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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

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House of Lords

Thursday 29 March 2018

11 am

Prayers—read by the Lord Bishop of Birmingham.

Retirement of a Member: Lord Sanderson of Bowden

Announcement

11.06 am

The Lord Speaker (Lord Fowler): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Lord, Lord Sanderson of Bowden, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank the noble Lord for his much-valued service to the House.

Brexit: British Citizens

Question

11.06 am

Asked by Baroness Ludford

To ask Her Majesty's Government, in the light of their intention for the United Kingdom to leave the European Union on 29 March 2019, whether, and on what basis, British citizens can be confident that they will have reached agreement by that date on a future relationship with the European Union.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, Article 50 states that the withdrawal agreement must take account of the framework for our future relationship and the terms of withdrawal. We have been working intensively to agree an implementation period, codify the joint report into legal text and reach agreement on the entire withdrawal agreement by October. The deal reached last week provides greater certainty to businesses and citizens. We are confident that we can reach a deal that is in the best interests of both parties.

Baroness Ludford (LD): My Lords, I am delighted to be the first of four Liberal Democrats asking Questions on this important day. Does the Government's plan for "Brexit means Brexit" not turn out to mean "Brexit in name only" and that, in the words of Jacob Rees-Mogg, the UK will be a "vassal state"? Can the Government therefore explain, one year before they are set to make us Brexit, what the point is of going through with their version of Brexit and why they will not agree to let the people decide, on the facts, whether it is worth it?

Lord Callanan: It is interesting to hear the Liberal Democrats quoting Jacob Rees-Mogg. The point is to implement the results of the referendum. The Liberals will probably want to forget about this but the people have already had a say on the issue, both in the referendum and in the subsequent general election, neither of which went very well for the Liberal Democrats.

Viscount Ridley (Con): Is the Minister aware of a new poll showing that, by 65% to 35%, the British people oppose a second referendum, the flagship policy of the Liberal Democrat party?

Lord Callanan: I had not seen that poll but I am aware that the British people oppose most Liberal Democrat policies.

Lord Wigley (PC): In the circumstances of there being no agreement, what would be a meaningful vote in the other Chamber? Would MPs have the option to reject going out on World Trade Organization terms and to remain in the European Union?

Lord Callanan: We have been very clear that we want a deal, and at every subsequent stage we have reached agreement, so we are confident that we will get a deal. When we have a deal, we will put it to a vote in the House of Commons and in this House. We have been very clear that if that option is rejected, of course we leave under the Article 50 process anyway.

Baroness Walmsley (LD): My Lords, is it not true that polling shows that if we were talking about a vote on the deal, seven out of 10 people would like to have it? On this day, a year before the Government have chosen to take us out of the EU at whatever cost, will the Government tell the young people of this country exactly what opportunities they propose to take away from them?

Lord Callanan: When we have a deal, which I am confident we will get, we will come back to this House, we will put the option to both Houses and we will report back to the public, including young people.

Lord Forsyth of Drumlean (Con): Should we not congratulate my noble friend on the brilliant job that he has done during Committee on the Bill, such that the opposition spokesman on foreign affairs, Mrs Emily Thornberry, said that the Opposition will probably vote for the deal when it is put before the Commons?

Lord Callanan: I thank my noble friend for his comments, but let us see how Report goes before we get the congratulations in too early. Yes, Emily Thornberry's comments yesterday were interesting, as were Keir Starmer's at the weekend when he said:

"I don't think there is any realistic prospect of", Article 50 "being revoked". On the referendum, he said:

"Having asked the electorate for a view by way of the referendum, we have to respect the result".

I never thought I would hear myself say it, but on this occasion I agree with the Labour Party.

Baroness Hayter of Kentish Town (Lab): I am glad the Minister agrees with the Labour Party. Will he also agree that the six tests that we have set should be met? This must be a Brexit for jobs, for people, for all

[BARONESS HAYTER OF KENTISH TOWN]
regions of the country and for all parts of the country. That is what we want the Government to seek. Will he agree to meet those tests?

Lord Callanan: It depends on what the Labour Party's policy is for this week, but if the six tests are the policy for this week, of course we will try to reach a Brexit deal that works for everyone, is good for jobs, for British industry and for people, and respects the result of the referendum.

Lord Pearson of Rannoch (UKIP): My Lords, will the Minister confirm that the Eurocrats turned down our offer of mutual residence before Christmas 2016? Is this not yet another example of the Eurocrats looking after their own interests and the survival of their failing project, and putting it in front of the interests of the people of Europe? There are 4 million of them living here and only 1.2 million of us living there.

Lord Callanan: I think there are 3 million EU citizens here in the UK. I am not sure it is helpful to go back through the history of who offered what. We are delighted that we have reached a deal whereby EU citizens' rights in this country are granted, which is where we always wanted to be, and—a very important matter—UK citizens living in other EU countries have their rights guaranteed as well. We are happy to have agreed this issue. We want to provide safety and security for those citizens in future, and I am sure the House will endorse that.

Lord Cormack (Con): My Lords, on this historic day, can my noble friend not make a clear statement to the House that, having made this provisional agreement, we will stick to it and every European citizen living in this country will be guaranteed the rights that many of us wanted them to be guaranteed by our taking the moral high ground nearly two years ago?

Lord Callanan: Of course we intend to stick to the agreement. I agree with my noble friend: it is good to provide security to those citizens, but it is also important to bear in mind the interests of those UK citizens living in EU countries. We have reached a deal on that—both lots have their rights guaranteed, and that is a good situation.

Lord Tomlinson (Lab): Can the Minister explain to your Lordships' House the basis of his confidence that we will get an agreement on Northern Ireland, for example, which is acceptable not only to the Irish people on both sides of the border but respects the terms of the agreement that his party has made—at a price—with the Democratic Unionist Party?

Lord Callanan: Of course, the Irish situation is difficult. It is proving a thorny issue, but the Prime Minister committed us to sitting down for talks with the European Commission and the Irish Government. All sides are committed to a deal and to having no hard border. It is clear that we need to look at this

issue in the context of the final customs arrangement that we will enter into with the EU, but we are confident that a deal can be reached. Both sides are committed to the Good Friday agreement and we want it to work.

Brexit: UK Passports *Question*

11.14 am

Asked by Lord Lee of Trafford

To ask Her Majesty's Government on what date they intend to introduce new United Kingdom passports; and what will be the status of existing passports after 29 March 2019.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, when the UK leaves the EU, the current burgundy design will be issued without reference to the European Union, and a new "Brit blue" passport will be introduced from late 2019. Existing UK passports conform to all requirements for international travel documents. There is no reason for a country to refuse to accept UK passports, nor indeed is it in their interests to make it harder for British travellers to enter their country.

Lord Lee of Trafford (LD): I thank my fellow Traffordian for that Answer. Exchanging a passport granting access to 28 countries for one allowing access to only one, and paying £500 million for the privilege, must go down as one of the worst deals in history. Could we not be allowed to choose the colour of our own new passports? If we were, I would choose black, as Brexit is a black day for this country and a black day for future generations.

Baroness Williams of Trafford: Well, from young Trafford to Old Trafford—

Noble Lords: Oh!

Baroness Williams of Trafford: It is all relative in your Lordships' House.

It is not the case that we are going from 28 countries to one country because, of course, we need a passport to go to any country. As to choosing the colour, I have thought about this, and people can have any colour passport that they wish—they just need to buy a passport cover. As for which colour the noble Lord might like, I have looked at different colour passports and there are some rather nice yellow ones. One has a picture of SpongeBob SquarePants, but the noble Lord might prefer the one with the bird on it. Unfortunately, the bird is Tweetie Pie.

Baroness Smith of Basildon (Lab): My Lords, I wonder whether the noble Baroness can help me on the issue of citizenship, as raised by the noble Lord, regarding the onward movement of UK citizens in Europe following Brexit. It is the question that I asked the noble Baroness the Leader of the House on the Prime Minister's Statement this week. In the withdrawal

agreement published in February, Article 32 makes it clear that there will be no onward movement for UK citizens, thus disadvantaging UK citizens post Brexit, but in the more recent update of the same document, Article 32 has completely disappeared. The document goes from Article 31 to Article 33 and makes no reference to the onward movement of UK citizens, so we really do not know where we are. Are the Government still negotiating? Is there a possibility that they will go back to the table, renegotiate and that UK citizens might have the same benefits post Brexit as before? Or have they just conceded the point and did not want to put that in the document?

Baroness Williams of Trafford: The noble Baroness might have asked that question in the following Question but I am quite happy to deal with it in this one. I understand that my noble friend the Leader of the House is writing to the noble Baroness on this subject. Of course, such detail is subject to negotiation, but it is in the interest of both the UK and the EU for there to be free movement of UK citizens to other EU states.

Baroness Smith of Basildon: I do not think the noble Baroness has quite got the point I made. The updated document contains issues that are subject to negotiation and issues that have been agreed. What has happened is that that article has disappeared from the document entirely. What does that mean?

Baroness Williams of Trafford: It means that it will be subject to negotiations between this country and the EU. The noble Baroness has asked me about a specific point and, as well as my noble friend the Leader writing to her, I shall follow it up.

Lord Marlesford (Con): My Lords, does my noble friend recognise that much more important than the colour of passports is the urgent need, in the interests of national security, to review the whole way in which passports are used? First, there is still not full scrutiny of all passports on departure. Secondly, information on the passports of those who have been excluded or deported is not recorded in such a way that immigration officers can see it and stop them coming in. Thirdly, there is no proper recording of stolen or lost passports with the immigration officers. Fourthly, information on people with second passports is not recorded and not available to immigration officers, who therefore lack the ability to check on the security implications of some movements.

Baroness Williams of Trafford: My noble friend asked several questions. It is perfectly legitimate, for most countries, to own two passports if someone has dual nationality. In the case of stolen or lost passports, that should be declared to the passport authorities. On being deported, some people who have been deported will be on the list that border officials will have; others will not, of course, but the security services will certainly be aware of them. On the question about not all passports being checked on exit from this country, I think that most are. I do not know of a situation where one's passport would not be checked when leaving this country.

Baroness Bonham-Carter of Yarnbury (LD): I appreciate that my noble friend's Question applies to all travellers, but I am particularly concerned about the ability of performers and technicians to move freely between the UK and Europe for creative activities, unencumbered by red tape and, crucially, at short notice. Does the Minister agree that, whatever the colour of the passport, there should be an EU-wide touring passport?

Baroness Williams of Trafford: I thought the noble Baroness said a "Tory" passport, but I think she actually said "touring" passport. Of course, everyone in their line of work or indeed, for leisure, should be allowed to move freely. The December Statement by the Prime Minister made it quite clear that that is exactly what she seeks.

Lord Reid of Cardowan (Lab): I do not really care what colour the passport is; I would just like a system that works. Can the Minister recall that on 12 March, I suggested to her colleague, the noble Lord, Lord Young, that we would never have a system that works in the absence of fully biometric passports, visas and ID cards? In the light of the news this morning that over the past two years there have been 600,000 visitors to this country for whom the immigration department has no evidence of exit, and a separate 210,000 for whom it has evidence of exit but did not know they had come to this country in the first place, will the noble Baroness consider bringing in a comprehensive biometric system to protect this country and manage immigration in and emigration out?

Baroness Williams of Trafford: The noble Lord is of course right that we need a system that works. There will be enhanced biometric elements in the new passport, and we constantly update the passport to keep it secure and the details required to be on it up to date.

Brexit: Border Control *Question*

11.23 am

Asked by Lord Wallace of Saltaire

To ask Her Majesty's Government what is their assessment of whether preparations for (1) national border controls, facilities and staffing, and (2) the registration of European Union citizens in the United Kingdom, will be complete by 29 March 2019.

Lord Wallace of Saltaire (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper—even though it has already been half-addressed by the previous Answer.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): I hope that means that I have half the time to answer the Question—but I doubt it. Border Force is working with other government departments to develop our future approach at the border, and we will ensure that we have the resources

[BARONESS WILLIAMS OF TRAFFORD]

and the workforce required to keep the border secure. Work is under way to develop a settled status scheme for EU citizens, and a registration scheme to operate alongside for those arriving during the implementation period. We continue to work with users and experts to ensure that it is streamlined and user friendly.

Lord Wallace of Saltaire: My Lords, we have 365 days until we leave the European Union. We have heard a number of commitments from Ministers saying that there will be a registration scheme in place. The recent report from the Independent Chief Inspector of Borders and Immigration shows that the current system of border control remains in chaos. Can the Government assure us that there will be effective schemes in place by March 2019, and can they begin to tell us how many extra staff and how much additional cost this will take over the next year?

Baroness Williams of Trafford: The noble Lord will probably know that in the Spring Statement the Chancellor announced that the Home Office would receive £395 million. Much of this will be spent on the border. The recruitment of additional staff, to which he referred, is under way to bring existing staffing levels in UKVI working on Euro routes to 1,500 by April 2018. As I said, the Chancellor announced that the Home Office would receive £395 million of that funding to fund the EU exit preparations.

Lord Cormack (Con): Does my noble friend think that a Minister will ever be able to stand at this Box, or at the Box in another place, and say, “We counted them all in and we counted them all out”?

Baroness Williams of Trafford: That would be ideal, my Lords.

Lord Harris of Haringey (Lab): My Lords, the noble Baroness will recall that she told me on 19 December last year that the number of staff in Border Force had fallen over the last four years by 845. Last week, the Home Secretary said that there would be an extra 1,000 staff, but it subsequently transpired that some of those would be to replace staff who are currently leaving Border Force. Will there actually be any increase in the number of Border Force staff compared with 2012? What level does the noble Baroness think will be adequate to deal with the situation that will face us on the borders after EU exit?

Baroness Williams of Trafford: My Lords, the noble Lord makes a correct point in the sense that we need sufficient border staff to police our border. However, 1,000 roles in total will be advertised across Border Force. We have almost finished recruiting the additional 300 front-line Border Force officers that we announced last year to prepare for Brexit. As I have said to the noble Lord on several occasions from the Dispatch Box, we need not just skilled personnel but technology, innovation and intelligence to provide us with the big picture at our border.

Lord Paddick (LD): My Lords, I am glad that the Minister mentioned technology. At the moment, because of EU citizens’ free movement, they use the e-passport gates at Heathrow, whereas non-EU citizens have to prove that they are not coming here to work illegally before they are admitted and cannot use the e-gates. Non-EU citizens can queue for more than two hours at the passport gates. How long will the queues be when EU citizens cannot use the e-gates?

Baroness Williams of Trafford: My Lords, what this Government want when we exit the European Union is for there to be a smooth process at the border. The noble Lord is absolutely right to mention the e-gates because they have been a great innovation and demonstrate how technology is so helpful at the border, saving customers a huge amount of time. Obviously, the Government want to see a smooth process at the border.

Lord Berkeley (Lab): My Lords, the Minister keeps on mentioning the word “technology” in relation to border controls, but when will she make the existing biometric machines work, because whenever I go through at least 50% of them are broken or closed? Surely, the first thing to do is to get the existing system working properly.

Baroness Williams of Trafford: My Lords, I for one find the e-gates very useful indeed. In fact, they are exceptionally good at detecting face against passport at the border. I am sorry if some of them are closed, but sometimes an assessment is made of the throughput of traffic and gates are opened and closed accordingly. However, I cannot speak for the ones that are broken.

Lord Bassam of Brighton (Lab): My Lords, the noble Baroness will no doubt be aware of the Haulage Permits and Trailer Registration Bill. Has the Home Office made any estimate of the number of additional staff who will be required to enforce that legislation when it comes into effect if we fail to secure a proper arrangement for the free flow of goods through our ports?

Baroness Williams of Trafford: I apologise to the noble Lord that I do not have the up-to-date position on that. My noble friend the Transport Minister is not here but I will ask her to write to him on that matter.

Brexit: Immigration *Question*

11.29 am

Tabled by *Baroness Hamwee*

To ask Her Majesty’s Government how they intend to take account of the findings of the Migration Advisory Committee’s report, *EEA Workers in the UK Labour Market*, published on 27 March, in their negotiations with the European Union before 29 March 2019.

Lord Paddick (LD): My Lords, on behalf of my noble friend Lady Hamwee, and at her request, I beg leave to ask the Question standing in her name on the Order Paper.

The Minister of State, Department for Exiting the European Union (Lord Callanan) (Con): My Lords, we welcome the Migration Advisory Committee's interim report and will consider it carefully as we plan for the future immigration system. However, the MAC has been clear that the analysis is not complete, so it would be wrong to pre-empt its final report, which is due in September. The Government will take account of the MAC's advice when making decisions about our future immigration system.

Lord Paddick: My Lords, the CBI's director of people, in response to the report, says that, "restricting access to EU workers—at a time of record employment rates—would leave companies without the staff they need to grow and invest".

Will the free movement of EU citizens continue after Brexit across all borders between the EU and the UK or only across the border between the EU and Northern Ireland?

Lord Callanan: We have been very clear that free movement will end at the end of the implementation period. Having said that, in our negotiations with the EU we are committed to seeing how we can smooth the flow of people in the future. However, we are very clear that one message from the referendum was that we need to take back control of immigration and deliver that for the people.

Baroness Hayter of Kentish Town (Lab): My Lords, first, I hope that this is the last time that I will have to be here before the break, and I wish everyone a happy Easter. The Greek Easter will be a week later—pungent bitter herbs for those who are about to commemorate Passover. I understand that there is now to be a further delay to the immigration Bill. Would it not have been a very good idea if, before fixing the exit date, the Government had decided what sort of role there would be for EU citizens after leaving? Will they come into this country in the same way as Commonwealth citizens or American citizens, or in some other way? We are now facing leaving without any idea of what our future Immigration Rules will be. Is it not time that we moved on that?

Lord Callanan: I thank the noble Baroness for her Easter good wishes. I think that I will spend my Easter studying amendments to the withdrawal Bill; nevertheless, I hope that we all get some time off. Yesterday the Home Secretary said that we expect to publish a White Paper on a future immigration system before the end of the year in order for consultations to go forward. Legislation will follow that but we have already provided certainty for what will happen during the implementation period up to the end of 2020.

Lord Newby (LD): My Lords, the noble Lord has just confirmed that we will have zero certainty about immigration on exit day, if exit day is in March next year. If there is a White Paper by the end of the year, the chances of getting an immigration Bill through by

exit day is nil. How does the noble Lord expect people to judge the impact of exit if they do not have the faintest idea what our immigration system will be at the point of exit?

Lord Callanan: I think that the noble Lord is a bit confused about this. We are very clear—and we reached agreement on this—that during the implementation period, which will start on exit day, all the current arrangements will be replicated so that people will have certainty about the system until the end of 2020, another 21 months after exit day. After that, we will put in place a new immigration system, which is what the White Paper will be about. Therefore, we do have certainty on what will happen next year.

Lord Brooke of Alverthorpe (Lab): Can the Minister confirm that there is no confusion about the way that the new computer system at the border will work, and can he deny the allegations in the press that it will take five years to put it in place?

Lord Callanan: It would be very dangerous for a Minister to stand at this Dispatch Box and speak with certainty about computer systems. However, I am sure that, as we speak, the best brains in the land are getting to work to put in place a robust system that will work properly and efficiently in the future.

Lord Wallace of Saltaire (LD): My Lords, the noble Lord has just said that we will not have the new immigration system until the end of the implementation period. Is he implying that freedom of movement will continue during that period, so that that is another area where, in effect, there will be a standstill agreement until the end of 2020?

Lord Callanan: Yes. Freedom of movement will continue during the implementation period subject to a registration system.

Baroness Neville-Rolfe (Con): My Lords, following on from that, will the White Paper look ahead at the infrastructure implications of continued immigration for GPs, schools and all of our infrastructure across the UK?

Lord Callanan: My noble friend makes a good point. That is one of the key questions that will need to be answered in designing and implementing the new system. I am sure the White Paper will take that fully into account. However, we will want to hear views and comments from all interested parties.

Lord Harris of Haringey (Lab): My Lords, the noble Lord is entirely convincing about how confident he is that there will be a technological solution in time. He has just told your Lordships that the arrangements will continue through the implementation and transition stage. What if there is no transition stage because we crash out of the EU? What happens then in a year's time?

Lord Callanan: As we have said, we are confident that we can get a deal. At every stage so far the doomsayers have said we would not reach agreement and we have. We have agreed all the details of an implementation period. Clearly that needs to be subject to final agreement and, like any responsible Government, we are carefully assessing our contingency options if there is not a deal. However, we are confident that there will be a deal.

Baroness Ludford (LD): My Lords, is not the truth that the Government are trying to hoodwink the British people by not revealing their post-Brexit immigration plans this year? What surely will happen because of the sectoral demands for labour is that the volume of people coming from the EU will be similar to now, but we and EU citizens will have lost our free movement rights. It is a lose-lose scenario, and there will be a great deal more red tape for employers.

Lord Callanan: More water is being spilt at the Dispatch Box. Where is the noble and learned Lord, Lord Keen, when we need him? I have forgotten the question now. We are confident that we will be able to put in place a new system. The referendum was about taking back control of immigration and when we deliver the results that the British people voted for it will be a win-win situation.

Liaison Committee

Motion to Agree

11.36 am

Moved by The Senior Deputy Speaker

That the Report from the Select Committee *New ad hoc Committees in 2018–19* (2nd Report, HL Paper 103) be agreed to.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, I apologise for nearly spilling the water but I did not utter one word.

It is universally acknowledged that committee activity in the House of Lords is one of its greatest strengths. In fact, we are renowned for our scrutiny work. The expansion of this activity in the 2010 to 2015 Parliament of ad hoc committees from one to three, and one post-legislative committee, has been rightly popular. Recently there has been a huge increase in the level of activity regarding the EU referendum result. This element was recognised only on Monday in the Scottish Parliament when I attended, along with other noble Lords, the meeting of the Interparliamentary Forum on Brexit—which, incidentally, was established by the House of Lords.

The committees have never been more important to inform the national debate. However, much more could be done to improve the present situation. That is why the Liaison Committee initiated the first full-scale review of committees for 25 years, covering both investigative and scrutiny committee activity. I have been tasked by the Liaison Committee to take this forward. To date I have spoken to dozens of Members

individually on that, I have received a range of individual submissions on the report—we have extended the date for final submissions to Friday, 20 April—and shortly I will be making a second visit to the political groups.

I mention this important development as a background to the Motion today. We received 35 submissions on the ad hoc committees and three topics were chosen, along with one post-legislative topic. As we all know, it is never possible to please every Member of your Lordships' House, even some of the time, but I hope your Lordships will agree that the committee's recommendations cover a wide range of subjects, which will make excellent use of Members' talents and contribute to the debate and policy-making in a range of topical and cross-cutting areas.

We agreed the following proposals for ad hoc committees: first, intergenerational fairness and provision; secondly, regenerating seaside towns and communities; and, thirdly, the rural economy. We also agreed to recommend an ad hoc post-legislative scrutiny committee to consider the Bribery Act 2010.

We considered these proposals against a published set of criteria, considering what would, first, make best use of the knowledge and experience of Members of the House; secondly, complement the work of Commons departmental Select Committees; thirdly, address the areas of policy that cross departmental boundaries; and fourthly, whether the inquiry proposed should be confined to one Session. The Liaison Committee took care and time in coming to its conclusions and I hope the House will agree that our recommendations will provide a timely and manageable set of inquiries for the coming year.

I end as I began: on a note of thanks. Having seen this matter through, I am in no doubt whatever of the seriousness with which noble Lords have approached their role in your Lordships' House and the range and depth of their expertise. I am most grateful to all concerned. I beg to move.

Lord Campbell-Savours (Lab): My Lords, the report was most unsatisfactory. It has been much criticised across the House over the past few days, since it was published. It is not in the spirit of Jellicoe, who initiated this whole arrangement. To illustrate my point, I want to show what happened in the case of the application I made for an ID card inquiry. My application was widely supported across the House by Members on all Benches, apart from the Liberal Democrats. It was supported by seven former Cabinet Ministers, including a former Attorney-General, a former chief constable of the Metropolitan police, two former Ministers of State, including a former Security Minister, a former chairman of the Joint Committee on Human Rights and a leading Member at the heart of the Brexit debate. It met all the criteria in the sense that it would make the best use of Members. Many more Members wanted to submit their names in support and I said no because numbers do not matter to the committee; it will not take a decision on the basis of numbers, but on the basis of the experience of Members in the House available to carry out an inquiry. All the Members I referred to had an interest in this inquiry.

