitoring of the impact of reforms and the sustainability of the scheme generally the Ministry of Justice will undertake reviews of the operation of the new advocacy and litigation services frameworks one year after each is implemented.

We recognise that it is not simply legal aid funding arrangements that determine the success and viability of the criminal justice system, and we have distinct pieces of work that will complement our plans for legal aid. The independent Jeffrey review into the provision of independent criminal advocacy in the courts continues and will report in due course. In addition, the Lord Chief Justice has asked Sir Brian Leveson, President of the Queen's Bench Division, to conduct a review to identify ways to reduce to the minimum the number of pre-trial hearings that necessitate defendants in custody and advocates attending court; and to identify ways to reduce and streamline the length of criminal proceedings.

Alongside the response to consultation we are laying later on today the Government response to the Joint Committee on Human Rights (JCHR) report on three parts of the reform package: restricting the scope of

criminal legal aid for prison law, the residence test for civil legal aid and removing civil legal aid for borderline cases.

As we move away from the consultation phase to delivery, subject to Parliamentary approval where applicable, we will continue to engage with the professions to help them prepare for the implementation of these reforms.

Taken in its entirety, we estimate the *Transforming Legal Aid* package will save the taxpayer around £215m per annum by 2018/19."

Public Records: Colonial Documents *Statement*

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi) (Con): My right honourable Friend, the Secretary of State for Foreign Affairs (Mr William Hague), has made the following Written Ministerial statement:

On 30 November 2012, my right honourable Friend the Minister for Europe informed Parliament, Official Report, column 36WS, that a large volume of FCO archive records had come to light which are known as the "Special Collections". On 12 December 2013, my right honourable Friend also informed Parliament, Official Report, column 55WS, that a high-level inventory of the special collections we published on gov.uk in 2012 had been updated with significantly more detail.

There are an estimated 600,000 special collection files. Initially, a specialist contractor appointed by the FCO estimated the number of files at 1.2 million but this has since been corrected following a reassessment of the number of files in formats other than paper.

The special collection files are outside the normal FCO filing sequence and many (but by no means all) contain records of historical value. The historical value of the files will be determined through an appraisal and selection process under the guidance and supervision of The National Archives (TNA). The FCO also holds a further 600,000 standard files created by FCO departments and overseas posts, around 500,000 of which are not yet due for transfer to TNA.

On 5 May 2011, Official Report, column 24WS, I made a commitment to Parliament that every paper of interest from our holding of colonial administration files would be released to the National Archives, subject only to legal exemptions. This project, involving the release of nearly 20,000 files, was completed in November 2013 in line with the published timetable.

I am equally committed to the release of the records in the special collections. This is a much bigger project which will take longer. Work is underway. We have already conducted an audit of the material and we are currently building the capability to begin preparing the files for release. We have published an overview of our release plans on www.gov.uk/archive-records.

I am very pleased that Professor Badger, Paul Mellon Professor of American History and Master of Clare College Cambridge, is continuing in his role of Independent Reviewer and will be providing rigorous and independent oversight of our release programme.

Roads: Tolls

Statement

The Minister of State, Department for Transport (Baroness Kramer) (LD): My Honourable Friend, the Parliamentary Under Secretary of State for Transport (Robert Goodwill) has made the following Ministerial Statement:

Today I am publishing a consultation document detailing proposals to simplify the process set out in Transport Charges &c. (Miscellaneous Provisions) Act 1954 (the “1954 Act”) for amending tolls at local statutory tolled undertakings.

Local statutory tolled undertakings can be bridges, tunnels, lifts and ferry crossings where tolls are charged for their use in accordance with relevant Acts of Parliament. The majority of these are owned by private companies or individuals but some are owned by local authorities. There are around 11 local statutory tolled undertakings in England that are currently required to follow the procedures contained in the 1954 Act to increase their tolls.

Under this Act, operators are required to apply to the Secretary of State for any increase in tolls regardless of how big or small. This process can be costly and time consuming for the operator, and will often involve a public inquiry. These costs are likely to be passed on to the user through higher tolls. The government has therefore decided the process needs to be simplified to reduce the administrative burden on operators and government, whilst ensuring the interests of users continues to be protected.

Our preferred option is a simplified procedure for increases in tolls which are no greater than inflation minus one per cent, so providing an incentive for the crossing operators to keep any increases in tolls below this level. The consultation document, including the impact assessment, will be available in the libraries of both Houses and on the department’s website.

Locations:

1. Aldwark Bridge, Nr Linton-on-Ouse, North Yorkshire
2. Bournemouth-Swanage Motor-Road Ferry, Entrance of Poole Harbour, Dorset
3. Clifton Suspension Bridge, Leigh Woods, Bristol
4. Dartmouth-Kingswear Floating Bridge, Dartmouth, Devon
5. Dunham Bridge, Dunham-on-Trent, Lincolnshire
6. Rixton & Warburton Bridge, Warburton, Cheshire
7. Shrewsbury (Kingsland) Bridge, Shrewsbury, Shropshire
8. Swinford Bridge, Swinford, Oxfordshire
9. Tamar Bridge & Torpoint Ferry, Saltash, Cornwall
10. Whitchurch Bridge, Whitchurch-on-Thames, Oxfordshire
11. Whitney-on-Wye Bridge, Whitney-on-Wye, Herefordshire

Written Answers

Thursday 27 February 2014

BBC: Royal Charter

Question

Asked by Lord Pendry

To ask Her Majesty's Government what consideration they have given to the influence of overseas lifestyle broadcast programmes on the loss of skilled workers from the United Kingdom to Australia and New Zealand, in particular in their negotiations with the BBC on the Royal Charter.