I want to set out the areas the inquiry would have dealt with: the use of entitlement cards in accessing public services, combating fraud, which is why a policeman was asked to sign up, and providing identity on request, which is why I sought the support of a human rights specialist; the benefit of the cards, post Brexit, which I why I asked a specialist in Brexit matters—if I may use the term—to sign up; the experience of European states in their use, which is why I asked a former Security Minister to sign up; the use of biometrics; and the benefits to the taxpayer arising from their use, which is why I sought the support of seven former Cabinet Ministers.

So why was it blocked? It was blocked by a coalition of three former Conservative and Liberal Democrat Ministers, all of whom had formed part of the coalition Government that had earlier reversed the Labour Government's ID card programme and all of whom now serve on the Liaison Committee. We never had a chance. The committee was loaded with people who were opposed to the very idea of what we were after and had a record of opposing the matter.

It gets worse. Who led the pack? I understand that the meeting was quite ugly. It was not a full committee member who led the pack. In fact, if noble Lords look at the report and the committee member list, they will find that that person was not even on the committee. It was a surrogate member—the Chief Whip—who blocked the ID card inquiry and then pushed for non-controversial subjects, which were trouble-free for the Government. I understand that his interventions during the debate were described by some as “aggressive”. If anyone wants to understand what I mean by “aggressive”, they need do no more than consider what happened last week in the debate on the passport fee regulations, recorded in col. 421 of *Hansard*, when the noble Lord, Lord Taylor of Holbeach, the Chief Whip, demanded that the noble Lord, Lord Forsyth of Drumlean sit down, in an intervention unprecedented in this House. Indeed, even in the Commons I never saw a Chief Whip insist that a Member sit down in the way that happened during the course of that debate. Furthermore, a very important inquiry on an application made by the noble Lord, Lord Horam, on housing and planning—an issue where we are in crisis in the United Kingdom—was blocked.

The issue for me is: should Ministers sit on Select Committees? I compare the position to that of other Select Committees in this House. They pick their own subjects. There are no Whips on Select Committees in this House, apart from the domestic committees, which is perfectly acceptable. There are two committees in the Commons that we should consider: the Liaison Committee, which is manned by the chairmen of all the other committees, with a slightly different remit, again with no Whips; and the Business Committee, which deals with Back-Bench applications for debate. It has a critical role in the operation of the House of Commons. Again, there are no Whips on it. As an eminent Member of the House said to me the other day, when you put the Chief Whip on a committee, the Chief Whip is the committee. There is no committee, just the Chief Whip. That is the way I see it on the basis of my experience.

The House might wish to consider the comments of the noble Lord, Lord Wakeham, in his report to the House in 1992. It was a very interesting debate, which I read just last night. He said on the powers of the Whips, when he was Lord Privy Seal and chair of the first Liaison Committee:

“I should like to state that I am not trying to bludgeon anything through your Lordships' House. My whole political life has been one of gentle persuasion. Bludgeoning is totally alien to my nature”.—[*Official Report*, 7/12/1992; col. 31.]

The Government Chief Whip should have these very wise words of the noble Lord, Lord Wakeham, in mind when these matters are dealt with by the Liaison Committee and when I make my next application—my fourth—on ID cards next year.

Baroness Deech (CB): My Lords, the noble Lord opposite has expressed the dissatisfaction felt by many Members who put in proposals—and maybe others, too—at the result of this committee. The chosen subjects seem anodyne, to put it mildly—motherhood and apple pie. We need to know why they are chosen. I have an interest; I hope it will not be categorised as sour grapes, although I suppose in part it is. Reading the list, one wonders exactly why some other proposals with real meat and real substance to them, which could produce recommendations that would make a real difference in the short term to the lives of people and which might be reflected in legislation, were not chosen, yet others that amount to no more than a talking shop or debating issue came forward. Is there some feeling that the House is already overburdened with Brexit and should not have to take on anything more controversial? I would not have thought so.

In brief, we need transparency. What is the strategy? Why are certain subjects chosen according to that strategy? It needs to be explained. We need more transparency and wider House buy-in. After all, Members of this House will have to volunteer to sit on those committees. A suggestion made to me was that if the Liaison Committee, as it did, whittled the number of proposals down to 10, the whole House should be able to vote on them. Certainly, the situation as it stands has not produced a very satisfactory result. I am pleased to know that there is a wider review of all the committees of this House, which I hope will come up with a more popular and acceptable way of choosing these committees.

Lord Forsyth of Drumlean (Con): My Lords, I supported the noble Lord in his application, both this year and last, for a committee to look at the issue of—I never like the phrase “identity cards”—entitlement cards or something that would use the new technology. We have just had Liberal Question Time for the past half hour, where many of these issues came up, so it is important.

The reason I get up to speak is to hope that perhaps the noble Lord's application next year will be successful but also to defend against his somewhat robust attack on my noble friend the Chief Whip. It is true that the Chief Whip told me to sit down last Thursday, but in his defence he has apologised to me and also I had not appreciated that at noon there was a memorial service for the policeman who gave his life for our security.

[LORD FORSYTH OF DRUMLEAN]

I am sure that what was in the Chief Whip's mind was that the business was going to run out of control and that he would not be able to attend. So it was not an attempt to muzzle me: the Chief Whip has never attempted to muzzle me, as Members of this House must be fully aware.

I hope that the arguments in principle for discussing this matter will be taken on board and there will be an opportunity for us to take it forward. It seems to me that having some form of identification, for access to services such as the health service or to get into the country or to show when you have left the country, will be an important component of the post-Brexit world, which I look forward to with great enthusiasm.

Lord Blunkett (Lab): My Lords, I assure the noble Lord, Lord Forsyth, that being mugged by a Chief Whip is a badge of honour, not something to resile from. First, in what will be a very brief intervention, I pay tribute to the Senior Deputy Speaker, the noble Lord, Lord McFall, who is doing a first-class job in modernising and seeking to reform the system. My remarks are in no way critical, therefore, of his work.

We saw from the Questions this morning, as the noble Lord, Lord Forsyth, has just indicated, a real need to be able to prepare for future debates and legislation in a timely manner. The issue of verification of identity will be vital in any new immigration system, not least given what the Minister said in answer to the final Question, that there will be an end to free movement of labour. As a consequence, all kinds of issues will arise in respect of verification of identity and authentication of those measures or pieces of paper that are required to verify that, as underlined by the intervention on the final Question—I think it was the noble Baroness, Lady Ludford, of the Liberal Democrats who rightly said that there would be both red tape and problems for business. If there has ever been a moment when this issue should have been investigated thoroughly by a committee of this House, it should have been now. As it cannot be now, I hope very much that it will coincide with the legislation that the Government are going to bring forward next year in relation to the changes to immigration policy required by and arising from the decision to remove Britain from the European Union.

The Senior Deputy Speaker: My Lords, when I put my feet on the bedroom floor this morning, I felt that it was going to be a topsy-turvy day and so it has proved so far. I am reminded of my primary school teacher when she did the 12 times table, from one to 12, and then went on to division. She would say, "McFall, 35 into three?" and I would say, "Won't go". What do you do? You bring down the nothings: 35 into 30 will not go and that is what we face today, with 35 submissions from which to pick three at the end of the day. Am I sympathetic to the comments that have been made this morning? Absolutely, because, as the noble Lord, Lord Blunkett, said, I see my role as serving Members' interests in this matter. The points made by the noble Lord, Lord Campbell-Savours—he also made them last year—are very relevant. Indeed, they were articulated in the EU debates by the noble Baroness,

Lady O'Neill, and by the noble Lord, Lord Reid, in today's Questions. They resonate with noble Lords, but sadly they were not chosen.

The noble Lord said that the meeting was ugly and that the Chief Whip was in the committee. As the chairman of the committee, I do not recognise that as having been an issue. All members of the Liaison Committee participated—if you speak to them, I think you will get the same response as you have had from me. Substitutes for all the usual channels are allowed in the committee, and there were substitutes there that day. But, in terms of transparency and rigour, I would like to reassure Members that all the proposals are published in the report before the House; the criteria used to decide what proposals to recommend have been published throughout the process, including when inviting submissions from Members; and decision documents from each Liaison Committee meeting are published on the website as soon as practical following the meeting. Those Members whose proposals were not selected for further scoping—that selection took 35 proposals down to 10—were informed shortly after the first meeting of the Liaison Committee on this subject.

In terms of rigour, the committee initially considered the full list of proposals, and from these selected eight themes and two post-legislative scrutiny options to be scoped further by committee staff. I pay tribute to the work of the committee staff, because there is a difference between policy and process here, and the committee staff went to speak to Members to see if they could modify their proposals so they could be included in the scoping work. Following that extensive work, the committee met again to consider which proposals ought to be recommended to the House. The results of that discussion are detailed in the report before the House.

The noble Lord made a point about the review of committees. That is an extremely important issue. I have already been to the meeting of the usual channels and will be going back again. I am open to individual Members or a collective coming to talk to me about this, because this is the first review for 25 years and we have to get it right for the long term.

Lord Campbell-Savours: When the committee considers these issues in future, would it not be possible for it also to write a report on why it turned down particular applications—I understand this was the practice before? I noticed that there is no reference in this report to the applications that were turned down. In addition, why can we not have a division list in the report, so that information about who voted which way is openly available, without me having to use intelligence to find out?

Lord McFall of Alcluith: My answer to those comments is in line with what I mentioned yesterday to the noble Baroness, Lady Deech, in our telephone call on this issue. I said to her—I think she can reinforce this—that I take these proposals seriously and, therefore, that I will take some of these issues back to the Liaison Committee and ask, "Can we be more inclusive? Can we ensure that when we get the list, we whittle it down and engage in the 10 subjects we have chosen, as we

may find there is a body of support in the House for that approach?”. There is an opportunity to do things differently, and I am happy to discuss that with the Liaison Committee.

The noble Lord, Lord Blunkett, has already made a submission to the review and I have met with him. In our discussions, the core issue was Member engagement. I want Members to know that that is one of my primary considerations as Liaison Committee chairman.

Lastly, I have been a Member of the House of Lords and the House of Commons alongside the noble Lord, Lord Forsyth, for a long time, and this is not the first time a Chief Whip has asked him to sit down.

Lord Davies of Stamford (Lab): Does the noble Lord not agree that it is very anomalous and dubious that the Government should have a share in deciding what subjects Parliament is allowed to investigate through its Select Committee mechanism? I have the greatest personal admiration for the Chief Whip, but it is quite wrong in principle that a representative of the Government, let alone a Chief Whip, should be in that position.

Lord McFall of Alcluith: When I moved this last year, that issue was not brought up about having representatives of the usual channels, so I suggest that the noble Lord submits points to me and then we can discuss these issues. I beg to move.

Motion agreed.

Draft Health Service Safety Investigations Bill

Motion

11.59 am

Moved by Baroness Evans of Bowes Park

That it is expedient that a joint committee of Lords and Commons be appointed to consider and report on the Draft Health Service Safety Investigations Bill presented to both Houses on 14 September 2017 (Cm 9497), and that the committee should report on the draft Bill by 24 July.

Motion agreed.

Regulatory Reform (Fire Safety) (Custodial Premises) Subordinate Provisions Order 2018

Police Powers of Designated Civilian Staff and Volunteers (Excluded Powers and Duties of Constables) Regulations 2018

Motions to Approve

Noon

Moved by Baroness Williams of Trafford

That the draft Order and Regulations laid before the House on 22 January and 7 February be approved.

Relevant Documents: 14th Report from the Regulatory Reform Committee. Considered in Grand Committee on 27 March.

Motions agreed.

Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Motions to Approve

Noon

Moved by Lord Gardiner of Kimble

That the draft Regulations laid before the House on 8 and 23 February be approved.

Considered in Grand Committee on 27 March.

Motions agreed.

Non-Domestic Rating (Rates Retention and Levy and Safety Net) (Amendment) Regulations 2018

Motion to Approve

12.01 pm

Moved by Lord Bourne of Aberystwyth

That the draft Regulations laid before the House on 8 February be approved.

Considered in Grand Committee on 27 March.

Motion agreed.

European Union (Definition of Treaties) (Work in Fishing Convention) Order 2018

Motion to Approve

12.01 pm

Moved by Baroness Chisholm of Owlpen

That the draft Order laid before the House on 22 February be approved.

Considered in Grand Committee on 27 March.

Motion agreed.

**First-tier Tribunal and Upper Tribunal
(Composition of Tribunal) (Amendment)
Order 2018**

Motion to Approve

12.01 pm

Moved by **Baroness Vere of Norbiton**

That the draft Order laid before the House on 22 February be approved. *Considered in Grand Committee on 27 March.*

Motion agreed.

**Family Relationships (Impact Assessment
and Targets) Bill [HL]**

Order of Commitment Discharged

12.02 pm

Moved by **Lord Farmer**

That the order of commitment be discharged.

Lord Farmer (Con): My Lords, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Unless, therefore, any noble Lord objects, I beg to move that the order of commitment be discharged.

Motion agreed.

**Modern Slavery (Victim Support) Bill
[HL]**

Order of Commitment Discharged

12.02 pm

Moved by **Lord McColl of Dulwich**

That the order of commitment be discharged.

Lord McColl of Dulwich (Con): My Lords, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to move a manuscript amendment or to speak in Committee. Unless, therefore, any noble Lord objects, I beg to move that the order of commitment be discharged.

Motion agreed.

Brexit: Health and Welfare

Motion to Take Note

12.03 pm

Moved by **Baroness Brinton**

That this House takes note of the effect of the United Kingdom's planned withdrawal from the European Union on the health and welfare of United Kingdom citizens and residents.

Baroness Brinton (LD): My Lords, this year the NHS is turning 70. Our universally beloved institution has transformed the health and well-being of the British people for longer than most of us have been alive—perhaps excluding Members of your Lordships' House, where our average age is 70—and is the envy of many countries around the world. I am proud that a Liberal MP and economist, William Beveridge, wrote the report that made the proposal for a universal health system free at the point of delivery and paid for through taxes, which transformed healthcare in the United Kingdom. Beveridge understood that there needed to be widespread reforms to social welfare, first introduced by the Liberal Government in 1911, which had to address his five “giant evils” of squalor, ignorance, want, idleness and—perhaps most important to the NHS—disease. Fighting these giant evils is key to the health and welfare of UK citizens and residents.

Unlike in the United States and some other countries, the British believe that healthcare is a right, not a privilege, and we accept the opportunity to pay for it through general taxation. Recent polls show that a large number of people support the Liberal Democrat proposals for an increase in income tax to help fund the NHS, alongside reforms that are necessary for any healthcare system in the 21st century.

The NHS has a history of evolving in response to the changing needs of the nation, yet there is hardly any discussion about the effects of Brexit on our health and welfare systems. It therefore seems appropriate, on the first anniversary of triggering Article 50, for your Lordships' House to look at these issues in some more detail. I look forward to contributions from other Members of the House who will cover specific items in detail; there is not time in the 15 minutes that I have to cover everything.

If you ask most people about Brexit and the NHS, regardless of how they voted in the referendum I suspect the first thing they would talk of is that large red bus from the leave campaign claiming that the EU costs the UK £350 million per week, which could all be invested in the NHS upon leaving the EU, while forgetting to tell us that that would remove funding from agriculture, fisheries and many other current EU projects based in the UK. Not only was this untrue—a fact checked repeatedly during the campaign by independent bodies—but there are figures to show that the cost of leaving the EU to our economy could now be equal to that £350 million per week.

Research by the *Financial Times* suggests the value of Britain's output is now 0.9% lower than it would have been if the UK had not decided to leave the EU—and, guess what, that comes to just under £350 million a week. That irony is not lost on those of us who challenged the original leave campaign on its obviously fantastical claims at the time. Since then, much of the debate over the UK leaving the European Union has focused on trade, the single market and the customs union. Today, as we mark the first anniversary of the triggering of Article 50, we must start to identify some of the less visible but absolutely vital elements of Brexit that will affect the health and welfare of people in the UK.

At a time of unprecedented pressure on the NHS, it needs urgent and real investment to prevent it crumbling, so I welcome the Prime Minister's announcements earlier this week and look forward to the detail. I hope that it can deliver the real financial help that is so desperately needed but woe betide her if it is neither real nor speedy. The Chancellor has set aside £3 billion for Brexit matters alone this year. With the chaos of where the negotiations are, who knows if that will be enough? What is clear is that people know that the NHS is in desperate need of resources. Yesterday, many hospitals across the country were still struggling with their A&E targets. Among many others, Addenbrooke's in Cambridge was predicting 12-hour waits in A&E and had once again cancelled all non-emergency operations—and, indeed, some cancer treatments.

However, one of the lesser known pillars of protecting our NHS is also at risk with Brexit. With more and more parts of its services being put out to tender, the NHS has ultimately been protected by the EU directive on public health procurement. This directive governs the way in which public bodies purchase goods, services and works and seeks to guarantee equal access and fair competition for public contracts in EU markets. It includes specific protection for clinical services and more legal clarity on the application of procurement rules. The bottom line makes it clear that, unlike non-public services, a public body based in an EU member state can accept a contract that is not the cheapest if it fulfils the quality, continuity, accessibility and comprehensiveness of services and innovation. There is also no need to publish procurement advertisements cross-border, which, as Ministers have repeatedly said in Parliament, is a key tool to preventing mass privatisation of the NHS.

If we proceed with Brexit and leave the single market and the customs union, the NHS will lose its biggest but most invisible protector: this directive, which governs all public sector procurement in member states. It defines fair process and standards to ensure that all EU businesses, including the NHS, have fair competition for contracts. It prevents conflicts of interest through robust exclusion grounds and protects against creeping privatisation. PFI also remains a serious financial risk.

We must learn from the liquidation of Carillion and the ensuing loss of jobs that shone a light on the dangers of letting privatisation run rampant. The NHS now has more than 100 PFI hospitals, which originally cost £11.5 billion. After being privatised, they will cost the public close to £80 billion. The difference could have funded the NHS for two and a half years, but that is not all. The total PFI debt in the UK is more than £300 billion for projects worth only £55 billion. In order to protect NHS institutions from American corporations looking to buy after Brexit, we must write this EU directive into UK law. The NHS we all know is dependent on this. It is in danger. If we do not transfer the directive into UK law, there is nothing to stop the lowest bid for any service always winning wherever it might originate from and without regard for the standard of care. We know that there are many US companies already eyeing up the NHS.

As an aside, given the debate in Oral Questions about passports, the French Government have used this EU directive to ensure that French passports are made by French firms in France because they regard specialist printing as a security matter—funny, that. Despite Brexit, our Government chose not to use the same provision to print the next generation of UK passports here in the UK by a preferred UK company.

Returning to the NHS, while there was understandably concern about the TTIP agreement, it was this EU directive which provided a guarantee that US companies could not come in and cherry pick our NHS. On 18 November 2014, the noble Lord, Lord Livingston of Parkhead, answered my Question in your Lordship's House by quoting an EU Commissioner:

“Commissioner de Gucht has been very clear:

‘Public services are always exempted ... The argument is abused in your country for political reasons’.

That is pretty clear. The US has also made it entirely clear. Its chief negotiator said that it was not seeking for public services to be incorporated. No one on either side is seeking to have the NHS treated in a different way ... trade agreements to date have always protected public services”.—[*Official Report*, 18/11/14; col. 374.]

That was under President Obama. I suspect matters have changed since President Trump came to power, so I am seeking unequivocal confirmation from the Minister and the Government that they will stand by their word in coalition government in 2014 and fully re-enact these procurement rules for public services in UK law to continue to protect the NHS from future trade agreements. More than that, I hope that the Government will remind the NHS of its rights under this directive; it seems that too many contracts are being let on value not quality of service.

Another key element of these procurement rules that needs to be protected is accessibility. This has meant that public money should no longer be used to introduce or maintain inaccessible structures, systems or services. It is essential for disabled people that these accessibility rules continue. I recognise that it is not without cost, but it is a core element of the EU directive and is essential for any Government who believe that all members of society need to be treated equally.

I know that many other issues affecting the health and welfare of people in the UK will be covered in the debate, and I am looking forward to hearing from noble Lords who will speak shortly. Their expertise is exceptional. I thank those from the Library and other specialist groups who have provided briefings for us. I only wish that I had time to do justice to all their recommendations, but I know that colleagues will speak far better than I could to prosecute their cause. These issues include the reduction in the number of EU workers, which is already having an impact on our hospitals and social care services from clinical to support staff, and the loss of the European Medicines Agency headquarters from London, and therefore our influence over it if we leave, which will be very serious; we may wish to join as a junior partner, but we will have lost our influence. It is also serious for London's economy where more than 70,000 bed nights a year will be lost for tourism. Radiologists are very concerned that the extra paperwork and regulation resulting from not being a full member might disrupt supplies. Cancer

[BARONESS BRINTON]

treatment is so time-sensitive that delay can have a real effect. More than one quarter of clinical trials funded by Cancer Research UK involve at least one other EU country. That pan-European and international approach is crucial for paediatric and rare cancers. The UK has led or participated in the largest number of these trials for types of disease, but once we are no longer at the EU research table, what will our influence be?

Should Brexit move forward and should we leave Euratom, we would jeopardise the domestic nuclear sector, the regulation and transportation of life-saving cancer medication and research into using radioisotopes, as well as the UK's decarbonisation initiative which will help with ozone and air quality. That is why your Lordships voted to pause leaving Euratom earlier this week. Interestingly, while pro-Brexiters argue that membership of Euratom places us under the influence of the European Court of Justice, there has never been an ECJ case involving the UK and Euratom.

Dr John Buscombe, president of the British Nuclear Medicine Society, told a parliamentary committee that close to 1 million patients across the UK have medical imaging with radioisotopes each year, and 80% are imported into the UK from the European Union. Dr Buscombe was very concerned about the security of supply. He said:

"We have had problems with product coming in, particularly from places like Canada, where they haven't turned up, got delayed or have the wrong paperwork".

We must ensure that the future supply is maintained.

Moreover, what happens to UK citizens living or travelling in another EU country? Reciprocal services, starting with the well-known EHIC card, are built into our daily lives. During Brexit negotiations, and hopefully in transition, UK citizens will still be able to use the EHIC card to receive state-provided emergency medical care. However, yesterday's excellent EU Committee report *Brexit: Reciprocal Healthcare* sets out the real difficulties. No deal has yet been made; no assurances have been given to ensure medical treatment for UK citizens outside the border.

As on every other Brexit issue, there is the real problem of Northern Ireland and the Republic. Joint health services, for example, allow patients to get medicine at any pharmacy north or south of the border, irrespective of the location of the GP responsible for the prescription. Ambulances on either side of the border are currently free to travel across the border to attend emergencies such as road traffic accidents and cardiac arrests. People across the island are allowed to receive radiotherapy at a new £50 million centre for cancer patients on both sides of the border at Altnagelvin Area Hospital in Derry, which opened just a year ago. Bernie McCrory, the chief officer of Co-operation and Working Together, said:

"In the past we would have had young mothers who would have declined to go to Dublin because of the time away from their children and they would have opted for radical surgery"—

instead of this specialist treatment. At Altnagelvin Area Hospital,

"we have created a pathway for patients that didn't exist before".

There is yet no pathway for how we manage the difficult cross-border issues in Ireland.

In conclusion, the health and welfare of UK residents will be affected by Brexit and there is much that needs to be done now to establish the rights of UK and EU citizens to strike effective deals and to recognise that the consequences of Brexit on our health and welfare might be serious. In that event, does the Minister agree that perhaps the people should have the final say? More than that, there are steps that the Government need to take now to reassure us: for example, in relation to the EU directive that I mentioned earlier. It is absolutely vital that that protection remains. I beg to move.

12.18 pm

Baroness McIntosh of Pickering (Con): My Lords, I congratulate the noble Baroness, Lady Brinton, on securing this debate and so eloquently setting the theme. On a personal note, I am a doctor's daughter, a doctor's sister and a doctor's niece. The noble Baroness mentioned that this year is the 70th anniversary of the founding of the NHS, and I am extremely proud that my father was one of the first NHS doctors, having come back from serving with the Royal Army Medical Corps in Hamburg, where he met my mother, who had come down from Copenhagen to work for the British Army at that time. Less savoury was the fact that he was referred to as a panel doctor by my uncle, who was a surgeon, but I am very proud of the service that my family has given to the NHS. As declared on the register, I also work with the board of the Dispensing Doctors' Association, which represents GPs in rural practice.

As we speak today, what concerns me most is that we need be in no doubt as to what the impact will be on the health and welfare of those working in the NHS and those benefiting from it in this country of the proposed withdrawal from the EU of the United Kingdom. What is missing here is a sense of urgency on the part of the Government. If this debate serves no other purpose, I hope that the Minister in summing up will take back a strong message to the department that we need to tackle the issues. Let us look at the sheer volume and scale of the problem. We are told on page 19 of the report, *EEA-workers in the UK labour market: Interim Update*, that 4.1% of professionals working in health and 5.1% of those working in residential and social care come from the EEA. That means that just short of 10% of the total workforce of health and residential and social care comes from the EEA.

The UK is therefore heavily dependent on our EU and EEA membership for our doctors, nurses and other health professionals. Yet the Minister recently confirmed in a Written Answer that there is as yet no accreditation scheme that will apply from 29 March next year. We are rightly told that this will be on the basis of mutual recognition. How many years did it take us to achieve mutual recognition the first time? I do not believe it took so long for lawyers like myself, or for doctors like my brother, who has now retired from general practice, but for architects it took 21 years to agree, on the basis of mutual recognition, that their qualifications would be recognised. I hope that the Minister will confirm today that this will be a top

priority for the Government, because we are haemorrhaging. I know that from personal experience: a Danish friend of mine and her New Zealand husband are consultants in the health service, operating at the highest level, and they are returning to Denmark to work because they simply do not know what continuity of service they will have.

We learned today from the Brexit Minister that there will no longer be free movement of people and professionals between the UK and the EU; I understand that that would be from the end of the transition period—if we have an agreement and there is a transition period. Yet we know from the briefings provided to us today that 9.3% of UK doctors working in the NHS emanate from the EU.

We are currently on course to subscribe to and apply the falsified medicines directive. This will have huge cost implications, particularly for general practice, and yet, as I speak there is no clear guidance as to what the IT provisions will be. The drug will need to be scanned when it comes in and scanned again when it goes out, and there is obviously a question mark over who will pay. I hope that the Minister will take the opportunity to explain today to what extent we will apply the falsified medicines directive.

The noble Baroness, Lady Brinton, also spoke about clinical trials, which we debated in the EU (Withdrawal) Bill Committee. It is extremely important that we have a commitment that we continue to benefit from those clinical trials. It appears that we will no longer have access to EU Horizon 2020 funds, yet the briefings we had today show that we do not just pay into the current R&D programmes but are a major beneficiary of them. Again, it would be a huge potential loss if we were no longer allowed to participate in those programmes.

On our membership of the single market and customs union, let us remember that prior to 1992 we were not in the single market. I am proud that the single market was a Conservative initiative, but we did not benefit from it until it was set up and we joined in 1992. However, we currently benefit from both, and they are vital for both the exporting and importing of our pharmaceuticals. I hope that the Minister will reassure us that those will continue even though we are due to leave the European Union.

On the exchange of blood and vital transplant organs, these are extremely perishable and cannot possibly be held at the borders, yet from the exchanges we had at Question Time, it is still not clear what the arrangements will be. The noble Baroness, Lady Brinton, mentioned the current free flow of health professionals and indeed patients across the Irish border, but we do not know what the customs arrangements will be—not just in Ireland but between the UK and our current European partners.

It is a fact that we are certainly dependent. The Royal College of Physicians is recommending that the UK must continue to welcome new doctors to work in the NHS and provide express and urgent guarantees that EU doctors currently working in the NHS will be able to permanently remain in the UK even in the event of no deal. I know for a fact that the Minister and I share a rather charming dentist who happens to be French in origin and qualified in the EU, and I am

sure we would wish to continue to benefit from his services. At the moment, though, it is still not clear, until the mutual recognition accreditation schemes are set up, what the arrangements will be.

The Government are asked specifically to grow and expand the medical training initiative by increasing the number of visas available and, in addition, to seek to establish a scheme similar to that for DfID or for low-income and middle-income non-priority countries, particularly those such as Australia that have similar training programmes to the UK and where we can recruit more doctors through such training places. The RCP reports calls by the medical Royal Colleges and the BMA to keep the current cap on restricted certificates of sponsorship for the short term and exclude applications for shortage occupation roles from the allocation process. The UK is currently considered a world leader in medical research, producing around 25 of the top 100 prescription treatments. As I have mentioned, we are still a net beneficiary of research grants and very successful, so I hope the Minister will continue to give an assurance today in that regard.

I conclude by asking the Minister to give a sense of urgency to the concerns being expressed in the House in this debate. The Prime Minister has stated that she wants a Brexit that works for everyone living in the UK, so will the Minister give the House an assurance that we will continue to welcome doctors from the EU and the EEA; that health professionals currently in practice here will be allowed to remain; that we will have a certification scheme in place as a matter of urgency; that we will continue to have access to the EU research and development funds; and that we will have smooth access to vital organs, perishable medical products and clinical trials in future? I am delighted to support the noble Baroness, Lady Brinton, in this debate.

12.28 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I thank the noble Baroness, Lady Brinton, for raising such a key aspect of the impact of the EU's withdrawal from the EU. As others noted earlier in the House, at 11 pm exactly one year from today the UK will leave the EU, but I have no doubt that we will be debating the complexities of a post-Brexit UK well beyond even the agreed 21-month transition period that will follow.

There is also no doubt that the UK's decision to leave the EU will have many far-reaching implications for health and social care in England, and for the health of UK citizens living or travelling in EU countries. It was only when I began to look at this more closely that I realised just how many crucial issues still await clarification. There are the future arrangements regarding the European health insurance card; without EHICs, a disproportionate insurance burden will fall on the elderly and those with existing conditions. There is the question of access to healthcare for UK pensioners resident in EU countries and of cross-border co-operation in public health. I think particularly of food safety and housing, but there are many other areas. There is the continuation of the open border in Northern Ireland so that healthcare professionals can move freely to deliver vital cross-border health services. There

[BARONESS WARWICK OF UNDERCLIFFE]

is the damage to our research base and the international standing of our universities if they can no longer recruit and collaborate with European researchers and scientists. There is the damage to our ambitions for the UK to be a world leader in the sciences and medical research if we are not able to make good the significant loss in EU funding for R&D. There is the question of our continuing participation in the European Centre for Disease Prevention and Control, the UK losing out on clinical trials for new drugs if we are not part of the upcoming revised EU directive on clinical trials, and losing our ability to attract EU research funding or to access EU research funding sources such as Horizon 2020 and the European structural and investment funds. We do not know the extent of Brexit's negative impact on the UK economy. Additional pressure on public finances will have a direct negative impact on the NHS and social care.

The list goes on and on, and it is depressing how little we and the country know with any degree of certainty. It is essential that health-related issues are put high on the agenda as we negotiate our future relationship with the EU. I want to focus on just a few concerns. Like the noble Baroness, Lady McIntosh of Pickering, I ask how we will maintain the NHS workforce, given its reliance on EU nationals, and how we will address the pressing issue of social care. I declare an interest as chair of the National Housing Federation. Then I will briefly consider what our withdrawal may mean for the regulation of medicines and our access to new drugs in the UK.

The freedom of movement and mutual recognition of professional qualifications that come with EU membership mean that many health and social care professionals working here are from other EU countries. A recent King's Fund report indicated that nearly 62,000 staff, or some 5.6%, of the 1.2 million total NHS workforce in England, and 95,000, or about 7%, of the 1.3 million workers in England's adult social care sector have come from other EU countries. A recent report by Independent Age highlights that in the first part of 2016 alone, more than 80% of all migrant care workers who moved to England to take on a social care role were from Europe. The report posits a social care workforce gap of about 1.1 million workers by 2037 in the worst-case scenario of zero net migration following Brexit. In what I suggest is a more likely low-migration scenario, the workforce gap could be more than 750,000 people. But even if there were high levels of migration and the care sector became more attractive, Independent Age puts the social care gap at 350,000 people by 2037. The implications for older and disabled people are that far fewer will be able to access the care they need to live independent, meaningful lives.

Meanwhile, the most recent figures show that the NHS has gaps in nursing, midwifery and health visitors. Although the referendum result will not have been the only factor, it is nevertheless alarming that between October 2016 and December 2017, the number of nurses and midwives from Europe leaving the Nursing and Midwifery Council's register increased by 67% compared to the previous year, while the number joining fell by 89%. The recent commitment and

clarification that EU citizens currently working in the UK and UK citizens currently working in other EU countries will be allowed to stay has, we can only hope, provided some reassurance to those individuals, but it is clearly vital that we continue to persuade as many as possible to stay and continue their valuable contribution to the health and social care workforce, while we also take measures to increase the domestic NHS workforce and the attractiveness of the social care sector to British-born workers in the longer term.

We do not have much detail on what the UK's policy on migration will look like post Brexit beyond the intention that after March 2019, migration of EU nationals will be subject to EU law. While we await the delayed White Paper, there are many unanswered questions about our future immigration policy, some of which we explored earlier today. I am concerned in particular that in future we might mirror the current non-EU system, which is focused on high-skilled labour rather than areas of shortages. Can the Minister assure us that providers of NHS care and social care services will retain the ability to recruit staff from the EU when there are not enough resident workers to fill vacancies? I note that the Migration Advisory Committee's interim report on European Economic Area migrants to the UK was published earlier this week, ahead of its September final report. I wonder if the Minister would agree that a way forward would be to add specific occupations to the MAC's shortage occupation list, which currently enables employers to recruit nurses and midwives from outside the EEA. Will he also agree that the Government will need to consider urgently how both the NHS and social care can continue to recruit lower-skilled workers from the EU and elsewhere who are less likely to arrive under systems focused on encouraging higher-skilled migration?

I should add that the context for considering the impact of Brexit on our health and social care workforce is the pressing need for funding reform of social care. Local authorities are struggling to make shrinking budgets meet the demand for care, which is growing as our population ages, with increasing complexity in their needs. Can the Minister confirm that the Government's intention in the Green Paper on social care, due later this year, will be to find a long-term solution?

I also want to take a final minute to highlight, like others, the impact that our EU withdrawal may have on the regulation of medicines and clinical trials in the UK. EU legislation ensures a consistent approach to medicines regulation across its member states, and the UK is part of the European Medicines Agency, which operates this centralised authorisation system. The EMA, of course, recently announced that it will be moving from London to Amsterdam as a result of Brexit. Currently, companies can submit a single application to the EMA to be authorised to market their products in EU, EEA and EFTA countries. As a member of the EMA, the UK has first-tier market status, giving us priority in receiving new pharmaceuticals. With Brexit, the UK is expected to leave the EMA and seek then to "work closely" with it, while increasing the capabilities of our own national Medicines and Healthcare products Regulatory Agency. The EMA currently co-operates with other countries in this way,

including Canada and Switzerland. But the concern here is that losing our tier 1 status would put us at the back of the queue for new medicines. In Canada and Switzerland, these typically reach the market six months later than in the EU.

There are so many areas where we need reassurance from the Minister. I hope he will be able to provide at least some concrete answers. Can he, above all, unequivocally tell us that he will do everything in his power to ensure that health-related issues are put high on the agenda as we negotiate our future relationship with the EU?

12.37 pm

Baroness Jolly (LD): My Lords, I am very grateful to my noble friend Lady Brinton for calling this debate—and very timely it is, too. The repercussions of the UK’s decision to leave the European Union spread far and wide. That is why it is especially important that we are here today to debate the critical subject of UK health and social care in a post-Brexit world. The issue of health touches the lives of every citizen, and the gravity of our situation just cannot be denied. I shall mention some of the issues I raised in Committee on the EU withdrawal Bill, but we should not forget the huge role that EU workers play in both the health and the care sectors. I am going to look at some numbers too. Mine are not quite the same as those given by the noble Baroness, Lady McIntosh of Pickering, but they are all really big numbers.

My research has suggested that 5% of the UK’s health and care workers now come from the EU. Five per cent might seem a small number, but 5% of 4.5 million is considerable: 225,000 doctors, dentists, nurses, dieticians, therapists, care workers and cleaners—I could go on. According to a November 2017 survey conducted by the British Medical Association, nearly one in five EU doctors working here had actually taken steps towards the possibility of leaving the UK. The NHS, with its already existent staff shortages and funding cuts, really cannot afford to lose any more numbers or expertise within its hard-working personnel. Royal College of Nursing chief executive Janet Davies said that the NHS “cannot afford” to lose EU staff, with 40,000 nursing vacancies in England alone. She said:

“The Government is turning off the supply of EU nurses at the very moment the NHS is in a staffing crisis”.

I understand that the Minister has said previously that the number in training is considerable, but it is sadly not enough to fill the gap. It is a fact that merely the decision to leave the UK, and the agonising uncertainty that has accompanied that decision, moulds the future nature of our health workforce. The Minister has addressed this issue at the Dispatch Box many times, but I would be grateful if, for those who neither hear it nor believe it, he would send a message that they are still welcome to remain, and remind the House of other avenues of recruitment that are being considered.

I mentioned earlier that I put my name to several probing amendments to the EU withdrawal Bill, and I express my continuing support for the public health “do no harm” amendment, as tabled by the noble Lord, Lord Warner, to be included. It is based on Article 168 of the Lisbon treaty, which is longer than “do no harm”, but we are just calling on the Government

to consider health issues and make sure that any decisions made at any government level do not impact on the health of our nation. At the recent meeting of Peers, Ministers and officials to discuss the withdrawal Bill, it even gained the support of the noble and learned Lord, Lord Mackay of Clashfern. He is a really good ally to have.

The desire to ensure the level of progression and sustainability of public health in our nation is not a divisive issue. There is no pro-remain or pro-leave precedent required to support the universal notion that the protection of our citizens’ health is, and must always remain, supreme. No Member of the House would deny the key three prongs of this proposal: first, ensuring the well-being of UK citizens; secondly, protecting citizens in times of public health hazards and crises; and, thirdly, continuing the drive towards equality of healthcare and access. This amendment would offer us a great opportunity. We have the chance to express to the people of the UK that we care about the well-being of each individual member of society and, more importantly, we will prove that commitment through legislation.

Moving to over-the-counter medicines, general sales lists or GSL medicines are thoroughly integrated into the EU model of research—design, production, packaging and distribution, just like cars. Any one product may pass through several borders before finding its way on to the pharmacist’s or the local supermarket’s shelves. The noble Lord, Lord Callanan, on the second day of the Committee the Bill, assured me, when I asked about the implausible timeline for changing regulations on these medicines and the practice I have just described, that the Government are indeed working hard to ensure that research groups and trade industries are offered,

“sufficient time to implement any changes necessary”.—[*Official Report*, 26/2/18; col. 451.]

The notion that the Government desire to continue a close relationship with pharmaceutical and trade industries on exit is understood. The issue, then, is simply that time is running out. The Minister claimed that industries will be given sufficient notice to recognise, address, deliberate and solve any licensing or manufacturing issues that may arise. Yet the time to offer sufficient notice was yesterday. Will the Minister today clarify these issues for the House? Is there a detailed timeline for ensuring that over-the-counter medicine licensing, manufacturing and trading issues that have arisen from Brexit can be clarified, and that no patient will suffer as a result of this quandary? Can he share the rationale for excluding GSL medicines from the Department of Health and Social Care’s ongoing review of the implications of EU exit on the continuity of medicines supply to the UK, and what plans the Government have to explore those implications?

To help the Minister, I wonder whether he would be happy to meet me and the relevant trade body, the Proprietary Association of Great Britain. The PAGB represents the manufacturers of branded over-the-counter medicines, self-care medical devices and food supplements—they would all be household names.

Under the European health insurance card scheme, British tourists and residents in the EU can access free healthcare, as can EU citizens when visiting the UK.

[BARONESS JOLLY]

I cannot imagine—I am still struggling with this issue—what it would be like to go on holiday without the EHIC in my wallet alongside my passport, tucked away in case of an emergency. However, as the EU Home Affairs Sub-Committee stated in its report published the day before yesterday, if the Government insist on bringing an end to free movement,

“it follows that one of the fundamental rationales for reciprocal healthcare arrangements ... will disappear upon Brexit”.

The loss of the EHIC would create enormous barriers for UK nationals abroad and hurdles for EU nationals living in the UK. It is critical that UK and EU patients do not lose out on access to the best treatments and medical devices as we leave the EU.

We want to make sure that patients continue to benefit from early access to new health technologies and cutting-edge medicines, and that includes being able to take part in international clinical trials. For this reason, the Government must prioritise alignment with the new EU clinical trial regulation and commit to adopting it when implemented in March 2019.

The UK’s health and social care sector has benefited enormously from our EU membership. As British tourists and residents across the EU, we rest assured that our healthcare will be covered. At home in the UK, we take for granted the host of hay-fever tablets, cold and flu treatments, painkillers and indigestion remedies that line the shelves of our local pharmacies. We benefit from the latest in health technologies and cutting-edge medicines, as well as the dedicated care of over 60,000 NHS staff in England who are EU nationals. Exactly a year from now, on 29 March 2019, how many of these benefits will remain available to us? Will we be denied access to free healthcare in the EU? Will Calpol and Strepisils—other medicines are available—be available only on mainland Europe? As regards clinical trials, what confusion! At the meeting with Ministers and officials this week, I confess that I left feeling that the situation was about as clear as mud, so clarity from the Government on this and all these issues would be appreciated.

12.47 pm

Baroness Masham of Ilton (CB): My Lords, I am immensely grateful to the noble Baroness, Lady Brinton, for giving us the opportunity to discuss this vital matter.

I have just completed 60 years of being a paraplegic after a horseracing accident, when I sustained a broken back. After the first 48 hours in an accident hospital, I was fortunate to be treated at the national spinal injuries unit at Stoke Mandeville Hospital under the famous Dr Ludwig Guttmann, a German Jewish neurologist who had escaped from Nazi Germany before the war. He had been asked to establish the first spinal unit, as many patients with spinal injuries were expected after Normandy.

I also had my life saved on my honeymoon in Barbados when swimming from the notoriously dangerous Crane beach. We were unaware of the strong currents. I got washed in and out of the surf and a German woman came to my rescue, dragged me out and gave me first aid.

I saw the devastation at the end of World War II, and now, with terrorism around us in Europe, I feel it unwise not to have a united Europe, with the threat of the UK being left out in the cold. Peace with no war in Europe should be the goal of all our citizens.

Until now very little has been said about the needs of disabled people who are living in the community and need help. I declare an interest as I employ help, with my helpers coming mainly from eastern Europe. In the last year, because of Brexit, this has become very difficult. Many people feel that England does not want them, and the economic conditions in their own countries have improved. In the past, Europeans have come to the UK to learn English and have been happy to have live-in jobs, as rented accommodation is so expensive. Many of them make excellent live-in carers, and often, when they have earned enough money to build a house, they go home.

Many disabled people are young and need active young carers. If the supply cannot keep coming on a needs basis, there will be a disaster. I speak as president of the Spinal Injuries Association. There is a real fear that, if the care packages of people who need several carers due to being paralysed from the neck down are not adequate, these people may be offered a place in a care home, rather than having the chance to live at home. To most young and middle-aged people, and some elderly people, this would be the end of the road, and suicide might be their only option. That is one reason why I feel that this debate is so crucial. There is a crisis in social care. The Government need to look at this in depth and produce a carers strategy.

There is concern that the European Medicines Agency has left London for Amsterdam. In her Mansion House speech, delivered on 6 March 2018, the Prime Minister stated for the first time her ambition that the UK should continue to participate in the EMA after Brexit as an associate member, and outlined the possible advantages of such an arrangement. Membership of the European Medicines Agency would mean investment in new innovative medicines and technology continuing in the UK, and it would mean these medicines getting to patients faster, as firms prioritise larger markets when they start the lengthy process of seeking authorisation.

It would also be good for the EU because the UK regulator assesses more new medicines than any other member state and the EU would continue to access the expertise of the UK’s world-leading universities. However, I ask the Minister whether being an associate member would mean not having all the privileges and status of being a full member. As the UK is one of the leaders in this field, with many brilliant and dedicated participants, will it not be frustrating to have second-class status?

I will quote the Royal College of Physicians:

“A number of key considerations that arise from the UK’s withdrawal from the EU relate to the NHS workforce. These considerations have an immediate and direct impact on patients and the public, and place additional pressures on an already stretched workforce. We not only need many more doctors, we need nurses, care and auxiliary workers as well. If Government Departments do not come together and realise what the UK needs there will be a breakdown of society”.

The RCP president said:

“It seems astonishing to block appropriately qualified doctors from working here when the NHS is under such pressure ... As our own census shows, as well as recent BMA data, there are huge gaps in rotas. As a result, doctors are unable to deliver the standard of care they were trained to, and patients are at risk”.

Data sharing between Europe and the UK is essential for public health, medical research and ensuring patient safety. The general data protection regulation, which comes into effect in May 2018, will provide important protections for individuals while also allowing data to be shared within the EU. It is currently unclear whether data will be able to be shared when the UK leaves the EU. Sharing data for European-wide clinical trials is just one example of where data sharing enhances the ability of patients to access new treatments. With so many rare diseases, the UK exit from the EU must not impact patients’ ability to participate in high-quality research.

I feel that many people who voted to leave the EU did not really know what it all meant—but it could mean, united we stand but divided we fall.

1 pm

Lord Balfre (Con): My Lords, I add my congratulations to the noble Baroness, Lady Brinton, on securing this timely but unfortunate debate. It is unfortunate because of the position we are in vis-à-vis Europe and the worst political decision of my lifetime—and I have been around for quite a long time.

You learn something every time you have a debate. I did not realise that my noble friend Lady McIntosh had a connection with Hamburg. My late father-in-law was on the control commission in Hamburg when my wife was born, so we also have a family connection.

I declare an interest as president of the British Dietetic Association, a trade union with most of its workers within the National Health Service and workers from all over Europe. I was also for some years, while David Cameron was around, the envoy to the trade union movement and, in that context, I came across the BMA, a noble trade union. I was once asked who I would choose if I needed to negotiate. I said that, as the general-secretary, I would have only two choices to negotiate for me: Hamish Meldrum, who was the general-secretary of the BMA and probably the most effective negotiator in the trade union movement; and the late Bob Crowe, who was also extremely good at getting benefits for his members—and “sod the politicians”, as he once said to me.

I wish to deal with three of the BMA’s concerns, one or two of which have been alluded to but not completely. The first concerns the register of doctors’ fitness to practise and the internal market information system, which is part of the wider directive. This system allows the GMC and medical regulatory authorities within the EU to communicate with each other when a doctor has his or her practice restricted in one or other of the 27 member states. In other words, it is a key safety feature. It will be important to consider how health regulators can ensure that professionals practising in the UK after we leave can get access to this register, should we withdraw. It is a fundamental safety issue. My question to the Minister is simple: do the Government agree that, to avoid the risks to patient safety, it is vital

that the General Medical Council retains access to this system? Will they help towards the achievement of that important point? Euratom, which is vital in medicine because of the quick half-life of many nuclear isotopes, has also been mentioned.

Many have said that the British people did not realise what they were voting for. I think they simply voted to get rid of foreigners—an appalling reason for voting. Were it left to me—nothing is, these days, because I am so off message—I would tear the whole thing up, frankly. I would say, “Look, you’ve got it wrong. Have another try”. The Government did not even realise that we were going to leave Euratom; then, because they have a paranoid fear of the European Court of Justice, they decided, “Oh, we’d better leave Euratom as well”. This is sheer madness. The UK relies on supplies of nuclear radioisotopes and their quick delivery. Hospitals in Britain depend on these isotopes crossing the border, and doing so swiftly. They have a very short half-life and they cannot be stockpiled; we cannot just buy a year’s supply of them. Will the Government seek a formal agreement with Euratom to ensure consistent and timely access to radioisotopes for medical purposes? It is crucial.