[HL5257]

Lord Gardiner of Kimble (Con): No consideration has been given to this issue: the BBC is editorially independent. Government has not begun Charter Review but has no intention of changing this arrangement as part of that process.

Horses and Ponies: Hot Branding

Question

Asked by Baroness Mallalieu

To ask Her Majesty's Government what progress has been made with the Code of Practice on the hot branding of semi-feral moorland ponies. [HL5546]

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley)

(Con): In light of concerns expressed about the hot branding of semi-wild moorland ponies, I investigated the practice and invited the moorland pony societies to come together and draft a Code of Practice to reduce the chances of incorrectly applied hot brands. I have also asked them to consider alternative methods of identification as we move forward. Hot branding of equines is generally not permitted under the Animal Welfare Act 2006, although an exemption is permitted for the purposes of identification of moorland ponies only. I am delighted that work on the Code is now complete and I am grateful to Sandra Mansell of Native Ponies GB for co-ordinating the completion of the Code, which has been produced by the moorland societies working with a range of animal welfare and veterinary interests. I am placing copies of the Code in the Library of the House.

India: Golden Temple, Amritsar

Question

Asked by Lord Ahmed

To ask Her Majesty's Government whether they have considered the risk of legal action against the United Kingdom arising from the advice given to the government of India in relation to the operation at the Golden Temple in 1984; and, if so, what conclusions they have drawn. [HL5411]

Lord Wallace of Saltaire (LD): Information relating to internal discussion and advice is not normally disclosed. The Cabinet Secretary's report concluded that the nature of the UK's assistance was purely advisory, limited and provided to the Indian government at an early stage, and that it had limited impact on events.

Justice: Family Law

Question

Asked by Lord Beecham

To ask Her Majesty's Government what conclusions they have drawn from the reduction in the number of family law claims including help with mediation from 62,390 referrals to publicly-funded mediation in 2012-13 to 20 out of 82,000 claims between April and October 2013. [HL4645]

The Minister of State, Ministry of Justice (Lord Faulks)

(Con): The figures quoted are not comparable. The figure of 82,000 refers to claims for clients who received legal aid for pre-proceedings work (legal advice and assistance including solicitor negotiation) across all family matters. This will include for example advice in relation to domestic violence.

The figure of 62,390 refers to the total number of "funding code" referrals for mediation assessments. Not all of these referrals will result in actual mediation sessions and, as a consequence, not all will result in a claim for legal advice.

The figure of 20 claims refers to the number of Help with Mediation matter claims. This is the number of clients who have participated in mediation and received publicly funded legal advice in support of mediation.

We cannot say how many clients before April 2013 received legal advice specifically in support of mediation as this was part of the general advice to clients and cannot be identified separately in the claims data.

Public Order Act 1986 and Communications Act 2003

Question

Asked by Lord Lester of Herne Hill

To ask Her Majesty's Government how many prosecutions have been brought in the last 10 years under sections 4A and 5 of the Public Order Act 1986 and under section 127 of the Communications Act 2003. [HL5205]

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord De Mauley)

(Con): Core Defra allows the following organisations to receive payments by the use of payroll deduction facilities:

- Benenden Healthcare Society
- Charitable Giving
- Charity for Civil Servants
- Civil Service Benevolent Fund
- Civil Service Club
- Civil Service Pension Scheme (including stakeholder pension)
- Civil Service Retirement Fellowship

Civil Service Sports Council
 Customs & Excise Sports Club
 Customs Fund Insurance
 Defra Lottery
 Department of Environment Recreational Association
 Dimensions Fitness
 First Division Association
 Fideliti
 Forester Health Plan Scheme
 Halfords
 Hospital Saturday Fund
 Hospital Savings Association
 Prospect Union
 Public and Commercial Services Union
 Simply Health
 Sovereign Health Care
 Sun Life Assurance Company
 Welsh Office Sports & Social Association
 Westfield Health Scheme

Sport: Winter Sports

Question

Asked by Lord Moynihan

To ask Her Majesty's Government whether they have studied how Australia, the Netherlands and Spain support their winter sport international athletes; and what conclusions they have drawn from any such studies. [HL5377]

Lord Gardiner of Kimble (Con): UK Sport does not study how specific countries support their winter sport international athletes, which will be tailored to particular circumstances and differ between sports, but continually scans the international high performance landscape for best practice in all areas of the elite sport environment.

Transport: Buses

Question

Asked by Lord Moonie

To ask Her Majesty's Government what proportion of bus companies' revenues were raised from (1) fares and (2) free bus passes, in the last year for which figures are available. [HL5502]

The Minister of State, Ministry of Justice (Lord Faulks) (Con): The Department for Transport publishes statistics showing bus operators' revenue and concessionary travel reimbursement each year. The most recent information shows that bus operators in England received £3,132 million from passenger fare receipts and £1,014 million from concessionary travel reimbursement in England in 2012/13. This is for both the statutory off-peak bus travel concession and any discretionary travel concessions offered by local authorities.

Passenger fare receipts include revenue retained by operators from both commercial and tendered bus services. Commercial fare revenue is not published separately. Revenue data by year and by area of England are published in Table BUS0501 at the following link:

<https://www.gov.uk/government/publications/annual-bus-statistics-2012-13>

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