My third point is on European reference networks, known as ERNs, which have been set up,

“to enable health professionals and researchers to share expertise, knowledge and resources on the diagnosis and treatment of complex and rare medical conditions ... There are 24 networks, involving over 900 medical teams”,

around the European Union and “more than 300 hospitals” are involved in this network. I fully share the contention that it is essential that we continue to have ongoing access to and participation in the European reference networks. This will ensure that healthcare providers across Europe can tackle complex and rare medical conditions, which often require highly specialised treatment, and patients will continue to receive the best possible care. This is crucial. Medical knowledge benefits from interaction, not getting wrapped up and living in some little hole called—I was going to say, “some little hole called England”, but that is not very flattering to our country.

It is not done in this House to refer to Members of the Opposition as “my friend”, but I will make an exception in referring to the Member of the other House for Cambridge, Daniel Zeichner, as a good friend and someone who has consistently stood by the European ideal. Even when it is a curse to his future, he has been unwavering. One of the things that Daniel has recently brought into the public domain is the problem of getting workers into the UK. This goes away from the EU dimension slightly; we have a problem with EU workers but also with non-EU workers. As those of us who have studied these things know, or have learned from others, tier 2 visas are applicable to workers from outside the EU. In the city of Cambridge, where I live, Addenbrooke’s Hospital—one of the world’s leading hospitals—is not only short of key workers but has been refused permission to employ key workers who are waiting, need a job and are ideal for the job, because the tier 2 ceiling has been reached. They have been turned down not once, but in December, January and February. I put it to the Government that not only do they need to make it easier for UK

[LORD BALFE]

hospitals to employ European workers but we need to look at tier 2 visa requirements. In the United States and Canada, very skilled workers can be employed with an underwriting by the employer. I am hoping to dispatch my son to the United States soon; under its system, there is no problem in getting a visa if the company will back the employment of the person. I put it to the Minister that we need to look at this issue. We need not only to make life simpler and easier for other EU workers, but to look at the tier 2 regulations.

My final point is this: we often talk in this country as though there is some great horror in having foreigners among us—that we need more UK this and UK that. Quite bluntly, I do not want a totally UK workforce. We benefit from the diversity of Europe—the different skills, attitudes and cultures that come into this country. I would regard it as an absolute disaster if we went back to the England I grew up in. Britain today is a much better place because of the huge number of different cultures and people who have come in to make this country. It is a great country because it is mixed and open, one that people want to come to live in because they get a fair crack of the whip. What I would say is—apart from “tear up this whole silly notion”, but assuming we cannot do that—for goodness’ sake, let us make it possible for this to be an open society, and start off in the medical sphere.

1.06 pm

Lord Brooke of Alverthorpe (Lab): My Lords, I am grateful to the noble Baroness, Lady Brinton, for securing this debate and for her persuasive arguments. I am grateful to all others who have contributed to what has been a very comprehensive debate. I will say something on the impact of Brexit on health inequalities.

I am sure that many of your Lordships are aware of the work by Michael Marmot, who has highlighted that there is a social gradient in health—that is, the lower a person’s social position, the worse his or her health. People living in poorer neighbourhoods in England have lower expectancies and spend more of their shorter lives with a disability, compared with people in wealthier neighbourhoods. For example, the longest life expectancy in the country is in the richest borough, quite close to us, Kensington and Chelsea, where it is 83 for men and women there live to the age of 86. By contrast, the lowest life expectancy is in the north of England, where many people voted for Brexit. For example, in Blackpool we have life expectancy for men down at 74; in Manchester, it is only 79 for women.

Health inequalities stem from avoidable inequalities in society—inequalities in income, education, employment and neighbourhood circumstances. Inequalities present before birth set the scene for poorer health and other outcomes throughout the course of an individual’s life. Action on health inequalities requires action across all the social determinants of health. Marmot made a number of recommendations in his 2010 review to reduce health inequalities, which included giving every child the best start in life; enabling people to maximise their capabilities and have control over their lives; creating fair employment and good work for all; ensuring a healthy of standard of living for all; creating and

developing healthy and sustainable places and communities; and strengthening, in particular, ill-health prevention.

The Government’s performance on these since 2010 has been very varied indeed. It is true that unemployment has gone down, but there are still very large question marks about the quality of the work that many people now undertake. We have of course seen of late that income has become virtually static. That is a cause for great concern. Efforts continue to try to make basic changes in education. Communities, through local grants and local authorities, have been starved of funding, with some councils now in dire financial straits, which is having a knock-on effect on social care in particular. Care and health services have generally faced increasing demands, with more patients, more people going into A&E, and people living longer.

In relative terms, while more cash has come in—it is true that the Government have put more money in—this has not matched what has been required, either in terms of the difference between GDP and inflation rate annually or the cost of the growing demand generally. Notwithstanding the defence that the noble Lord and his predecessor have put up that the Government are doing the maximum they could in regard to health, we have learned in the past week, with statements by the Prime Minister and the Secretary of State, that when many of us said for many years that not enough cash was going in and that more was needed, we did have a case. We now have the promise that more money is going to come. To a degree, I suspect that that makes the noble Lord’s response today somewhat easier than it might have been if that statement had not been made, because Brexit, the NHS and money was a central issue in the debate that led to people voting in particular directions. It is welcome news, but like others I hope that we are not going to have to wait too long to see the outline of the plans that the Government will draw up or have to wait too long before we start to see the extra money.

I believe, examining the poll results, that people in the areas of the country that voted for Brexit were influenced to a very substantial degree by the issue of immigration. They were also influenced greatly by the claim on the battle bus about money that would be available to be spent on the NHS. I think they also voted to a fair degree on the somewhat nebulous issue of taking control back from Brussels and being in charge their own country. The Government have to some degree started to answer the question on costs and the NHS but there is another worry and concern about where the NHS may end up, which will hit people in the Brexit areas if it works its way through, and that is that after we come out of Europe we will start to negotiate trade deals. In this speech I focus primarily on the topic which the noble Baroness opened on and wrote about in the *House Magazine* last week, which is the danger that we will not have the control over the NHS at the end of the day that we have at the moment when we are within the European Union.

All the rumours indicate that talks have been taking place on deals, particularly with the Americans, that the Government need to secure if Brexit is to be seen to be working in the fundamentals of our trade with

the rest of the world. America is a very big part of that. There are concerns that the NHS will be on the agenda as part of the negotiations that may take place. If the NHS is on the agenda, it will be there for a purpose. From our angle it will not be improving matters; instead there will be a risk that the Americans want to make greater inroads into the NHS than they have been able to do so far, because of the protection we have had from the EU.

We had a short debate on this last week during which we raised questions about the American trade deal. The noble Viscount, Lord Younger of Leckie, responded for the Government. It was quite a wide-ranging debate within the eight minutes open to each of us and at the end of it we went away feeling we had had a good debate but that the noble Viscount had not been able to answer the points that had been raised by many participants from all sides of the House. We wanted to know why the NHS will be on the agenda and some of us had particular concerns that it may become part of the negotiating deal. If the Government are saying, “It is safe in our hands”, they can give us complete security by giving an undertaking that it will not be on the agenda and that therefore there will not be a risk of any changes, loss of control or damage to the interests of the people of this country. My question, which I put to the Minister last week, is a very simple one: in order to protect the NHS, could we not remove it totally from any agenda for negotiations with the Americans?

1.15 pm

Baroness Thomas of Winchester (LD): My Lords, I too salute my noble friend for securing this timely debate. Last year, seven of us spoke on this subject, when the emphasis was on the effect of Brexit on disabled people. We are now talking about the effect of Brexit on the health and welfare of everyone in the UK, but many of the same arguments are valid. Of course, “welfare” means many things: it means well-being, but it also means aid and benefits. Therefore, I will touch on a future without the European Social Fund, where negotiations concern reciprocal social security benefits, the blue badge scheme and the European health insurance card, which we currently all have. First, however, I will say something about EU health workers—as absolutely every speaker in this debate has so far.

Since the previous debate, I have spent much of my time in either a hotel or a hospital, where I have witnessed at first hand the extent to which both sectors rely heavily on workers from the EU, several of whom are now my friends. I have found EU workers outstanding in their work ethic, courtesy and willingness to go the extra mile. We are a rapidly ageing population, so our health and care needs will inevitably ramp up. I wish I was confident that all government departments had factored that into their future plans. Disabled people will also live longer with more complex conditions, so the UK needs as many good health and care workers as it can possibly take. Yet, not surprisingly, the numbers from Europe are dropping fast. Many of these invaluable people sense that the climate has changed and feel they are no longer welcome. I find this perception

shocking and deeply shaming, and try to counter it whenever I can. Luckily for us, many other EU workers are not going down this route—perhaps because they are settled, with children at school.

Many younger disabled people who need full-time personal assistants—they prefer that term to “care workers”—are really worried about a potential shortage. What is not generally known is that emergency PA cover is often found from EU countries. One of Muscular Dystrophy UK’s trailblazers said:

“When I need someone at the last minute as an emergency, they often fly in from elsewhere in Europe”.

I was going to cite a whole lot of figures but I do not think there is any point as noble Lords have already done that. However, the independent Migration Advisory Committee, which was commissioned by the Government to advise on the new border policy, is not due to report until the autumn, so there will be uncertainty for many months to come. That makes planning for the future extremely difficult for everyone—we do not know what the status of these invaluable workers from the European Union will be. The King’s Fund has also speculated on how restrictive the future policy will be, and whether the set-up will focus on high-skilled labour or will target specific shortages.

While talking about the importance of EU workers in both the health and hospitality sectors, I should like to put in a word for those doing low-skilled but vital jobs, such as cleaners—thousands of whom are not British. I fear that Brexiteers who were critical about freedom of movement rather implied—as I think the noble Lord, Lord Balfe, said—that only high-skilled migrants would be welcome. This is very short-sighted when we know that many crucial but low-skilled jobs are difficult to fill with British-born workers—I think the noble Baroness, Lady Warwick, mentioned this too. Are the Government taking any initiative to make sure that we hang on to our EU workers in the health, care and hospitality sectors? Many younger disabled people have had their care packages slashed already because of cuts. In the future this could be because of the chronic shortage of labour, not just the expense.

Last year I spoke about the long-standing provision in EU law to co-ordinate social security schemes for people moving within the EU and the EEA. Can the Minister tell us where the negotiations are with regard to this reciprocity? Similarly, with the blue badge disabled parking scheme, will there be reciprocal arrangements with EU member states after the UK leaves the EU? As we have heard, around 27 million people in the UK currently hold a European health insurance card, yet we do not know what is going to happen to that. Will any rights we hang on to be portable?

A different matter entirely is the question of the European structural funds, of which the European Social Fund is an important part. Very basically, the structural funds aim to level the playing field between regions in the EU by helping fund projects in less developed regions, largely through local authorities. Two areas in the UK which have received a lot of funding are west Wales and the West Country. The European Social Fund promotes the EU’s employment objectives by providing financial assistance for vocational

[BARONESS THOMAS OF WINCHESTER]

training, retraining and job creation schemes. It partners thousands of small projects run by neighbourhood charities and not-for-profit organisations to help disadvantaged people find work; for example, projects which try to improve the employability of people with disabilities. Although the Government have said that they will guarantee funding for existing projects even after we have left the EU, will new projects under this heading get funding? We know that the Government are going to replace the structural funds with the UK shared prosperity fund but we have no details. The Government say that it will be,

“cheap to administer, low in bureaucracy and targeted where it is needed most”,

but we have absolutely no idea how it will work.

Others have mentioned, at length, the European Medicines Agency, which is moving—perhaps it has moved already—to the Netherlands. We know that the Prime Minister is keen that we should have some sort of membership of the agency, for which we should pay, but we do not know what the other member states think of this plan. We certainly do not want to have to set up a parallel body. The risk is that the UK not playing any part at all in EMA processes might result in the UK being behind the EU in the queue for approval of new treatments for all kinds of rare diseases. For boys with Duchenne muscular dystrophy, who have only a certain number of days on which they can walk, this will be tragic. In any case, as a result of Brexit, the influence the UK will have on the EMA will be significantly diminished compared with the role which the Medicines and Healthcare products Regulatory Agency currently plays within the EMA. Negotiations should try to secure the quickest access to treatments for UK patients.

Others have mentioned clinical trials. Currently clinical trials must comply with the clinical trials directive, soon to be replaced by the clinical trials regulation. This much more satisfactory new regulation will apply from 2018, facilitating large pan-European trials. Should the UK no longer be governed by the clinical trials regulation, UK involvement in these trials may become more difficult and costly. We need to adopt the new regulation to ensure harmonisation and the continuation of UK participation in Europe-wide trials.

1.25 pm

Lord Dykes (CB): My Lords, it is a great pleasure to follow the speeches so far in this debate, which has been serious and solemn but also moving. I am very grateful, like others who have expressed their gratitude, to the noble Baroness, Lady Brinton, for launching this important debate.

If I may say so, without sounding in any way unctuous or sentimental, I was struck by the fact that not only are there eight noble Baronesses speaking in this debate but, just behind the Clerks’ table, we have three of the experts in this House on the National Health Service, because of both their own personal experiences and their deep knowledge of all the subjects that come within the NHS ambit. I was very moved by the description from the noble Baroness, Lady Masham, of her earlier years and how she coped with them.

Those things will register, too, because the NHS is a most precious institution in this country, which the Government tamper with or undermine at their peril. People would not forget it if they did it any damage in the future.

Having said that, I am also grateful to the noble Lord, Lord Balfe, a colleague for many years, and the noble Lord, Lord Brooke, for being among the three mere males in this debate. It is an interesting reflection that women really know far more about the National Health Service than men do. That is a silly comment on my part, and I apologise for the tweets and comments that I may get on the internet from male practitioners in the NHS, saying “That’s not fair”. However, there is some connection there with the knowledge women have, given that so many women work at all levels of employment, including as technicians or the so-called unskilled. But as someone said earlier in the debate, those workers are very skilled in their work even if they are cleaners, because cleaning medical premises is a skilled job. The majority of all those people tend, I believe, to be women, including those who come from overseas.

The National Health Service is a precious institution. I was going to say that everybody in the debate is anti-Brexit except the Minister, who has to pretend to be in favour of Brexit because that is his portfolio task. I thank him for being here.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O’Shaughnessy) (Con): It is worse than that; I am in favour of it.

Lord Dykes: The Minister has confirmed that he is in favour of Brexit. It is nice to have the odd view given in a debate where everybody else is in favour of staying in the European Union, but I thank him for his personal efforts in this field as a Minister. I attended the meeting he held at the beginning of this week on the new death certification procedures that are coming in. We were grateful, since he is very busy. He is highly regarded in this House for the detailed and caring answers he gives to many complicated NHS questions. In that spirit, I hope that he will forgive my frivolity in referring to his official duties. We will see what happens in the future with those.

It is important for us to reflect on what is at stake here, with the damage done by this foolish decision to proceed with Brexit. There are still Ministers who are in denial psychologically about the damage already done to this country. The economy is already in the beginnings of what might even be a slight recession because of the decisions made by enterprises of one kind or another, mainly putting a halt to their long-term investment plans or transferring overseas.

I share the contempt enunciated by previous speakers—including the noble Baroness, Lady Brinton, herself—for the infamous red bus used in the pro-Brexit campaign, with Boris Johnson triumphant and chortling at the untruths written on its side; we now know that to be so. As a keen European as well as a patriotic Britisher, I am glad to say that there is now a different red bus travelling around this country with a different slogan for Europe. It is getting a tremendous reception everywhere it goes and has been a great success so far.

The NHS does millions of transactions every week. Most of them are carried out very well despite the pressures on employment, the reduction in the number of staff and so on and the huge pressure that NHS staff, doctors and specialists are experiencing because of the Government's austerity cuts. There are millions of successful transactions every week. They are not noticed by the right-wing papers in this country, which pounce on the slightest unfortunate incident. Incidents are bound to happen, given the many different transactions that take place in our wonderful NHS. It is probably the best in the world, although there are many other good examples in smaller countries and in Scandinavia. In this country we are lumbered with six extreme right-wing newspapers—whose overseas owners do not pay UK personal taxes—with repetitive and boring editorials urging us all to be very patriotic. They always pounce, whenever they can, if something goes wrong in the health service. It is quite right for the press to follow up legitimately, but not when saying that there is something wrong with the National Health Service is propagandistic; millions of satisfied patients and customers—if I can use that word—know what it is like.

My personal experience has been twofold. I have had to go to A&E at St Thomas' several times and I have used the European health insurance card, which other speakers in this debate have mentioned. The way St Thomas' A&E is organised is utterly brilliant—it is fantastic. I have been there late at night when it is under huge pressure, and I pay tribute to it. There are numerous other examples of A&Es that are under very severe pressure nowadays that manage to cope. The European health insurance card is precious to so many British people and has reciprocal effects for those coming here and using our facilities. The idea that it would be in any way dented at the margin because of this foolish Brexit plan would be intolerable for many members of the public.

I apologise to the noble Baroness, Lady McIntosh of Pickering, for missing the last two minutes of her speech because I had to take an urgent phone call. I shared the pleasure of the noble Lord, Lord Balfe, at the fact that she has medical connections and connections with Hamburg. She is a great European spokesman and I thank her for what she did in the European Parliament. I know she has always been interested in the health service and therefore believes that these things matter.

Are we not lucky in this House to have the excellent Library briefing service? The document on health and welfare in the UK is outstanding, and I shall refer briefly to two items in it. I could mention its author but perhaps I should not in this parliamentary forum, because she is an official of the House; however, I thank her for the quality of the report. In the third paragraph on page four there is a reference to the December 2017 agreement that the Government reached with the EU negotiators:

“that EU citizens living in the UK before the UK withdrawal date of 29 March 2019 would have the right to remain and to apply for settled status after a period of five years. In a subsequent document, the Government proposed that EU citizens who arrived in the UK after the withdrawal date ... but before the end of the

subsequent transition or implementation phase should be allowed to enter the UK on the same terms as before the withdrawal date”.

I hope that will not change and that the Minister can confirm that that is the position, to reassure the many people who have been so worried about it that they have already left this country, having given good service and paid taxes as NHS workers, or in the care services in general.

Page six of the Library Note refers to the total budget. There is always the canard, the misleading reference to one of the richest countries in the EU, like Germany, France and now Italy, I believe, paying more into the EU budget—which is a very virtuous budget because it has no deficit and its receipts equal its payments—because it is wealthier than new countries coming in that need money to go to them. We now see, therefore, that an enormous amount of that money has to be deployed in the future in the health service in this country. The Government need to reassure us on this; I hope they will also have second thoughts and stop this nightmare happening at all.

1.34 pm

Baroness Tyler of Enfield (LD): My Lords, I, too, congratulate my noble friend Lady Brinton on securing this vital debate and introducing it so powerfully. I was also very moved by the compelling personal testimony that we heard from a number of contributors to this debate.

As we have discussed in this Chamber on many occasions, the NHS and social care sector—and we simply must see it as one integrated picture, not two separate sectors—has been struggling to cope under tremendous pressures for too long now. We have already been hearing—and we heard it powerfully in today's debate—how Brexit and the ongoing negotiations are compounding existing serious problems. At last week's debate in another place on this very subject, it was frankly alarming to hear details of the flight of EU staff from across the NHS. My right honourable friend Tom Brake explained that this flight was because EU staff had been hit by what he called “a triple whammy”. He explained that not nearly enough had been done since the referendum to make NHS staff feel valued and appreciated in the UK. With the falling pound, their salaries are now worth less back home and, as the UK economy slows behind the G7, they are increasingly likely to miss out on more lucrative jobs there too. These reasons to leave, he said, are sadly also reasons why critical talent with skills that we are crying out for in the UK are now thinking of not coming.

In that same debate, Dr Lisa Cameron MP reported that nearly half of EEA doctors have said,

“that they were considering leaving the UK following the referendum vote”.—[*Official Report*, Commons, 22/3/18; col. 228WH.]

As a Londoner myself, I was alarmed to read of a recent poll of doctors, in which 86% of London doctors who responded believed that leaving the EU will have a negative impact on recruitment to the NHS in London. These perceptions really matter.

In 2017, for the first time in a decade more nurses left the profession than joined. Indeed, the Commons Health Select Committee reported that the proportion

[BARONESS TYLER OF ENFIELD]

of EU nurses choosing to leave the NHS has risen by a third in just one year. Critically, Nursing and Midwifery Council data shows that in the year following the referendum there was a fall of 89% in new EU registrations. Meanwhile, the social care sector is being drastically hit too, with the Nuffield Trust predicting a possible shortfall of 70,000 carers by 2025. We all know how shortages in social care exacerbate problems in the NHS and vice versa. I am sorry to quote so many statistics, and I know that other noble Lords have quoted many figures too, but it is really important that we understand the big picture. To say that it is not encouraging would frankly be a bit of an understatement.

I am particularly concerned about staffing in mental health services, and that is going to be the main focus of my remarks today. Though the staffing data for NHS mental health services is not as good as it could be, the available information is also not encouraging. According to the King's Fund, there has already been a 13% reduction in mental health nurses since 2009, with in-patient care nurses being reduced by nearly a quarter. According to the Royal College of Psychiatrists, child and adolescent psychiatrists have fallen by 6.3% since 2013, something that we debated yesterday at Question Time. Currently, almost a 10th of all posts in specialist mental health services in England are vacant, and the mental health network of the NHS Confederation warns that it simply will not be feasible to meet health and social care staffing needs through domestic recruitment, training or non-EEA recruitment.

The conclusion that I draw from this is that psychiatry, as a shortage specialty, is under stress. We are undeniably struggling to fill roles, and we are highly reliant on international trainees, with more than two out of five coming from abroad. That is the highest of any medical specialty. Any exodus of EU-trained psychiatrists would throw an already overstretched system into crisis. The Government's plans to recruit an additional 570 consultant psychiatrists by 2021 might be welcome, as are their plans to recruit child and adolescent psychiatrists and other mental health staff set out in the recent Green Paper. But as the Royal College of Psychiatrists reminds us, it takes 13 years to become a fully qualified psychiatrist, and the scale and ambition of these plans will work only if medics choose to become psychiatrists.

What is the effect of all this happening? As staff and budgets are strained across the NHS, morale is taking a hit, and consequently, outcomes for patients can suffer too. A recent *Guardian* survey of NHS staff showed that only 2% of participating staff felt that there were always—it is important to stress that word—enough people to provide safe care. As someone who has had occasion to use the NHS quite a bit recently, I find these figures truly shocking and frightening.

What are the Government doing about these alarming trends? In response to the debate in the other place I already mentioned, the Minister of Health, Stephen Barclay, seemed intent on ignoring the mounting evidence of EU staff's flight from the UK and instead repeated a single figure that seems to justify the Government's position, saying repeatedly that 3,200 new EU staff were working for the NHS. However, as the helpful briefing pack for this debate produced by the Library pointed out, this number is almost certainly inaccurate.

The increase reflects an improvement in the way we record this information; in the same timeframe, more than 10,000 staff are no longer counted as “unknown nationalities”.

Pay is clearly an important factor in recruiting and retaining staff in the NHS. Although of course I welcomed the news of an end to the NHS pay cap, it seems that a pay rise of 6.5%—which sounds good, and I am sure it is welcome—may not amount to that much in real terms. If the OBR's inflation forecasts are accurate, a 6.5% pay rise will increase pay by just a third of 1% in three years, still leaving wages significantly below what they were in 2010.

Similarly, the recent announcement to increase the number of midwifery training places offered, while again welcome, may not be enough to make our system sustainable. As with psychiatrists, the increase in these fee-paying places may increase the number of newly trained midwives in the UK from 2022, but there is little guarantee that these extra places will be taken up by students or that those who study will necessarily be employed by the NHS once they graduate. The only way to ensure that we have a real shot at making the UK a safer place to give birth will be through further incentivising training, recruitment and development of midwives at home and abroad, not simply offering more places.

I do not wish to sound simply like a counsel of despair—although there is a lot to be gloomy about—but I will suggest some positive steps that the Government should be taking. As the noble Baroness, Lady McIntosh of Pickering, so forcefully said, we need to see a much greater sense of urgency from the Government. First and foremost, we must move beyond mere lip service and demonstrate how much we value the contribution of our health and social care staff. Parliament has an important role to play here in the way we talk about these issues and in the language we use. There are other concrete steps that we can take to make the UK a more attractive place for people to work.

The UK must continue to welcome new doctors and provide urgent guarantees to those working here as to their rights under future residence. We should also give clarity to those who might come during the 21-month transition period as to their rights. We must better recognise EU and overseas professional qualifications to reassure doctors that their skills are respected, and broaden the national shortage occupation list to include staff with much-needed skills from the EU—a point I made yesterday with regard to psychiatrists. The visa application process for international staff should be simplified, streamlined and improved, and the Medical Training Initiative—a government-approved exchange programme—should be extended and enlarged to send a message to the world that the UK is not closed to foreign doctors. I hope the Minister will respond to those points. I have one specific question for him. Would the Government consider extending the cap on the length of the Medical Training Initiative to give more international psychiatrists and other medical professionals a chance to work for a period in the NHS while alleviating our workforce challenges?

I am pleased that the Prime Minister, albeit very late in the day, has come to recognise that the NHS needs significantly more funding and has started to

talk about a long-term funding settlement. This revelation was no doubt helped by the broad coalition of MPs pushing for the adoption of the Liberal Democrats' proposals to sustainably fund our NHS and social care through an earmarked tax. There is growing public support for such a tax because the public recognise the pressure that the NHS is under and it is so important to them in their lives. I strongly encourage the Government to include the cash-starved social care sector in the funding plan and to implement these proposals soon, in order to signal to the British people and the international community that we are serious about maintaining the best health system in the world.

1.45 pm

Baroness Walmsley (LD): My Lords, this has been a very well-informed debate, led by my noble friend Lady Brinton with her excellent and wide-ranging speech, on which I congratulate her heartily. There have been some excellent and moving speeches from across the House. I hope others will forgive me if I say how much I support the passionate and robust comments of the noble Lord, Lord Balfe.

As ever in your Lordships' House, we have covered the ground very thoroughly. My noble friend Lady Brinton started us off by expressing her concerns about procurement and the need to protect our NHS from United States predation. We heard worries about the levels of staffing in both health and social care, and particularly the effects on some of our most vulnerable citizens of the loss of care workers from the EU. We heard about the loss of the EMA and its consequences for medicines regulation and for the access of UK patients to cutting-edge medicines. We heard concerns about clinical trials and the availability of clinical isotopes if we leave Euratom. We heard concerns about the recognition of qualifications; about research; about medical treatment across the Irish border; about data sharing; about health inequality; about reciprocal parking for disabled drivers; and about mental health. Lastly, from my noble friend Lady Tyler we heard a welcome, which I endorse, for the Prime Minister's recognition at last that we need a long-term funding settlement for the NHS.

For myself, I would like to mention two issues that have been mentioned but not dwelt upon. The first is my concern that, if we leave the EU, we will no longer be part of the European Centre for Disease Prevention and Control, the ECDC, and have a seat at its table, currently occupied by Professor Dame Sally Davies, the Chief Medical Officer. The ECDC is an EU agency aimed at strengthening Europe's defences against infectious diseases. It works in partnership with national health protection bodies across Europe to strengthen and develop continent-wide disease surveillance and early-warning systems. The ECDC pools Europe's health knowledge to develop authoritative scientific opinion about the risks posed by current and emerging infectious diseases. It provides the NHS with evidence for effective decision-making, helps to strengthen our public health system and supports our response to public health threats. It does so through surveillance, epidemic intelligence, scientific advice, microbiology, preparedness, public health training, international relations and health

communication. Its programmes cover a number of important issues that have been debated in your Lordships' House over the past couple of years, including: antimicrobial resistance and healthcare-associated infections; emerging and vector-borne diseases; HIV; influenza; TB; and vaccine-preventable diseases. All in all, the ECDC monitors 52 communicable diseases.

If we no longer have access to these services after Brexit, we will suffer when, for example, there is a flu epidemic or pandemic and vaccines or other specific treatment need to be rationed across the EU. This is almost inevitable, as it is not possible with current technology for vaccine production to be scaled up fast enough since we need to know the specific flu mutation that we are dealing with before we can start manufacture. The ECDC will be driving who gets what, as it will be the conduit to the World Health Organization for the EU; the UK will be a single nation at the back of the queue, as we will be with new medicines licensing and access. What action have the UK Government taken to ensure that UK patients do not suffer because of our exit from the ECDC?

My second issue is that of food safety. I am sure that all noble Lords agree that the safety of our food is an important element in enabling our citizens to be healthy. In order to ensure safe food, our food producers need to practise the highest possible standards of hygiene, which most of them do, and our consumers need the best possible information. It is because of this that scandals such as 2 Sisters, Muscle Foods, DB Foods and Fairfax Meadow are relatively rare. It is also because of this that British food producers are currently able to sell their goods in large quantities across Europe and the rest of the world. Indeed, one claim the Government make about the potential benefits of Brexit is that British food producers will be able to sell more, thus benefiting our economy. We shall see.

There does not seem to be much emphasis on food and health in current government thinking. The agriculture Command Paper *Health and Harmony*, which came from the Environment Secretary, makes little reference to food apart from the issue of pesticide residues. The fisheries paper focuses on maximum sustainable yields—again, nothing about health. The focus seems to be more on cheap food than on food standards. But the British people want decent, affordable, sustainable healthy food, not a race to the bottom. I am concerned that this is not the direction in which we are going. I certainly do not think we should be opening our doors to a lot of foods from the United States, where its need to export large amounts of corn syrup means that sugars are found in the most surprising foods. For example, breast milk substitute in the United States can contain any kind of sugar in any amounts. We do not want that here.

Let us look at how our food industry standards are currently maintained. Currently, they must be up to the standards of the European Food Safety Authority, controlled by the European Commission. In the UK, the regulator is the Food Standards Agency, but it relies heavily on local authority environmental health officers and trading standards officers. I expect that the Government will say that the UK food supply is safe and that we are currently aligned with EU standards

[BARONESS WALMSLEY]

and that that will continue, so what is the problem? The problem is this. Between 2012 and 2017, the FSA's budget was cut by 23% and the number of samples taken for testing by EHOs fell by 22%, so resources, including local authority funding of EHOs, are already stretched.

On top of that, Ministers have insisted that the FSA makes even greater savings, as a result of which last year it obligingly published a document entitled *Regulating Our Future: Why Food Regulation Needs to Change and How We Are Going to Do It*. I have just read a critique of this document by a collaboration of academics from the University of Sussex and City, University of London. I have scarcely ever read such a scathing academic study. The authors have the grace to support the proposal for mandatory registration of food business operators. They also support demands by environmental health officers that they should have the power to refuse registration to,

“FBOs that cannot demonstrate they can produce food that is safe and honestly labelled”.

However, the rest of the report is strongly critical, in particular of the proposal that inspection of FBOs should in future be outsourced—and not just outsourced. The proposal is that the food producer itself should contract a third party to inspect it on a basis it thinks is right at an agreed frequency and decide whether the inspection is notified—talk about marking your own homework. The fear is that the food producer will go for the cheapest option, which is unlikely to be the most rigorous, and our food safety will be affected. The other worry is about access to information—and the list goes on.

I do not think that this proposal from the FSA will give confidence to the European Commission or the European Food Standards Agency, in which case UK FBOs will have great difficulty selling their produce to either the EU or other countries, given that all over the world countries are moving to EU standards so that they have only one set to deal with. Add to all that the fact that the majority of vets contracted to supervise abattoirs and meat-cutting plants were recruited by the FSA's outsourcing contractor from non-UK EU countries and you have a recipe for disaster in UK food safety.

This is one of the issues that the Government need to take extremely seriously when they are negotiating our exit from the EU. We need some confidence that the safety of our food, which has such a big effect on our health, will be taken into account by the Government.

1.55 pm

Baroness Thornton (Lab): My Lords, I congratulate the noble Baroness, Lady Brinton, on initiating this debate and, of course, on its timing—the 70th anniversary of the NHS, and one year from Brexit. I thank all those who have taken part. They have taken a break from their Easter egg hunting to be here this morning.

I think the Minister is aware—if he was not, he certainly is now, as the noble Lord, Lord Dykes, said, from the serious and solemn nature of the debate—that, one year away from leaving the EU, we are discussing health and care issues that affect every person in the UK. They affect those from the EU who live and work

here; those from the UK who work in the EU; those of us who go on holiday; those who retire to the EU; those who use medicines of any sort, including over-the-counter purchases; those, and their families, who have rare diseases—in fact, all of us. It is a long list of issues. So when the noble Lord, Lord Callanan, talked about, as he puts it, a “snapshot” of the EU law transferring in a year's time, I can only wonder whether even the widest-lens panoramic view camera will be able to capture all the issues that will need attention if only in the health and social care arena.

As my noble friend Lady Warwick put it, uncertainty is still the problem. I spoke about uncertainty on Second Reading of the European Union (Withdrawal) Bill—thankfully, we finished the Committee stage yesterday—and every speaker in this debate has talked about uncertainty and lack of clarity. We have talked about workforce issues, reciprocity of health and social care, the licensing of medicines and clinical devices; clinical trials, research and infectious disease control, which the noble Baroness, Lady Walmsley, mentioned; food regulation, which I agree is vital in this matter; Euratom and European network references; and indeed, as my noble friend Lord Brooke said, concerns about the trade deals that are to follow Brexit and how we will move forward on those.

I shall focus on two main issues which I think bring into focus the whole challenge facing the UK in the years to come, beginning with workforce issues. A substantial proportion of UK health and safety regulations and workers' rights originate from the EU and provide important protections for healthcare workers and their patients. As we know, the employment environment for NHS staff, including nurses and healthcare assistants, links directly to patient outcomes and patient safety. We need to ensure that nurses, midwives and doctors working in the UK from elsewhere in the EU are made to feel welcome and that their families and futures are secure, and that our NHS staff can benefit from access to medical staff from all over the EU, as we do now. These are vital workforce issues. We know that there has been a drop in the number of midwives and nurses applying to work in our NHS already. The BMA says that EU nationals—highly-skilled doctors and researchers—will choose to leave the UK because of continued uncertainty in the Brexit negotiations. In other words, 45% of EEA doctors are considering leaving the UK. This will not help with rebuilding the NHS, which we need to do now.

The working time regulations provide a framework to reduce fatigue within our nursing workforce, and put critical safeguards in place. These include compensatory rest and controls on working time, to address the health and safety effects of shift working patterns. We strongly supported their adoption in the 1990s and their subsequent updating. Fatigue, long working hours, lack of rest breaks and poorly managed shift rotas are a risk factor that again impact on the health of nursing staff and on patient safety. It is essential that the working time directive stays in place, as currently drafted.

The Royal College of Nursing and other royal colleges wrote to the Prime Minister asking for clarity on this matter in 2017. In response, the Prime Minister

did not reassure them that the working time directive was a negotiating objective and priority for the UK Government, so can the Minister give that guarantee now? With one year to go until Brexit, we are calling on the Government to be louder and clearer in reassuring the tens of thousands of EU nurses, carers and doctors working across the UK, not only on their right to stay here, but how desperately the NHS and social care system needs them to stay, and how much we welcome them.

Turning to clinical trials, I thank Cancer Research UK, Genetics Alliance UK, and others for the briefs they have sent to noble Lords about this matter. As the Minister is aware, the EU clinical trials regulation—CTR—replaces the existing clinical trials directive, and will reform the governance of clinical trials across the EU. It was adopted in 2014, with the UK's full support. However, due to a technical delay with the set-up of the portal and the database, it will come in after 2019, rather than later this year. As a result, it will not be covered by the EU (Withdrawal) Bill and automatically be converted into UK law. The noble Lord, Lord Callanan, keeps referring to “snapshots” but it will be off the edge of that snapshot.

It is important that the UK adopts and aligns with the CTR, as it will harmonise the regulation of clinical trials taking place across Europe, making it easier for cross-border research collaboration. We need action from the UK Government that an agreement will be reached to align the clinical trials regulation and remain aligned until after the end of the transition period. Let us take rare diseases as an example, which can be written across the whole of medicine development and clinical trials. Patients affected by genetic or rare conditions often have few or no effective treatments available to them. There are over 6,000 known rare diseases, yet only about 140 medicines licensed in the EU for those rare conditions.

The EU's medicines regulator, the European Medicines Agency—EMA—has created the largest single supranational regulatory environment, covering a population of 500 million people. Why would we want to be outside that regime; why would we want to put at risk those with rare diseases, particularly children? The Minister needs to reassure the House that this will not happen. Losing the leverage that comes from being in the single market, and therefore this regime, means that the incentives of the centralised process could be the difference between UK patients being able to access a new treatment for a rare disease or not, or it could cause major delays. It looks like we might already be losing that leverage.

Can the Minister confirm that the UK has now been informed that it can no longer be the lead assessor in clinical trials and that the UK has been removed from every EU medicine committee? Can he also explain to the House the implication of this action? When the Prime Minister talks about associate membership, can the Minister explain whether that exists at present, whether it is in the negotiations and whether it means that those things that are already happening will be reversed?

European reference networks are equally important as they have the potential to revolutionise the care and treatment of patients with rare diseases. Without the

UK's involvement, those patients in the UK and, indeed, the rest of Europe will lose out. Will the Brexit negotiations include provisions for the NHS to continue to take part in ERNs so that we can ensure that families with rare diseases are not disadvantaged?

These are huge and vital matters to be solved for the whole population of the UK. If the Minister senses a whiff of panic, he would be correct. One noble Lord after another, including the two from his own Benches, has explained the consequences of not sorting this out, not resolving it and not giving clarity and assurances in these vital areas, so I hope that he will be able to do so now.

2.05 pm

Lord O'Shaughnessy: My Lords, first, I congratulate the noble Baroness, Lady Brinton, on initiating this debate and express my gratitude to her. I commend her contribution and those of all noble Lords, who have touched on many health issues. They have occasionally strayed into the kind of Second Reading speeches we may have heard a few of in the last 11 days in Committee on the EU (Withdrawal) Bill, but I think more or less everyone has retained their discipline and focused on health issues. That is absolutely right as these essential topics will be affected by our withdrawal from the European Union and we need to debate them. It is important to be as clear as possible both about what has been achieved through negotiations so far, what we intend to achieve and what the consequences of that are.

Before I get into the meat of my response, I express my particular thanks to my noble friend Lady Chisholm. She will not thank me for this, I am sure, as she is not always keen to put herself in the spotlight. However, it is her last day on the Front Bench as a Whip. As noble Lords know, she has been a great servant of the House and a great friend and support to me, and I want to place my thanks on the record.

Noble Lords: Hear, hear!

Lord O'Shaughnessy: All noble Lords clearly agree with that. I reassert and reaffirm that no one disputes the importance of health in the Brexit process. It is only right that we are all concerned with protecting and promoting our wonderful NHS in its 70th year. I take noble Lords back about nine months, when the Secretary of State set out three guiding principles to govern our future relationship with the EU on health. First, patients should not be disadvantaged in any way. Secondly, it should be no more difficult for industry and others to get medicines, devices and other treatments to those patients than it is now—of course, ideally, it should be better. Thirdly, and very importantly, the UK will continue to play a global role in public health, as it always has and will. Throughout that process, patient safety is our number one priority. I also know that it is the main priority of the Commission, from talking to the EU Health Commissioner and other Commissioners, and of the Governments of the other EU 27. We want to make sure that patients and citizens are safe throughout this process. The reason

[LORD O'SHAUGHNESSY]

for that, of course, is that, as we all know, health is different. It is not the same as any other traded good or service. You cannot just pay a little bit more for it or take a little bit less for it, if you are undergoing a course of treatment which is essential to deal with a disease, so health is different. I think that is recognised by everybody from the Prime Minister downwards.

It is also worth saying that our regulatory system and our research staff in the NHS and elsewhere are the envy of the EU. We make an enormous contribution through agencies such as the MHRA and through the European reference networks and the GMC to patient safety. It is our very strong desire to continue making that expertise available for the benefit of EU citizens. That is why, as the Prime Minister has pointed out, we want continued collaboration with the EU 27, the Commission and the whole EU, and that is supported by those organisations. It is also widely supported by industry and charities, which are taking this message across the world, as well as Europe, for the benefit of a strong and deep future partnership.

Inevitably, the legal basis of our relationship will change but there is every reason to believe that we will strike a deal that delivers on the principles I have talked about, not least because of the progress we have made to date. As I will set out, I believe there is good cause for optimism. I know that optimism on this issue is sometimes in short supply—I think back to the last debate, which was marginally less gloomy than this one—but I cannot help but think that, as has been revealed in some speeches today, it is a prejudice about the benefits of Brexit in general that informs some of the opinions on the risks here, and I hope to alleviate some of that concern in my comments today.

It is also worth pointing out, as the noble Lord, Lord Brooke, did, that from a domestic point of view we had a very important statement from the Prime Minister about her intentions for the long-term funding and success of the NHS. I know that the Liberal Democrats like to think that they had a critical role in getting her to that point but I assure them that she is more than capable of reaching that conclusion on her own. What I cannot promise is that, whatever funding for the NHS is decided—and like the noble Lord, Lord Brooke, I hope it comes soon—we will be putting the figure on the side of a red bus. However, it will build on recent real-term increases, as well as Agenda for Change funding, to reward our wonderful NHS staff.

Inevitably, people and the workforce have been a big part of our debate today, and I want to use this opportunity, as I hope I always do, to thank and express my admiration for the approximately 150,000 EU nationals who work in our NHS and care services. As my noble friend Lady McIntosh pointed out, I have particular cause to be thankful, and other noble Lords, including the noble Baroness, Lady Masham, very movingly described their gratitude.

It is important to point out that there are more EU staff in the NHS since the referendum. That is true of every single specialty and every type of staff, apart from nurses—we know that the impact on nursing numbers has been driven in large part by the introduction

of the language test—so we are continuing to welcome them. Indeed, just this week I chaired a Brexit round table with those who are interested in workforce issues. The message is going out very clearly through the Royal College of Nursing, NHS Providers and so on that we value the work that EU nationals do and their presence in our society.

I believe that noble Lords have welcomed the agreements that we have made on citizens' rights, not only for after withdrawal but for during the implementation period. I can confirm to the noble Lord, Lord Dykes, that the more generous offer of citizenship rights during the implementation period has been agreed. Clearly, we also need to make sure that we have an immigration system that supports our shortage subjects. We have had the MAC interim report and we will have a future report. I can promise noble Lords that the department is contributing to that work to make sure that we do not run short of the staff we undoubtedly need to serve people in the health and care sector.

Nevertheless, it is true that we need to do more to grow our own. I do not agree with my noble friend Lord Balfe that that is jingoistic or narrow-minded; I think it is our obligation to the 1.5 million people who are still unemployed in this country, despite the fantastic growth in employment here. That is why we are increasing nursing midwifery places and doctor training places. I know that there is a particular concern about unskilled or low-skilled labour. This is a thorny issue, not least because it was concerns about that kind of uncontrolled labour coming through immigration that was a driver of people's desire to vote leave—to get back control of the immigration system. Therefore, there is a balance to be had and things such as the apprenticeship route, Skills for Care and nursing associates offer us a way through.

Several noble Lords asked questions relating to issues in this area. We want to continue with mutual recognition, although, again, there are concerns about language requirements. Social care is undoubtedly an issue and we are trying to deal with that through Health Education England's workforce strategy, covering health and care, as well as through the social care Green Paper. That of course focuses mainly on older people but there is a separate strand of work looking at, for example, adults with learning disabilities and others. This was mentioned by the noble Baronesses, Lady Masham and Lady Thomas.

In terms of our offer to Europe, my noble friend Lord Balfe talked about the GMC and sharing data on professional conduct. My understanding is that the GMC provides more professional conduct alerts to the European system than the other EU 27 countries put together—a figure provided to me by the BMA. Clearly that is a reflection not of the quality of our staff but of the rigour of our regulation. We want to continue to contribute to that. Our strong desire is to remain part of that registry so that we can share in the safety agenda across Europe.

The noble Baroness, Lady Tyler, asked about staffing in mental health. We do not need to rehearse the discussion we had yesterday about our desire to increase numbers. No Government in the EU have been more

ambitious in their intentions on that. She asked specifically about the medical training initiative for psychiatrists and the length of time involved. I shall look into that issue as I understand it is a long training process.

The noble Baroness, Lady Thornton, asked about employment rights and health and safety issues emanating from the EU. These issues emanate from the EU because they concern competencies that it has taken for itself. They will be within our competence in future and, frankly, it will be our choice. That is the point of leaving the European Union. Woe betide any Government who tried to make life more difficult for staff, particularly when we are trying to recruit them. The point is that it will be in our gift and not in the gift of any other Government.

On reciprocal health work care—which, again, several noble Lords have mentioned—we have got a good achievement on both EHIC cards for people accessing planned care and for British pensioners living abroad accessing healthcare through the withdrawal agreement. I will not go into detail but I encourage noble Lords to look at that. It gives us confidence that we will be able to deliver a good outcome on continuing similar versions of the schemes. It is worth pointing out that EU countries have bilateral agreements with non-EU countries now and we had them before we entered the EU. It is a common arrangement that countries have with each other and much valued by people who are travelling abroad or looking to retire.

Another key issue that has been raised is the safety and availability of medicines. We have a fantastic regulator in the MHRA, with 30 years of knowledge as a lead regulator through the MA process and over 3,000 medicines. We will continue to play a role in the EMA during the implementation period to make sure that there is no interruption to supplies. We will support the transition of the EMA to Amsterdam. Some specific details still need to be worked out about membership of the committee, rapporteur rights and so on during that period. The noble Baroness is right, they will be less than we have at the moment, but their exact nature needs to be determined.

The big question concerns the future relationship. The Prime Minister has been admirably clear about her desire for associate membership but there is not a template we can follow for that. The MHRA makes a huge contribution to patient safety and we do not believe that the EU will want to jettison that ability. As I have said, we have a great deal to contribute not only in this area but in chemicals and airline safety. That will help not only for medicines but for blood, organs and, to some degree, medical devices.

Specifically on medical devices, there has been a good outcome on the continued flow of those during the implementation period. Two big questions remain: one is about the trading relationship we have; the other is about our regulatory environment. We have not touched much on trade but we have commissioned work on the supply chain in this area, which I have committed to share publicly once that investigation has taken place. There is, of course, a commitment from the Government for as frictionless and tariff-free

trade as possible, and we have had meetings with HMRC to make sure that that can happen whatever the circumstances.

On the regulatory front, we have achieved mutual recognition of the work of notified bodies during the implementation period. Our notified bodies approve more high-risk devices than any other, so that is yet another element of our huge contribution to patient safety across the EU.

Clinical trials have been the subject of much discussion both in this Chamber and in meetings outside it. We all know that the UK is a leading centre for clinical trials. More than that, we helped to develop the Clinical Trial Regulation, which is a significant improvement on the directive that went before it. If, during the implementation period, the portal that is the final key which unlocks the door of the CTR becoming applicable is agreed, we will take part in it and continue to implement it after the implementation period.

There is of course the question of what will happen after 2021 because it is not solely in our gift to be part of this portal; it has to be a mutual decision. Again, it is our desire to continue to be part of that but it needs to be negotiated. Discussion is going on in government ahead of Report on the EU (Withdrawal) Bill so that we can give the kind of reassurances about the nature of our clinical trials environment that I know noble Lords and others are looking for. We want to make sure that we continue to increase the number of people who take part in clinical trials and have more trials in combination with EU and other countries.

Another issue that has been well covered in both the EU withdrawal Bill and discussions today is public health and the “do no harm” principle. I remind noble Lords of the principles I set out at the beginning from the Secretary of State about playing a leading role in public health, which this country has always done, whether in responding to the Ebola crisis or in domestic action on reducing smoking, drinking, sugar and salt in food and so on. We have a world-leading system that is admired around the world and that, as I said, makes a contribution to patient safety and health across the EU.

The noble Baroness, Lady Walmsley, asked about our desire to play a continued part in EU mechanisms such as ECDC, which provides surveillance, information sharing and action on antimicrobial resistance, where the UK has been in the lead. I can tell her that our desire is to continue to be part of those processes. We want to maintain our high standards. The phrase “a race to the bottom” has been used. We want the opposite: a race to the top. We will be able to say more about our intentions in this area in the coming weeks. We are, and will always remain, part of international agreements under the WHO’s auspices, as well as our own international health regulations. I make a commitment to the noble Baroness, Lady Masham, that it is our desire to continue to share data on the dangers and risks that we face—of course, diseases honour and respect no boundaries—to make sure that we can have the right information, through whatever means possible, to keep our people safe.

I want to touch on a couple of other issues. I am afraid that my noble friend Lord Balfé is quite wrong about Euratom; it does nothing to impact on the

[LORD O'SHAUGHNESSY]
supply of medical radioisotopes. I implore noble Lords to be careful about the language they use so as not to create fear where it should not exist. We want to make sure that we have the right customs arrangements for those isotopes to come through quickly—as they do now if they come from outside the EU—and we will make sure, whether through the Euratom Observatory or the NCAs, that we agree with other countries so that we have the right level of information and, therefore, the correct supplies.

We have a world-leading research community and a leading role in Horizon 2020, which has been underpinned and underwritten by the commitment of the Prime Minister and the Chancellor to our involvement. We want to go on designing future arrangements with the EU, just as third parties and third countries do now. That would include being part of European reference networks; I believe that we lead more of those than any other country.

The noble Baroness, Lady Brinton, and the noble Lord, Lord Brooke, asked about procurement. I can tell them that we have implemented our obligations under the EU directive. The Government are absolutely committed that the NHS is, and always will be, a public service, free at the point of need. It is not for sale to the private sector, whether overseas or here. That will be in our gift and we will not put that on the table for trade partners, whatever they say they want.

Our ability to leave the EU successfully is dependent on having the right agreement with Ireland, where health services are co-commissioned. Primary care can span both borders, and there is trade in medicines and other things. I have met the Irish Health Minister to discuss these issues. We have a good working relationship and we are working hard to make sure that those cross-border issues do not disadvantage patients in the way we have talked about.

Finally, we are pushing ahead with the implementation of the falsified medicines directive that my noble friend Lady McIntosh asked about. I met SecureMed, the body implementing it, yesterday. The noble Baroness, Lady Thomas, asked about the welfare rights of disabled people and the European Social Fund. Those are policy areas for the Department for Work and Pensions, so I hope that she will forgive me if I do not answer specifically now; I will write to her.

The noble Baroness, Lady Walmsley, asked about food standards. I can promise her that they are on my radar; they were raised at a public health round table on Brexit that I held a couple of weeks ago. We want to maintain the highest standards through the FSA that we have at the moment.

I hope that I have been able to answer and, to some extent, alleviate anxieties expressed by noble Lords through the debate. I know that we will continue to have many discussions on these issues in the Chamber and privately. I hope that noble Lords also know that my door is always open to discuss these things. I want to make sure that we get the right outcome—as do all noble Lords, and I respect that.

The Government are undertaking a huge amount of preparatory work to mitigate the potential risks associated with leaving the European Union and to make sure that we can take the most advantage of the opportunities as well. I happen to be the lead Brexit Minister in the department, so I feel a very personal responsibility for getting this right. We want to continue to be global leaders in all the facets of health, as we are today. That is something that the Prime Minister has recognised—an important recognition. She said that our principle for how the UK approaches leaving the EU is to be,

“consistent with the kind of country we want to be as we leave ... A country that celebrates our history and diversity, confident of our place in the world; that meets its obligations to our near neighbours and far off friends, and is proud to stand up for its values”.

Nowhere is this more important than in our commitment to continue meeting the health and welfare needs of the UK's citizens and residents as we leave the European Union.

2.26 pm

Baroness Brinton: My Lords, I start by thanking the Minister for his response. I will link that with the comment of the noble Lord, Lord Dykes, about the noble Baronesses' contribution to the debate. While it was very flattering for us to be so mentioned, the Minister in particular but other noble Lords who spoke also have that in-depth knowledge. I want us to recognise that.

I will not attempt to summarise things in the very brief time I have now, but I thank all noble Lords who spoke. As I predicted, the contributions were of considerable depth and expertise, combined with experience and anecdote that demonstrated the real concern many of us have about health and welfare in the light of Brexit. The key things that stuck out for me were the problems with high-skill and low-skill recruitment in the health sector. The tier 2 limits are ridiculous. I thank the noble Lord, Lord Balfe, for his comments on Addenbrooke's. My clinic has been delayed by a year because it has been unable to bring in the consultants it wanted from abroad. We heard about trailblazers, and the fact that young people with muscular dystrophy are flying in help from Europe because there is not the specialised care and support; that is really worrying. While I admit that the Government are trying to negotiate the rights of people to come to work here, they are not in place yet. The compelling personal testimony of my noble friend Lady Thomas and the noble Baroness, Lady Masham, was very moving. I thank them for that.

I will end on a phrase that the noble Baroness, Lady Thornton, used. She asked why we would want to be outside the EMA. I will add to that the working time directive, the ECDC, the EU directive on public procurement, Horizon 2020, medical devices and Northern Ireland border issues, all of which came up in depth during the debate. So perhaps the best note to end on would be to say that we can have the best of all worlds—and that is by remaining inside the EU.

Motion agreed.

Syria

Motion to Take Note

2.28 pm

Moved by Lord Roberts of Llandudno

That this House takes note of the humanitarian crisis in Syria.

Lord Roberts of Llandudno (LD): My Lords, it is essential that we keep focused on Syria, because it is possibly the greatest humanitarian tragedy since the Second World War. In a message only this week, a girl, Siham, who was in the Aleppo hospital and was suffering from 70% burns, said, "Please let it be over now. We have to find a way out. We've had all we can take". Seven years of civil war have slaughtered 500,000 of the country's most vulnerable people and driven nearly 12 million Syrians from their homes, with many thousands more missing.

A few weeks ago at Westminster, we had a coach-load of the wives of some of those who are missing in Syria. They did not know whether their husbands were alive, whether they had been tortured or killed. This very week I had a group of 10 young Syrian refugees here at Westminster. They were glad to be here on an English language course, which of course is essential. We shared many of their problems, from accommodation to the need to learn English so that, if the opportunity comes—and I hope it will be made available in legislation very soon—they will be able to take up a job here in the UK.

Mesopotamia was once the cradle of civilisation, yet now of those cities which were part of our historical legacy all we have is pictures of destruction. That irreplaceable heritage is no longer secure and important historical and cultural landmarks, of which Palmyra is one, are being reduced to rubble. Not only are the buildings being reduced to rubble, but the psychological effects on those who lived there or live there still, especially the children, has yet to be contended with. People will be scarred for the remainder of their lives.

Every child should share the right which we enjoy to have a balanced life with opportunities and with laughter—a life where people say, "I believe in you; I have faith in you; you have got a potential there". Of course, that does not happen. It is a complete violation of everything in the Convention on the Rights of the Child, whether the outrages come from the ruling regime or opposition forces. A time must surely come when those who are responsible for such outrages will be prosecuted for war crimes.

With the benefit of hindsight, we can remember that we ourselves are partly to blame for the situation in the Middle East at the present time. Who drew the lines on the Middle East map after the First World War? France, Turkey, the remnants of the Ottoman Empire and ourselves—we drew the lines, not for their advantage but for ours. They were the proxies, in a way, for the disputes that were going on in Europe and elsewhere. Later, of course, we were at the mercy of the oil producers. Times have changed, but I think that the old imperialism must never be allowed again to reign supreme. We were imposing our beliefs and

structures on people whose culture, whose history and whose needs were very different. We have a historic debt to Syria, and we have a responsibility to Syria: we sowed the wind, and they have reaped the whirlwind.

The challenge of the present day is not to deal just with countries but with peoples—peoples of different traditions who respond in ways that are different from our own. Of course, the Syrian people must decide their future for themselves, and this is our great difficulty at the present time. Our opportunity is to facilitate, not to impose. The co-operation and the settlements must be of their bidding: they will decide their own future.

I thought once, as many of us did, that the troubles in Northern Ireland were sufficiently complicated, and they were, but they were nothing compared to the catastrophe of the Middle East. Mind you, Europe has been in similar positions. I remember during the last war, I was only a young lad in Conwy when, standing on the steps of the house, we saw the searchlights over Liverpool as the German bombers were going to target Liverpool—and they did. The destruction of Liverpool has been recorded and it is a very sad story. Who would have said that, some years afterwards, we would be talking to Germany and would be in harmony with one another? Who would have said that we would think the world of Angela Merkel? Who would have said those things? But it happens. I think it was Nelson Mandela who said:

"It always seems impossible until it's done".

Our debt to Syria is to unite its peoples. In doing so, we must not impose on them; they must decide their future. We saw that miracle happen in Northern Ireland and we only hope that it continues. In Europe, the Second World War brought about a situation where people were enemies destroying one another. The division was easy to see, and when you saw it you abandoned all hope that we would talk, discuss and laugh with those we had been trying to destroy. But it happened. Someone said it was Winston Churchill who said, "Jaw-jaw is better than war-war"—others say it was someone else and he has just been credited.

I am a devoted fan and a fervent supporter of the European Union because it has achieved what could have been impossible. We have discussed trade ad infinitum over the past few weeks, along with other important things, but to me the great advance and achievement of the European Union is peace and understanding. I am so sorry that we are leaving and I hope there might still be time left for the Government to change their mind, because withdrawing from the European Union and weakening that Union just when it is so necessary is a great tragedy.

I am a dreamer. For some time, I thought we could have in the Middle East the sort of federation, union or understanding that we have in Europe: if we can do it in Europe, can we not try to do it in the Middle East? Can we not try to get the various people, tribes and cultures, with their various histories, talking and working together? I am sure it is not easy—it was not easy in Europe or in Northern Ireland—but I repeat Nelson Mandela's words:

"It always seems impossible until it's done".

[LORD ROBERTS OF LLANDUDNO]

This could be one of our contributions. We have had ceasefires in the Middle East that have misfired; that is, they do not seem to hold the peace. Should we not give some sort of vision for the future? In doing so, we must not impose; we must facilitate.

We praise the efforts of those who have devoted their time and resources to bringing hope and stability to this area. Refugee camps have been a home for so many millions of people, and we praise the work of the tens of thousands of people from our country and many others, some of whom have put their own careers on hold so that they can give aid to those in the most desperate of need. We back them all the way; we have a terrific debt to them and thank them for all that they are doing. In Syria itself, organisations like the White Helmets battle on. I am told it has saved 99,000 lives. Could we not somehow nominate it for the Nobel Peace Prize? If any organisation deserves it, this one does.

What can we at home do to improve matters in Syria? It is easy enough to say that the UN should do this and somebody else should do that, but what can we do? I am not sure if this is a true story, but there was a farmer in Wales whose field was full of stones. A workman asked him, "How shall I start to clear these stones", and the farmer replied, "You must start at your feet". Can we not be an example? Every week, the voluntary organisations in the UK try to resolve the problems faced by asylum seekers. They want to work, and we are denying them that opportunity. They just want to earn a living and be able to live a decent and independent life. We will have an immigration Bill at some point, but I hope that even before then we can resolve some of these problems that deny asylum seekers that respect that every human being needs. They have skills and potential that could enrich our communities. These are families, children, women and men, just like ourselves. I look forward very much to the Minister's response. He and I have spoken of these things many times. I hope that we can at least see a way ahead to overcome some of the obstacles in the present regulations that deny them that respect.

I came across a poem by Warsan Shire. This is what it says:

"you have to understand,
that no one puts their children in a boat
unless the water is safer than the land
no one burns their palms
under trains
beneath carriages
no one spends days and nights in the stomach of a truck
feeding on newspaper unless the miles travelled
means something more than journey.
no one crawls under fences
no one wants to be beaten
pitied
no one chooses refugee camps
or strip searches where your
body is left aching".

No one chooses to be a refugee or a victim of inhumane actions wherever they live. Can we not change our own culture on welcoming people here? It is easy to say, "Let us reduce the number who come in from this number to that number". Is it not time we welcomed

people with a smile, not a frown? The qualities of the Government and of Members of this House will be tested in our response. I thank noble Lords for the opportunity to open this debate. I beg to move.

2.41 pm

Baroness Cox (CB): My Lords, I congratulate the noble Lord, Lord Roberts of Llandudno, on securing this very important debate, and his very moving opening speech. Violations of human rights by President Assad and his Government are widely reported and condemned, and certainly not condoned by me. Yet many Syrians and people in this country are concerned by the one-sided nature of such condemnations.

I have visited Syria twice at the invitation of the Syriac Orthodox Patriarch. I and colleagues met faith leaders, including the Grand Mufti; representatives of diverse political parties, including opposition parties; internationally renowned artists, musicians and intellectuals; NGOs; internally displaced persons; and members of local communities in Damascus, Latakia, Saidnaya, Maaloula and Aleppo. Everyone to whom we spoke expressed deep sadness and often anger at the devastating impact of British foreign policy, highlighting, for example, the horrendous effect of sanctions on the humanitarian crisis. These sanctions greatly harm civilians, for whom it is very difficult to obtain employment, adequate supplies of food, medicines and medical equipment.

The crisis is highlighted in the *Lancet*:

"The economic losses of the country at the end of 2014 stood at US\$143.8 billion, with more than 80% of the population living in poverty, of whom a third ... were in abject poverty, unable to obtain even basic food items ... Life expectancy has been reduced from 75.9 years in 2010 ... to 55.7 years in 2014—a loss of 20 years ... The cost of basic food items has risen six-fold since 2010, although it varies regionally. With the exception of drugs for cancer and diabetes, Syria was 95% self-sufficient in terms of drug production before the war. This has virtually collapsed as have many hospitals and primary health-care centres. Economic sanctions have not removed the President: as with other countries under siege ... Sanctions are among the biggest causes of suffering for the people of Syria and a major factor perpetuating the conflict".

Many Syrians are also deeply concerned by the continued commitment of outside powers to imposing regime change rather than listening to what the Syrian people want. Her Majesty's Government are wedded to the mantra that President Assad must go. This is despite the fact that his military capacity, supported by Russia, has achieved the virtual expulsion of ISIS and related Islamist forces and, as there is no moderate armed opposition, his removal would result in inevitable chaos. To quote three former British ambassadors to Syria, who wrote a letter to the *Times*, forced regime change,

"risks creating a chaotic situation similar to, or perhaps even worse than, those in Iraq and Libya".

The ambassadors urged the UK Government,

"to respect the right of the Syrian people as a whole to choose their own future",

a point emphasised so appropriately by the noble Lord, Lord Roberts. All those whom we met believe that Syrians should have that right to determine their

own future and elect their own leadership, without foreign interference. As the Syriac Orthodox Patriarch told us:

“No regime in the world is perfect. Of course, we want reforms. But change has to come from the Syrians, for the Syrians”.

Another cause for widespread concern is the British Government’s financial support for so-called moderate opposition forces, spending as much as £60 million of taxpayers’ money per year on groups that oppose Assad’s regime. However, we heard time and again, including from those previously opposed to Assad, that opposition groups are now dominated by jihadist militants. The vast majority of these groups have extremist Islamist ideologies, with no intention of creating democracy in Syria.

The UK has Special Forces on the Jordanian border and in the Al-Tanf enclave. These forces are ostensibly assigned to anti-ISIS missions; in reality, their mission is believed to involve the training and equipping of anti-Assad forces. The UK also has officers embedded in headquarters in coalition-occupied Syria. How is this compatible with assurances given to Parliament in 2015 about our forces’ mission being limited to fighting ISIS and there being no ground presence? This issue has certainly not been clarified by the Answers given to my Parliamentary Questions. Will the Minister clarify the situation regarding the legitimacy of the involvement of UK military forces in the war in Syria without any invitation from the elected Government? The response given in the Answer to my Parliamentary Question was that the legal case for having a British military presence in Syria is based on “the self-defence of Iraq”. This seems highly problematic. It is surely a pernicious doctrine to claim that a mandate to act in one country automatically gives an entitlement to take military action in a neighbouring country.

Can the Minister also explain the apparent gross double standards of Her Majesty’s Government’s policies? For example, they are promoting trade with Sudan, whose president has been indicted by the International Criminal Court and whose Government are responsible for the deaths of 3 million people, including their genocidal policies in Darfur, South Kordofan and Blue Nile—I have witnessed those myself—and the displacement of 5 million people, while still perpetrating gross violations of human rights in Sudan. However, Her Majesty’s Government will not even consider opening an embassy in Damascus.

I have received a letter from the noble Lord, Lord Bates, for which I thank him very much, but I am afraid it raises a number of questions. For example, I was puzzled to read that, “the people of Eastern Ghouta are desperate for a break from the regime”, presumably the Assad regime. This needs to be seen in the context of their experience of life under the jihadists in Eastern Ghouta, where there are widespread reports of food and medical assistance being withheld from civilians by the jihadists, of civilians saying they were held as human shields, of the execution of anyone who opposed the militants, and of the widespread theft of property by those militants. Is this really the choice that the people of Eastern Ghouta would prefer? It is not, according to those who have recently escaped.

There has also been widespread condemnation of the Syrian army’s offensives against Eastern Ghouta. However, these also need to be seen in context. Since 2012, an estimated 11,000 civilians have been killed in Damascus as a result of shelling from those rebel-held areas, including 1,500 children. Around 30,000 have been maimed and disabled. I have not seen this toll of death and injury in Damascus reported in the UK media. Ninety per cent of Eastern Ghouta is now in the hands of the Syrian Government. The main remaining group of Islamist militants is the Saudi proxy, Army of Islam, based in the town of Douma. It is being offered conditional surrender. There remains another small pocket in the south-west, in Yarmouk, controlled by a few hundred ISIS fighters. These are not moderate opposition forces but jihadist militants with extremist ideologies.

Her Majesty’s Government and the UK media have also failed to acknowledge the policies adopted by the Syrian Government to mitigate the tragedies of war, such as the maintenance of humanitarian corridors for the delivery of aid and the exit of civilians. They did this in eastern Aleppo and 75,000 civilians have availed themselves of this facility in Eastern Ghouta. They have also given permission for militants to leave with their families. That is in stark contrast to the fate of Syrian army soldiers captured by jihadists, who are regularly slaughtered.

The initiatives of Dr Ali Haidar, a former prominent opponent of President Assad and now the Minister for National Reconciliation, are also totally ignored by western media. Although at great risk, those involved in reconciliation initiatives have facilitated more than 1,000 local truces, bringing peace to hundreds of towns and villages. Her Majesty’s Government often applaud the work of the White Helmets. I regretfully have to say that there is a lot of evidence to prove that they are not always the heroes of humanitarian aid and peace, as widely portrayed. There is now an abundance of evidence to indicate their support for jihadists in many parts of the country and of their complicity in many atrocities. Civilians who have recently escaped from Eastern Ghouta report that the White Helmets did not help civilians but worked with the jihadists, including on the production of propaganda footage for western media.

The letter written by the noble Lord, Lord Bates, also said that “only one side in this conflict has deployed all the machinery of war, including chemical weapons”. Yet despite claims from the jihadis about the Assad regime’s use of chlorine, which have repeatedly been highlighted by western media and Governments, there has not been one recorded instance verified by a credible witness such as the UN. However, in areas that have been liberated, jihadi workshops used for making chlorine bombs have been found. The letter also states that “overwhelming responsibility for the heart breaking human suffering ... lies with the Assad regime”. As I have already said, one cannot condone atrocities committed by the regime, but responsibility for human suffering must predominantly be attributed to the insurgency of ISIS and other Islamist groups who have perpetrated genocidal policies and atrocities on a massive scale, including abductions into sexual slavery, torture and beheadings. I will never forget

[BARONESS COX]

weeping with a Muslim woman in Latakia who had been forced to flee her home by Islamist fighters after she had had to watch them behead her husband and son. She said, “War is tragic and people die from shelling on both sides. But on one side, you die from shellings, on the other side, you die from shellings and beheadings, and we don’t want the beheadings”.

The UK Government’s current approach risks oversimplifying a very complex war. Moving forward, it is crucial that the people of Syria be allowed to decide their own future without any external political agendas or conditions, so that the country can recover and maintain and preserve its plurality and diversity as a place of freedom of faith, deep culture and historic civilisation.

2.52 pm

The Lord Bishop of Coventry: My Lords, I, too, thank the noble Lord, Lord Roberts, for securing this debate and for keeping the focus of this House on the suffering of Syria. I also thank him for the deep compassion of his words.

On this holy day in the Christian year, my mind is full of memories of spending Maundy Thursday 2006 in Hasakah, in north-east Syria, and sitting in the archbishop’s residence as community and religious leaders, mainly Muslims, came to give their greetings to the Syrian Orthodox Christian community in a custom of civic conviviality that was entirely normal and was reciprocated by Christians during Muslim festivals. It was a sign, among many, of the diversity of Syrian society and the deep bonds of mutual affection between the peoples.

Later in the day we travelled to Qamishli on the Turkish border for a foot-washing service and Holy Eucharist. The large church was heaving with people of all ages rehearsing the foundational events of their faith with a devotion and joy that you could almost touch. It was a sign, among many, of the vitality of the Syrian Orthodox Church in those not too far distant days, and of the great contribution of Christians to the social fabric of the land, as well as of their critical role in Syria’s professions and businesses and of the great work of their hospitals, schools and projects of care serving the whole of Syrian society.

So much of that lies—literally, as we know—in ruins, and will take great efforts to rebuild. I am confident that the Minister will want to join me and the noble Baroness, Lady Cox—and, I am sure, others in this House—in saying to the now-beleaguered Christian community, who, with their fellow Syrian citizens, have suffered so much, that their future in their own land matters to your Lordships’ House and that we respect the churches’ commitment, even now, to reconciling communities that have become divided by the violence of civil war.

As the Church in the west this night enters more deeply into the suffering of a Middle Eastern person 20 centuries ago, and as the Church of the east prepares for its own commemorations next week, I hope that your Lordships will allow me to frame my own comments today around Jesus’s own plea to the city of Jerusalem only a few days before it became his place of execution:

“Would that you knew the things that make for peace”.

That question has an urgency when it is voiced by the victim.

The number of victims—living and now dead, those still in Syria, those exiled abroad, young and old, Muslim and Christian of all shades—is beyond our imagining. I have tried to spend my Holy Week this year—some of it, at least—listening to Syrian victims in my own city of Coventry and beyond. Very many to whom I have spoken had terrible and terrifying stories to tell about the persecution they had suffered at the hands of the Assad regime. They told me of the ever-present danger faced by their friends and family in Syria, whether in rebel areas or not. Others spoke of the protection that they had experienced from the regime and their gratitude that their family and friends had been saved from the chaos and carnage that have come in the wake of the forces of the opposition. They were the sort of testimonies brought to our attention by the noble Baroness, Lady Cox.

Whatever their personal experience and political perspective, however, every Syrian I meet tells me that what they want most is peace—“Let it be over”, as we heard. Beautiful words. They are deeply grateful, of course, for the humanitarian assistance that they receive, but what they desire above all else is peace, and the safety that comes from peace: a safety that they long to see so that they can return to their own land. That is what they desire. “It is our land”, they say, and that is their greatest humanitarian need. They know that peace and safety will come only when foreign fighters leave and when foreign powers use their power to broker peace.

Today, I left a service in Coventry Cathedral early to take part in this debate—but not before we had blessed the oils of Christian ministry to be used throughout the year. The oil of healing was brought to me—uniquely in Coventry—from the ruins of the old cathedral that now stand as permanent memorial to the suffering of humanity, especially innocent civilians, through violence and war. We call it the Cathedral of Crucifixion.

Some years ago, Pope Francis said:

“Pray for peace ... there is no military solution for Syria”.

I printed out his words in large type and they have hung in my house ever since, waiting for the world to recognize their wisdom. What have the bombs and bullets of all sides in Syria accomplished and what has the fuel of the nations’ weaponry, thrown on to the fires of civil war, brought to this beautiful land? Have they brought its people any closer to peace or nearer to justice?

The call of Coventry from the devastation of its cathedral in 1940, from the civil war that raged across Europe, was to have hope in humanity: hope even in the darkest time, hope that said, “We will build a new cathedral and we will call it the Cathedral of Resurrection, because we will not give up on hope for humanity and its capacity to break out of the cycle of violence and find peace”. Now, as a Coventrian, I was much moved by the personal stories of the noble Lord, Lord Roberts, about the war and the peace that came out of it.

I know that the cause of Syria’s peace and the needs of its victims weigh heavily on Her Majesty’s Government, and I would not be surprised if the complexity of

Syria's situation and the lack of levers that we have on this international stage of war, with powers fighting their proxy wars, do not, at times, become a counsel of despair for our Government. That despair haunts my own heart also. But on this Maundy Thursday, the day of the Mandatum—the commandment to love one another—let this House and Her Majesty's Government not give up hope. Let us rather call the nations to a new form of international conversation that, away from the glare of publicity and the lure of political grandstanding, creates a common, ethically driven narrative that appeals to the deepest humanitarian instincts of every person and nation and makes the Syrian people no longer victims of struggles for power, internal or external, but victors in a new war of words that will not cease until peace has come. In the interests of creating that common cause, perhaps I may ask the Minister whether he will assure your Lordships' House that the Syrian people will not become victims again of the current disruptions in UK-Russian relations.

If it be said that my calls for a determined renewal of hope that peace is possible and need not be far off are the pious naiveties of a churchman beguiled by ancient stories of a dead man rising that belong to a very different world from the realities of 21st-century international politics, I say that history is on the side of hope, and that the things that make for peace prevail over the things that make for war. To act on the deepest humanitarian instincts to save the suffering, and to see that it is the common interest of nations, is the standard by which the greatness of the world's leaders will be judged.

3.02 pm

The Earl of Oxford and Asquith (LD): My Lords, I also voice my thanks to my noble friend Lord Roberts for securing this debate.

It is no doubt to be expected that many assessments of the provision of humanitarian aid to Syria have been couched in markedly politicised terms. I recently read several of the reports provided over the last few months to or through the UN Security Council, and in respect of many of the statements made in them it is often difficult, perhaps even futile, to form practical judgments, once one has made allowance for what is uncorroborated fact, what is bias, and what is based on flimsy testimony.

However, what seems incontestable is that first, in the villages around eastern Ghouta controlled by the jihadist militants, the plight of Syrian civilians has truly been pitiable. People have been so starved and emaciated that they can barely stand up, and live transmissions show them lying on the grass like weakened animals. Government and militant sources have given different accounts of the circumstances that restricted the movement of aid into Ghouta, but as regards final outcomes it is clear from developments in Aleppo, Homs, Hama and elsewhere that where the Syrian Government have retaken territory from the militants, the Syrian people are returning home in their thousands. According to UNHCR figures, in 2017 nearly half a million Syrians returned to their areas: 444,000 of them internally displaced people and over 30,000 from abroad. ISIL has now withdrawn from the last territory

that it controlled near Aleppo city, and the UN's International Organisation on Migration has seen a large surge of Syrians returning there. No one is claiming that this is the end to their problems—perhaps 40% do not have access to water and healthcare—but it is undoubtedly the case that the Syrian Government are working with the UN and its agencies to facilitate the provision of aid in these liberated areas.

Until recently, the UN assessed that about 95% of all those living in areas where they are trapped by militants are to be found in the Ghouta pocket, but there has also been a recent very large exodus of people, about 150,000 or so, out of the Afrin enclave in the north of the country. They are fleeing the Turkish Army attacks and moving into areas controlled by the Syrian Government. So the longer-term pattern seems quite discernible: where the Government are in charge, the refugees will try to find their way back. What has happened in Aleppo city is therefore likely to happen in Ghouta if the Government are indeed taking back control of the area.

At the moment, there are 27 international non-governmental organisations working in Syria, two international agencies—the International Committee of the Red Cross and ECHO, the European Civil Protection and Humanitarian Aid Operations—and nearly 1,600 local organisations and local charitable institutions. That is a lot of Syrian civil society groups. The other incontestable fact is that enormously significant work is being done by the Syrian Arab Red Crescent and the Syria Trust through the partnerships with many INGOs and with the UN. The Syrian Arab Red Crescent accompanies all the UN humanitarian aid columns. It plays a prominent role in rehabilitating infrastructure in the affected areas in order to restore life as much as possible to normality and encourage people to return to their homes. Meanwhile, the Syrian civil society groups that I mentioned earlier are in the lead in providing shelter to the displaced. At the moment, it seems they have insufficient shelters for all those in need and are having to resort to using tents instead. All this activity has little to do with international organisations or the UN; it is strongly driven by the local groups.

As I said, none of this should give any rise to complacency among us, but we should take note of the remarkable dynamism and determination towards self-help and reconstruction within the country itself. It is clear that the Syrians are not going to look for partners in this work from among those who have been involved in creating havoc in the first place. In terms of external involvement, the Indians, the Chinese and maybe the South Africans are going to play greater bilateral roles in rebuilding the country than, for example, Turkey or Saudi Arabia.

International assistance apart, we should note how much the Syrians are doing themselves. In this context, I should like to ask whether the time has not come when we should do more to support the direction of that movement. International aid of course plays a vital role but the Syrians can and are willing to help themselves. Their hospitals are willing to procure and import medical supplies and their municipalities wish

[THE EARL OF OXFORD AND ASQUITH]
to procure and import food supplies. The big obstacle in the way are the sanctions that control the transfer of money payments.

I have raised this question before and the Government's response has been that there are perfectly satisfactory procedures for hospitals to apply for licences or exemptions from the sanctions regime, yet of those hospitals and surgeries with which I am in contact in Syria I have found none that has been able to avail itself of such a facility. So perhaps the Minister could in due course let us know which hospitals have found a means to obtain such an exemption, or at the very least what contact persons or agencies one can identify to assist them in this procedure. When we are debating the provision of humanitarian aid in Syria, there is something unbalanced if we are unwilling to take a closer look at the way that our own sanctions regime obstructs the procurement by Syrian representatives of their own medical and food supplies through their own resources.

3.09 pm

Lord Alton of Liverpool (CB): My Lords, I begin by paying tribute to the noble Lord, Lord Roberts of Llandudno, who has been a friend for more than 40 years, for securing this timely and important debate today and for the compassionate and consistent way in which he has championed the cause of the Syrian people. It is a privilege to follow so many moving and powerful speeches.

In September 1980, during my first visit to Syria, I met Hafiz al-Assad, the Syrian President from 1971 to 2000, and father of Bashar al-Assad. The meeting took place on the day on which the eight-year Iran-Iraq war began—a forgotten conflict that claimed the lives of more than 1 million people. Since then, through wars and proxy wars from Iraq to Yemen and through the emergence of barbaric militias and violent ideologies, the region has been convulsed and disfigured by an orgy of unspeakable violence, and those responsible have believed that they will never be held to account.

For eight long years now, as we have heard, Syria has been ravaged, with an estimated 500,000 fatalities, of whom 200,000 are thought to be children. In his moving remarks, the right reverend Prelate told us that we should never give up on hope. He is, of course, right. The one thing left in Pandora's box was hope.

The practical situation on the ground is this. Since 2011, this war has left more than 13 million people in need of humanitarian assistance, 6.5 million internally displaced and another 5 million clinging to life as refugees in camps and countries far away from their homeland, mostly in Lebanon, Turkey and Jordan. From Aleppo to Damascus, from Eastern Ghouta and Homs to Palmyra, and now in Afrin, we have watched as internal and external forces have reduced homes, hospitals, schools and communities to rubble. In particular, we have seen appalling depredations committed by ISIS and, subsequently, hundreds of Islamic State fighters fleeing Raqqa, once the group's de facto capital, but their dispersal does not represent defeat for an ideology that continues to preach hatred and to practise genocide.

As Ministers have conceded, in 2013 the United Kingdom lost its ability to shape events, with Iran rapidly filling that void, followed by Russia in 2015. With Turkey's intervention in 2018 in the Kurdish enclave of Afrin, as we heard, a further 98,000 people have been displaced. Last week, Christian Aid, in a report issued to Members of your Lordships' House said that there have been widespread reports of arbitrary arrests, threats of violence and looting of civilian property by the Free Syrian Army—a group the United Kingdom Government have previously told us that they support.

The consequences for Syria have been lethal for millions of people, not least in the slaughter of the region's minorities. On Monday, I attended the opening of a poignant exhibition being staged here in Parliament highlighting the genocide against the Yazidis, who have been subjected to nauseating obscenity and barbarism, rape, enslavement and murder. Nearly 10,000 Yazidis are believed to have been killed or captured by ISIS, with more than 3,000 Yazidi girls and women believed to be currently enslaved in Syria. Christians have also experienced a genocide that began with the Armenians at the beginning of the 20th century and continues to this day.

The predators change but the existential threat to the minorities has not. The Chaldean Bishop of Aleppo says that two-thirds of Syrian Christians have either been killed or driven away from his country. I serve as a pro bono member of the board of the charity Aid to the Church in Need, and have been deeply moved by the accounts of many who have given evidence to the charity. The suffering that they have experienced was described last night at a Passiontide Wednesday service at St Patrick's, Soho. One of those who spoke told me the story of a Christian family: a mother and 12 year-old daughter were raped by ISIS militants, leading the father, who was forced to watch, to commit suicide. One refugee described how she witnessed ISIS crucify her husband on the door to their home.

On 23 July 2014, I wrote in an opinion piece in the *Times* that,

“the world must wake up urgently to the plight of the ancient churches throughout the region who are faced with the threat of mass murder and mass displacement”.

But as Yazidis fled to Mount Sinjar and Christians fled for their lives, the world chose not to wake up and the genocide continued. A 16 year-old Yazidi girl, Ekhlas, subsequently met parliamentarians, including myself, and described crucifixions, beheadings, systematic rape and mass graves.

Following the failure of your Lordships to pass an amendment laid before the House on 20 April 2016 by myself, my noble friend Lady Cox and the noble Baronesses, Lady Kennedy of The Shaws and Lady Nicholson, the House of Commons subsequently unanimously approved a Motion tabled by Fiona Bruce MP describing the existential slaughter of these minorities as a genocide and calling for the perpetrators to be brought to justice. It is on this question of justice—about which I wrote to the noble Lord, Lord Ahmad of Wimbledon, and copied the letter to the noble Lord, Lord Bates, on Tuesday of this week—that I want to concentrate the remainder of my remarks.

In 2016, David Cameron said,

“there is a very strong case here for saying that it is genocide, and I hope that it will be portrayed and spoken of as such”.—[*Official Report, Commons, 4/6/16; col. 168.*]

However, the Foreign Office has declined to do so and refused to act on that vote. This has made us derelict in our obligations under the 1948 convention on genocide, which places on us as a signatory a duty to prevent, to protect and to punish. It is the word genocide that could have changed the fate of the nameless thousands of victims and survivors of mass atrocities in Syria and Iraq.

Gregory Stanton, research professor in genocide studies and prevention at George Mason University, conducted a study on the perception and effects of determining genocidal atrocities using the words of “ethnic cleansing” or “genocide”. The results of the study revealed that:

“It was not until the term ‘genocide’ was applied to the crimes, that force was used to stop them ... When the term ‘genocide’ is used to describe crimes against humanity, use of force is possible. When the crimes are only called ‘ethnic cleansing’ or ‘crimes against humanity’, it is a sure indicator of lack of political will to take forceful action to stop them”.

“Genocide” is a word that makes so much difference. Only by recognising the mass atrocities committed as genocide will victims be able to receive an adequate level of justice. Furthermore, the recognition of genocide matters for their humanitarian assistance, justice and much more besides. The Minister will be aware of the impact that the current policies have had on issues such as, for example, asylum. Less than 1% of those allowed into the UK under the Syrian vulnerable persons scheme come from the groups that I have described as affected by genocide. Everyone affected by war suffers, but either genocide is a crime above all crimes or it is not. Labelling victims simply as “religious groups” is also, in terms of the implementation of things such as asylum policies, a form of reverse discrimination.

In addition to the failure to determine the ISIS atrocities perpetrated against religious minorities in Syria and Iraq as genocide, the atrocities perpetrated by other actors within the regime also have genocidal traits, such as the use of chemical weapons and the intentional starvation of the population. They are most certainly war crimes and crimes against humanity. But what links all these atrocities is a culture of impunity. Do we have the will or the capacity to hold those responsible to account and to bring them to justice? That is the central question. Genocide is the crime above all crimes, and it must be our starting point in upholding internationally agreed law and in determining our priorities in all areas of public policy.

The case of the ISIS genocide against these minorities is a simple one. Daesh fighters have been systematically perpetrating mass atrocities, including killing members of religious groups such as Yazidis, Christians, Shia Muslims and others, causing serious bodily or mental harm to members of these groups, deliberately imposing conditions of life calculated to bring about their physical destruction in whole or in part. Intent does not have to be inferred from these atrocities. Daesh has been expressing this genocidal intent through social media and in its recruitment and propaganda newsletters and videos.

The crucifixion and death of one young man was boastfully posted on the internet. He was crucified for wearing a cross. From the same town local girls were taken as sex slaves. ISIS returned their body parts to the front door of their parents’ homes with a videotape of them being raped.

The UK Government cannot justify hiding behind the long-standing legacy of genocide denial. Ministers say, “It is clearly a matter for judicial authorities to determine whether a genocide has taken place”, and then fail to put in place a mechanism for doing that. They say, “Perpetrators will pay the price”. They have talked about “the long arm of justice” and give the example of Srebrenica, where 8,000 Bosnian men and youths were massacred. Sir Geoffrey Nice QC, who worked at the International Criminal Tribunal for the Former Yugoslavia between 1998 and 2006 and led the prosecution of Slobodan Milošević, spoke at a colloquium on genocide which I convened in your Lordships’ House last week. As Sir Geoffrey made clear, a trial of genocide is not easy, as is clear from the case of Ratko Mladić which, for reasons I shall give, was a surprising choice for the Government to cite. What options do the Government have in seeking to justify their position for leaving genocidal determination to the international judicial system? There is the International Criminal Court but vetoes and hostility by key members of the Security Council sadly make it unlikely that the ICC would be a realistic mechanism to deal with these events.

Another mechanism might be something like the International Criminal Tribunal for the former Yugoslavia, whose role the Government regularly now cite. But, to be clear, the ICTY was an ad hoc tribunal with a limited jurisdiction. The court was established after a commission of experts, established by the UN Security Council, determined in its interim report that “ethnic cleanings” were perpetrated. This was before it prepared a final report confirming that genocide and other mass atrocities had been perpetrated. This determination of genocide by the commission of experts was the key to establishing the ad hoc tribunal and ensuring that the perpetrators were brought to justice. It was the interim determination by the commission of experts and not the ICTY’s final judgment that was the first and most important step towards justice. This point needs to be fully understood. If there is no special ad hoc tribunal or no existing court capable of making an adjudication, there will be no consideration of the atrocities that would result in a final judgment acceptable to the UK Government.

Secondly, as Gladstone once observed, justice delayed can be justice denied. The noble Lord, Lord Ahmad, confirmed in a reply to me last week that Mladić was arrested 16 years after he was charged and convicted only in November 2017—two decades after his genocidal atrocities had taken place. If a perpetrator is never charged with genocide, he will not be convicted of genocide, so the UK Government will not gain the final judgment necessary to make a genocidal determination. I have never argued that the UK Government should undertake the role of being a court to make the final determination. But they can make a qualified determination, subject to evidence and final judgment. It is the interim determination of

[LORD ALTON OF LIVERPOOL]

genocide that can trigger further steps, as in case of the atrocities in the former Yugoslavia, Rwanda and elsewhere. This is precisely the approach taken by the Dutch Government, now temporary members of the Security Council, and it is in the provisions of my Private Member's Bill before your Lordships' House.

Under the genocide convention, the Government have a duty in law to act, and act they must. Syria desperately needs an end to violations against the civilian population, including summary executions, hostage-taking, arbitrary arrests, enforced disappearances, torture and sexual violence. It needs the release of children, women, the elderly and the disabled from detention centres. It needs an end to siege tactics, to ensure that there is immediate and timely access to, and provision of, humanitarian assistance. One day it will need both the right to return and protection. If ever future genocides and crimes against humanity are contemplated, the world needs to see that perpetrators of such crimes will be held to account and that any final settlement will not include amnesties for gross violations of human rights, genocide, war crimes and crimes against humanity. All those who have suffered in Syria's bloodletting deserve nothing less.

3.24 pm

Lord Dykes (CB): The noble Lord, Lord Alton, has made some very interesting points, and I look forward to hearing the Minister's response.

It is with great glee and enthusiasm that I thank the noble Lord, Lord Roberts of Llandudno, for launching this debate. He and I came into the Lords at the same time in 2004. We have been friends for many years and I was in the same party group for a while. It has always been a pleasure to work with him and to listen to his natural proclivity to be a man of peace—peace in Europe after the Second World War and peace in the world. He has done great work in that field. A notable feature of the Liberal Democrat Party is that that is one of its priorities, as we know.

It is also a great pleasure to speak in the same debate as my good friend, the right reverend Prelate the Bishop of Coventry. We have at least one shared interest: we are both patrons of the Dresden Trust, which works for peace between Coventry and Dresden. The right reverend Prelate knows far more about the symbolism than I do, but that body also helped in the rebuilding of the Frauenkirche by paying for the orb and the cross on the top of the dome, as well as other things. It is a great pleasure for us to reflect on those things from time to time. Again, that sends out a message of peace in a place that experienced what he called a ferocious European civil war. I think there were 22 years between the first instalment, the First World War, and the second instalment, the Second World War. Fortunately, after the Second World War, the victorious allies handled the situation much better than they did after the First World War, when Germany was humiliated beyond all measure.

It is also a great pleasure to follow the excellent speech of a good friend and colleague on the Cross Benches, my noble friend Lady Cox, who is an expert on the Middle East. It was interesting to hear about

her church-sponsored visit there. The right reverend Prelate, too, spoke about what he did when he visited on a separate occasion.

So many complications in this situation are created by local elements and by international actions and mistakes. I first went to Baghdad in 1988, when the city was full of American and British businessmen and officials and supporters of the United States and Britain saying that Saddam Hussein led the finest Government in Arabia. He was popular with America at the time. America supported him very strongly against Iran in the terrible tragedy of the Iran-Iraq war. Even after the gassing in Halabja, I remember vividly that the Americans publicly said that the Iranians had done it—because they were the devil then whom the Americans disliked and hated, and they thought Saddam Hussein was fine. Subsequently, Saddam Hussein made a mistake by not consulting the Americans before he invaded Kuwait, and was quite rightly driven out by the international community a year later.

A good friend of mine who lives in Israel has great experience in these matters. He holds moderate views and his support for international peace is well known. I will not give his name as he has not given me permission to quote him. However, he remarked that the man and woman in the street in Arabian countries see double standards in the international community, because Saddam Hussein was rightly expelled from Kuwait a year after the invasion but Israel is still in the West Bank, 50 years or more after the 1967 war. That double standard is one of the elements in this terrible tragedy of the conflict in the near East and the failure to resolve it.

I had enormous sympathy with the United States after the 9/11 attacks, as I am sure does everyone here. However, in its response after those attacks, America made mistakes in the near East and Middle East. Having worked with the Taliban in the old days to get the Soviet Union to leave Afghanistan, the Americans then fell out with the Taliban, or the Taliban fell out with them—and look at what is happening now in that tragic country.

Over 1 million people marched down Piccadilly to protest against the UK's involvement in the invasion of Iraq. It was the first time I had ever been on a march. Millions of people thought that the UK's involvement was a mistake, but the march was ignored by the then Prime Minister. However, by then, of course, we were devoid of proper information about the invasion, and we wondered about some of the details. I was then in the Liberal Democrat group, trying to monitor some of the effects of the war on civilians in Iraq. As we know, it was an illegal war and we admired France's resistance to it—although it was vilified in the United States for that.

We tried to monitor what was happening to civilians but we could not get any names. A leading defence figure in the Liberal Democrat group, who, sadly, expired many years ago at the very young age of 62, managed to get the numbers that were going into mortuaries and hospitals. The figures were huge. But even now we do not know how many casualties there were in the Iraq war. No information has ever been given by the then Government or by the current American-sponsored Government in Baghdad.

Iraq remains a broken country—and so does Libya, because of the mistakes that were made, not so much by America this time but by France and Britain with the final NATO attack on Gaddafi, which caused his death following the previous judicial murder of Saddam Hussein. Perhaps he should not have been hanged—I do not know. There are lots of arguments about these things.

Then we come to the current tragedy of the Syrian civil war. Has the West sufficiently understood that it has to be careful in handling the response to this? In this case, France under François Hollande was too fierce. I did not expect that but that, too, was a mistake. However, the Americans and the British decided that they could continue their historical primordial right of having a presence in those areas—mainly for oil, of course, in the case of the United States but for other reasons too. There was the Sykes-Picot agreement and other events in the history of that tragic development. We thought that we ourselves would decide who would be in charge of those Middle Eastern countries, with the exception of Israel, which we are leaving alone. The United States had 35 vetoes to stop Israel behaving and following international law. I am a friend of Israel but I think that that was a great mistake; the situation would otherwise be very different now.

In Syria we now see the effects of those mistakes, and the West, either deliberately or accidentally, continues to misunderstand the details of what is happening. It is a classic civil war, much of it between Sunni and Shia, although the media hardly ever mention that—in fact, the BBC has never mentioned it. Various elements from outside have come in, and we know the tragic history. More recently, the Russians have come in with the Iranians. What a mistake by the West was the isolation of Iran. I am so pleased that Britain and others in Europe decided to end that and not to go along with the United States, which still wants to pursue Iran's isolation. How ridiculous that is when it is such an important country.

Iran has resisted the efforts of Saudi Arabia to create hegemony in Syria, and we now see the last elements of this tragic, awful war. I have never been there; I am simply talking about what I see in the commentaries in the press, in social media comments and on the internet. It looks as though the Syrian Government are now winning as a result of assistance from Russia and support from Iran, with subsequent groups coming in from Lebanon and so on. That may be the best result—I am not enough of an expert to say—but it is a tragic civil war. You can always cite crimes on both sides and among all the groups, but it has to be resolved.

I was told that the Syrian Government were always very accommodating towards Christians—both those from abroad and the large Christian community of various kinds living in Syria, who were always a big feature. However, they are now reluctant to accept that the West has much of a role to play, and that is a tragedy. In view of what has happened in the past, they are suspicious of the West's attempts to become involved in these matters. The West had a one-sided approach of saying, "We've decided from outside that this incumbent Government is a rebel Government without any legitimacy". That is not what outside parties should do.

Leading international countries should let the local people decide these things themselves. The final outcome in Syria will be what the Syrian people want it to be—they know best. There are faults and mistakes on all sides but we must encourage a decision by the Syrian people; otherwise, once again, the West will be seen as flimsy and inadequate and its response will be badly received. Israel will remain without a solution to a problem that should have been solved years ago. Mahmoud Abbas is incompetent. He is now 85 years old; he has ruled for 11 years beyond his election mandate and Hamas is still locked into Gaza. The whole thing is a grotesque tragedy.

Given its use of vetoes, the United States' recent criticism of Russia and China for trying to veto what it is doing is grotesque hypocrisy. The United States bears a heavy responsibility for misbehaviour in the Middle East and for the way it has abused the United Nations, particularly the Security Council. Years ago it was a member of the high-level panel which wanted to reform the Security Council and the rest of the UN, but that was vetoed by the US. It refused to allow the Security Council to be examined and the high-level panel could only initiate other reforms—but even then the United States responded by saying that it did not agree with those either. It put forward 600 suggested reforms and amendments for the proposed modernisation of everything but the Security Council, and the initiative just petered out. No reforms were carried out, apart from to agencies—a few details at the margin.

The West must learn these lessons. Until we get a real, solid and lasting peace in Syria, with all its complicated elements, and until the Sunni/Shia element is pulled out of the situation which has been created at the expense of the brave Syrian people who have suffered so much, the more difficulties we will find in the future. The West must rehabilitate itself and its reputation by now being intelligent, open-minded and pragmatic, and genuinely seek peace, including with the incumbent Government in Damascus.

3.36 pm

Baroness Sheehan (LD): I thank my noble friend Lord Roberts for introducing this important debate to your Lordships' House. His opening speech setting the scene of how dreadful the humanitarian situation is across Syria was touching. However, his message of hope and that of the right reverend Prelate the Bishop of Coventry has motivated me to make the speech I am about to make, because seemingly intractable conflicts around the world have reached resolution. My noble friend mentioned the conflict on our doorstep in Ireland and the Second World War, and the noble Lord, Lord Alton, mentioned the conflicts in Bosnia and Rwanda. I am hopeful that with the passage of time even this seemingly intractable conflict, with its many different layers that add to the complication, will one day result in the people whose future really matters—the Syrians—sitting down at the table and negotiating their own peace.

I shall concentrate the remainder of my remarks on the humanitarian situation in Syria. The figures speak for themselves. Since the start of the repression of Syrian civilians by their own leader—we have heard of number of theories about who is to blame and who is more culpable

[BARONESS SHEEHAN]

than anyone else—there have been faults on all sides. On the facts that I have seen, the conflict started by President Assad bearing down harshly on peaceable demonstrations by students. He sought to avoid the instability he had seen unfold around other parts of the Middle East and north Africa but, in doing so, he unleashed forces that he never imagined. This created a situation in Syria which made it easier for the dreadful organisation spawned by al-Qaeda—ISIS, which we now call Daesh—to perpetrate its atrocities in parts of Syria and Iraq.

Since the start of that repression in 2011, 5.6 million people have fled Syria to become refugees in neighbouring countries. Another 6 million have remained in Syria as internally displaced people, living in desperate conditions. Recent figures from the UK Government and the European Commission indicated that more than 400,000 Syrians have been killed since March 2011. That number has escalated in the past year, despite the announcement from Assad's Russian sponsors of the creation of de-escalation zones. The UN Secretary-General, António Guterres, recently stated that more children were killed in Syria last year than in any other year since the conflict started.

UNOCHA—the United Nations Office for the Coordination of Humanitarian Affairs—called this the “world's largest displacement crisis”. The 6 million internally displaced people in Syria face acute humanitarian needs, with 750,000 people living in what have been termed “last-resort sites”. I wonder whether the Minister can tell your Lordships' House more about the definition of last-resort sites. Where are they situated and who runs them? Other challenges to internally displaced people include the disruption of livelihoods, such as the destruction and contamination of agriculture-related infrastructure. Can the Minister tell us what efforts are being made to help with stabilisation and reconstruction in areas outside the control of the Assad regime? This question is very pertinent in the light of the Statement by the Secretary of State in another place this morning, which welcomed the fact that 98% of territory held by Daesh across Iraq and Syria has now been liberated; small pockets of strength remain in Syria. We know that it is a matter of urgency that the liberated space is not left devoid of humanitarian leadership. We saw what happened in the aftermath of our lack of support for President Obama when he sought it in 2013. A vacuum of leadership is soon filled; in this instance, by Iran and Russia.

UNOCHA has also expressed concern about the 8.2 million people it estimates are exposed to explosive hazards in the country. One area of grave concern is Raqqa, liberated from Daesh last year. What progress has been made in removing landmines and unexploded devices from in and around Raqqa? The UN humanitarian response plan—HRP—operates to address the crisis in Syria. The sums committed fall woefully short of the \$3.5 billion sought for 2018. The three largest donors in the current funding period are Germany, with \$101 million, Canada, with \$45 million, and Belgium, with \$16.5 million. How much has the UK contributed? The need is very great, and I am curious as to why our Government do not value the work that the HRP carries out to the extent of giving it substantial support.

Of the 5.6 million refugees in the neighbouring countries of Turkey, Lebanon, Jordan and Iraq, only 8% are in UNHCR refugee camps. The remainder live in urban areas of the countries I have mentioned, and the majority of them live in very desperate circumstances. Although I recognise that across the piste the UK contribution of £2.6 billion since the start of the Syria crisis is a large sum of money—spread across many years, however—the need is immense. Are the Government looking to do more? We have various resettlement programmes operating in official refugee camps, and the Government say that they are on track to meet their pledge to accept 20,000 Syrian refugees by 2020. In the light of current events, does the Minister agree that we should accelerate the rate at which we are working and look to increase the numbers that we are willing to resettle? The truth is that when that pledge was made—many years ago now—we did not foresee that the situation would become increasingly desperate.

I end with what is happening in Syria today. The hell on earth that besieged Eastern Ghouta represents has been graphically described by a number of speakers in this debate. The siege started in 2013 but tightened significantly in 2017. Malnourished civilians and those in acute medical need were denied medical evacuation. We have heard many different theories about what has happened, but it is the Assad regime that controls entry into and out of Eastern Ghouta, and it has denied medical evacuation and prevented humanitarian assistance coming in.

From 18 February to 23 March this year—a period of just over a month—the Violations Documentation Center in Syria counted more than 2,000 violent deaths, more than 90% of them civilians and at least 279 children among them. United Nations Security Council Resolution 2401, adopted on 24 February 2017 to enable humanitarian access, brought some hope but, as we all now know, its agreement of a 30-day cessation of hostilities across Syria has not been adhered to and the five-hour daily window to allow humanitarian access is, frankly, designed to fail. Just two days ago on 27 March, UNOCHA reported to the Security Council that more than 1,700 people had been killed since Resolution 2401 was adopted.

The brutal regime of President Assad, supported by Russia and Iran, has broken rules of international humanitarian law with impunity, destroying healthcare centres and hospitals, schools, utilities, and water and sanitation systems. Historic landmarks and once-busy marketplaces have been reduced to rubble. We have heard from my noble friend Lord Roberts of Llandudno and the right reverend Prelate the Bishop of Coventry that this destruction is taking place in what was once the cradle of civilisation, where different religious minorities lived in peace and harmony. It is doubly sad to see it reduced to this.

The UN commission of inquiry presented the findings of a fact-finding mission, confirming the systematic targeting of medical facilities by the Syrian Government in April 2017, as well as illegal use of chemical weapons. We have heard in the Chamber today that atrocities have been committed on all sides. We can only wait until we reach a resolution on these crises. When we

have investigations into the perpetration of the atrocities we can finally pinpoint individuals and hold them to account. I look forward to the day that happens.

I understand that the Government are committed to doing all they can to ensure that the perpetrators of these heinous crimes will one day be held accountable, however long it may take. I agree with the noble Lord, Lord Alton, because I hope our Government will shoulder some responsibility themselves. Indeed, words are inadequate to express the despair we all feel, but in the end it is words that will bring an end to this outrage against the values of common humanity. The guns will finally be silenced and the talking will begin—talks that should allow Syrians to come to a conclusion about how they will put the events of the past years behind them, how they will hold to account perpetrators of atrocities, how detainees held by both sides will be dealt with fairly, and how they will rebuild their country and enjoy the prosperity that can be built only when peace comes.

The real question is how we will bring Assad to the negotiating table while he enjoys the support of Vladimir Putin. That is the question, above all, that I ask the Minister to address, particularly in light of the attack by Russia on UK soil. Surely we can all agree now that Russia has overreached itself and that an opportunity now exists to show united strength.

3.50 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Roberts, for securing today's debate. He has been determined to raise these issues over the past few weeks, through Oral Questions as well as today's debate. As we have heard, seven years of bloodshed has claimed more than 400,000 lives, driven 11 million people from their homes and caused a humanitarian tragedy on a scale unknown anywhere else in the world. Of course, since the beginning of the war the United Kingdom has had a proud record as the second-largest bilateral donor of humanitarian aid in Syria, providing life-saving support to millions of people. The UK has delivered 26 million food rations, 9.8 million relief packages, 8 million vaccines and 10 million medical consultations. Last year alone the UK provided clean water to more than 5 million people and contributed to the formal primary and secondary education of more than 700,000 children affected by this crisis.

However, as we have heard in the debate this afternoon, it is not enough simply to talk about aid for Syria, important and essential as that is: we must also focus on diplomatic efforts to support the peace process. I think the Minister is in a difficult position, as a DfID Minister. I know that he wears another hat, as a Treasury Minister, but perhaps this afternoon he should be wearing an FCO hat as well. I have no doubt that his response will focus on those diplomatic efforts. Of course, we have seen welcome progress in the fight against Daesh—although from today's Statement in the other place the Government clearly remain concerned about pockets of Daesh elements in Syria—but for the people of Syria, as the noble Lord, Lord Ahmad, acknowledged last week, the violence continues and the humanitarian situation remains dire. When the Government made the case for military intervention

in Syria three years ago they did so purely on the basis of the need to stop Daesh establishing a safe haven in the country. With Daesh losing 98% of its territory, as the Statement said, I ask the Minister what the current objective of our intervention in Syria is.

The Government have also confirmed that UK military personnel are involved in so-called stabilisation activities in what the United States calls, "liberated areas" in northern Syria. With that being the case, when do the Government intend to come back to Parliament to seek a fresh mandate for the new military involvement in Syria? As we have heard, Eastern Ghouta, besieged by the Assad regime, is a particularly tragic example of the ongoing violence. Only this week Peter Maurer, the president of the International Committee of the Red Cross, became one of the few international observers to visit the bombed-out suburbs of Eastern Ghouta, describing it as, "one of the top five difficult places" he had been to over the past six years as president of the International Red Cross. In an interview for an article following the visit, he says:

"The residents of Eastern Ghouta are living an 'underground life', forced into shelters to escape the bombing. People are pale and cannot even manage the ever-growing number of dead bodies".

The ICRC's latest struggle, the article continues,

"is to get medical aid into Eastern Ghouta: The Syrian government periodically allows flour bags and food parcels but blocks trauma kits and basic medicine, such as insulin, from entering the area".

In the interview, Maurer points out,

"the lengths that the ICRC goes to push the Syrian government to expand the scope of aid delivery".

The article continues:

"The organization has provided 3 million people with food across Syria in the past year, and more than 1 million people have been able to access health care services ... In Eastern Ghouta alone, tens of thousands of people benefit from food, clean water, and hygiene kits provided by the ICRC".

In addition, the article says the ICRC are clear that this is,

"impossible to deliver without working with the Syrian government".

However, it continues that the Syrian Arab Red Crescent—the ICRC's local affiliate—is:

"On the one hand ... legally linked to the government; on the other, it is part of the International Red Cross and Red Crescent movement and committed to its principles".

Finally, in the interview, Maurer says that it was always his assessment that,

"the chances of doing better assistance and protection to the Syrian people was outweighing the risk of having a leadership which was close to",

the Assad Government.

Many UK NGOs have expressed concern for aid partners in Eastern Ghouta; one has already lost two staff members in recent attacks, and some are now displaced to the UNHCR camps and have had to surrender their ID cards. The NGOs are concerned that they, and others working for NGOs in those areas, will be considered activists by the Syrian Government and targeted by them. As we have heard, internally displaced people from Eastern Ghouta have been transferred to collective shelters run by UNHCR, and it has been reported that they have also been required to hand over their IDs to the Syrian Government's army.

[LORD COLLINS OF HIGHBURY]

This is a potentially difficult and dangerous situation, particularly for those working for NGOs, who may be considered enemies of the state. I hope the Minister can reassure us that we are seeking assurances from the Syrian Government that NGO members working in opposition areas taken by the Assad army are not criminalised, and are allowed to carry out humanitarian and other life-saving work. I think we all want to understand that, on the part of our Government and our allies, the fullest effort is being made to ensure that there is full humanitarian access for aid relief to all areas of Syria. I hope the noble Lord can reassure us on that point.

Turkey's invasion and occupation of the Kurdish enclave of Afrin has created a fresh displacement crisis in the north of Syria. The UK Government Statement that we considered said that the protection of civilians must be balanced with,

"Turkey's legitimate interest in the security of its borders".—[*Official Report*, 13/3/18; col. 1561.]

I hope the Minister agrees that this incursion is neither legitimate nor justified, and that it has no basis in international law. Around 98,000 people have been displaced from the area, the majority of whom are women, children or elderly. Meanwhile, both in Afrin and among the displaced population, humanitarian needs are very high and host communities are being stretched even further.

Alistair Burt, the Minister of State for the Middle East, has said—and no doubt the Minister will repeat this—that the best opportunity for peace and security is,

"to support the Geneva process ... and to work as hard as we are diplomatically to get the parties to find a better answer to the conflict".—[*Official Report*, Commons, 12/3/18; col. 677.]

What is the Government's latest assessment of that process? What have we been doing at the United Nations? How do we move things forward? Does the Minister really believe that there is potential for a political solution and that Daesh will be defeated, when Turkey sees its priority as stopping the Kurds rather than getting a political solution? These are the issues on which we need to hear from the Government.

We know that the crisis in Syria has created one of the biggest refugee crises and that the host nations in the region need support and aid for their economies, which are seeking to support millions of refugees. I have asked the Minister this question before, and received a very positive response, but I would be grateful if he could update the House on what additional support the Government are able to provide in the region. These refugees have been in the host nations not for weeks or months but years. We need to ensure that those host nations are not left in a difficult situation, with the crisis expanding.

The noble Lord, Lord Alton, highlighted the horrific evidence of the torture, the mass hanging and the crimes that have been perpetrated against thousands of Syrian citizens and refugees. All the speakers in the debate have made it absolutely clear that such crimes cannot be committed with impunity. We must ensure that those who are responsible for crimes against humanity are held to account. The Minister needs to

respond to the noble Lord, Lord Alton, and tell him what we are doing, in addition to ensuring that there is evidence, to ensure that there are processes in place to hold these criminals to account. I hope the Minister will be able to respond to these key areas but I know that all noble Lords in this House are totally committed to one thing: supporting not only the humanitarian efforts that are being made by the United Kingdom but all efforts to achieve a peaceful solution.

4.02 pm

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, I join other noble Lords in paying tribute to the noble Lord, Lord Roberts, for securing this debate and for his consistency and faithfulness to the people of Syria in their time of need. He began by telling us the words of the young girl in hospital in Aleppo with 70% burns who said that the Syrians have had just about as much as they can take of this crisis. That view of this tragedy is shared throughout this House. Often DfID's work around the world is dealing with natural disasters and crises. This is a manmade crisis, which makes it all the more tragic, and it needs to have a manmade—and woman-made—solution.

The noble Baroness, Lady Cox, gave us some stark statistics about life expectancy declining from 75 to 55, and stressed her belief that the people of Syria ought to have the right to determine their own future.

The right reverend Prelate the Bishop of Coventry reminded us that things were not always the way they are and that there used to be a strong history and tradition of peaceful coexistence in that land. Considering his position in Coventry and the work that that diocese does around the world on reconciliation and coexistence, that had particular power.

The noble Earl, Lord Oxford and Asquith, reminded us of the incredible work done by civil society groups and international NGOs, such as the Red Crescent, and of the Syrian capacity for self-help, which often goes unrecognised in this.

The noble Lord, Lord Alton, talked about a region that has been convulsed by violence and spoke of the utter brutality and inhumanity of the treatment of Christians and Yazidis, particularly, at the hands of Daesh.

The noble Lord, Lord Dykes, talked about the complexity not only of the conflict but of the efforts to seek a solution through the UN Security Council and the various vetoes in evidence there, which can sometimes frustrate the opportunities to make progress.

The noble Baroness, Lady Sheehan, talked about the humanitarian response and the 400,000 killed. She reminded us that the problem is not getting better; in many ways, it is getting worse, in particular with the escalation in the number of children being killed over the past year. That is greater than in previous years.

The noble Lord, Lord Collins, reminded us of the importance of responding to the situation in Eastern Ghouta and its siege-like conditions. It is almost going back to medieval times, given the frequency with which we see this tactic and weapon applied not against armies but against women, children and the defenceless. He also referred to the need to maintain the humanitarian effort that we have.

We are all deeply saddened that we are now in the eighth year of this brutal conflict, which continues to have a devastating impact on the Syrian population. Thirteen million people in Syria are in need of humanitarian assistance, as the noble Lord, Lord Collins, and the noble Baroness, Lady Sheehan, said, and over 5.4 million have fled to neighbouring countries. 2018 has not brought any ease to the suffering. It is unacceptable that violence has escalated over recent months, despite the best efforts by the international community in calling for a ceasefire under UN Security Council Resolution 2401, which the UK used our role on the UN Security Council to secure.

The UK remains committed to achieving our goals in Syria, including defeating the scourge of Daesh. In that context, I thought it might be helpful to the House if I was to refer to part of the update given by the Secretary of State, Penny Mordaunt, in the House of Commons earlier today on the fight against Daesh. She told the House of Commons that,

“Daesh has been all but destroyed as a territorial entity in Iraq and Syria”,

by the global coalition and that it has lost,

“98% of the territory it once held across both countries”.

She then paid tribute to the UK forces,

“who have trained over 71,000 members of the Iraqi security forces, including the peshmerga. The RAF has launched over 1,680 airstrikes”,

but our work is not yet done and she called on,

“all partners, including Turkey, to remain focused on the ... campaign”.

We must sustain the momentum created by the coalition in tackling Daesh to prevent it emerging elsewhere, as she said.

My right honourable friend continued:

“In north-east Syria, in areas recently liberated from Daesh, we provide a range of life-saving assistance”,

and are seeking to address the basic needs of ordinary Syrians. In October last year, as she said, we,

“announced an additional £10 million”,

of support for a range of activity, including the removal of landmines, which was asked about by the noble Baroness, Lady Sheehan, and improving access to clean water.

My right honourable friend went on to say:

“Through the UN Security Council and the International Syria Support Group, we continue to call on all parties to uphold resolution 2401 and take all feasible precautions to protect civilians, as required under international humanitarian law. As the conflict enters its eighth year, however, it is abundantly clear that only a lasting political settlement can end the suffering of the Syrian people and remove the root causes of extremism ... The regime must now stop stalling and negotiate seriously. We call upon those with influence over Assad to use it to bring him to the negotiation table and meet the Syrian opposition who have shown they are ready to negotiate”,

without preconditions. She continued:

“Only in that way will the conflict finally end ... we must not forget the danger posed to the UK from its returning fighters. As we have made clear, anyone returning from the conflict in Iraq or Syria will be investigated; where there is evidence that crimes have been committed, they must be brought to justice ... As a leading member of the coalition, the UK will remain unflinching in our commitment to confront, degrade and defeat Daesh”.

Returning to my remarks summing up this debate, the UK remains committed to achieving a political settlement that ends the war and provides stability for Syrians and the wider region. We will continue to help people survive the toughest situations imaginable.

The noble Earl, Lord Oxford and Asquith, referred to the worst destruction and suffering that has continued in Eastern Ghouta. It was described by the UN as “hell on earth”. Despite Russia declaring Eastern Ghouta a de-escalation area, the regime, with Russian support, has continued to bombard and besiege the population into submission. Where and when access allows, DfID’s humanitarian partners are providing food, water and health support to those still in Eastern Ghouta.

In Afrin, which the noble Lord, Lord Collins, inquired about, we remain concerned about the impact of the Turkish operation on the humanitarian situation. We recognise Turkey’s legitimate interest in the security of its borders but continue to urge a reduction in violence, the protection of civilians and access for humanitarian assistance. UK-funded partners are providing assistance where they are able and are prepositioning supplies to help meet the needs of those fleeing the area. We are also concerned about the situation in Idlib, which continues to be bombed by pro-regime forces. More than 1 million internally displaced Syrians live there, including those who have fled Eastern Ghouta.

Through the UN Security Council and the International Syria Support Group we continue to call on all parties to uphold Resolution 2401. Working closely with the Foreign and Commonwealth Office, we promote the need to protect and defend freedom of religion or belief, which was referred to by the noble Lord, Lord Alton, and to uphold the rule of law. We remain concerned about appalling crimes committed against Syrian minorities, and I will say more about that in a minute. We prioritise reaching the most vulnerable people across Syria, including Christians and Yazidis.

Like the noble Lord, I attended the incredible exhibition organised by Open Doors in the Upper Waiting Hall. The artist had talked to Yazidi women who had been victims of the most horrendous crimes. The women had painted their own portraits and above them the artist had painted beautiful iconic style of artwork. We are currently in discussions with her to see whether we might be able to host the pictures in the Department for International Development to highlight that important work.

UK funding is distributed on the basis of need to ensure that civilians are not discriminated against. Across the region, the UK is helping Syrian refugees and host communities to meet their basic needs as well as investing in job opportunities and providing a quality education. For example, since 2012, the UK has delivered more than 5 million individual monthly food rations, provided almost 5 million vaccines and held more than 2 million medical consultations, referred to by the noble Lord, Lord Collins.

We remain deeply concerned about the situation facing those in Rubkan camp. The UK supported the most recent aid distribution at the berm in January and is currently supporting UNICEF to provide clean water and health and nutrition services to the population.

[LORD BATES]

We will continue to advocate for a long-term viable solution to the situation, consistent with international humanitarian law.

In Europe, we have provided significant support to migrants and refugees, including Syrians, and allocated more than £70 million in humanitarian assistance in Europe between 2015 and 2017. This included £39 million in Greece and £25 million in the Balkans, which were the transit route for most Syrian refugees. The noble Lord, Lord Roberts, quoted a powerful poem about the fact that people do not choose to be refugees and deserve our support. I want to reassure him that that support is being given. We are making good progress on our commitment to resettle 20,000 refugees fleeing the Syrian conflict and up to 3,000 at-risk children and their families in the Middle East and north Africa region by 2020. As of December 2017, a total of 10,538 people had been resettled in the UK under the vulnerable persons resettlement scheme, and a total of 570 people had been resettled through the vulnerable children's resettlement scheme. This is in addition to those we resettle under the gateway programme and the mandate scheme, and the thousands who receive protection in the UK under normal asylum procedures. We will continue to uphold that role.

The suffering will only end when there is a political solution to the conflict. There needs to be a transition to a new, inclusive, non-sectarian government that can protect the rights of all Syrians and unite the country. If there is one phrase that was mentioned in every contribution, it was this: that Syria's future must be for Syria to decide. I want to assure the House that that is our view too. The question is then how we get to the point where such decisions can be reached.

I will now address some of the questions from noble Lords, but I am conscious that, with the time available, I might not be able to address all of them, so I will write to them following this debate—after we have reflected on it—to respond to some of the particular points. The noble Lord, Lord Roberts, referred to the White Helmets. It is in the nature of their work that they are putting themselves in the front line: 167 White Helmet volunteers have lost their lives as a result of being deliberately targeted by pro-regime forces. This was mentioned by the noble Lord, Lord Roberts, and the noble Lord, Lord Collins, urged us to do more to protect aid workers. The Foreign Secretary and the International Development Secretary said, on 22 March:

“Civil society and aid workers are not a target and must be protected. Those fleeing Eastern Ghouta must be treated in safety and security and dignity. We continue to promote this view in the UN Security Council”.

The right reverend Prelate the Bishop of Coventry and the noble Lord, Lord Alton, referred to the plight of Christians in the Middle East. In Syria, we are promoting the inclusion and safeguarding of minorities as the political process progresses. We will continue to press this issue through our membership of the International Syria Support Group and through our close relationship with the moderate opposition.

The noble Earl, Lord Oxford and Asquith, questioned whether sanctions were hindering the procurement of food and medicines. Sanctions are targeted on individuals

and organisations, and every effort is taken to minimise their impact on civilians. The UK continues to provide humanitarian support through the UN and NGOs, and this includes supporting hospitals and health facilities.

The noble Baroness, Lady Sheehan, asked about last-resort sites for internally displaced people. There are many formal and informal sites throughout the country—too many to list at this point. Where possible, the UN and NGOs manage and provide support for settlements for internally displaced people in Syria; of course, we are then providing support to them.

The noble Lords, Lord Alton and Lord Collins, asked what we were doing in respect of the efforts to bring Daesh to justice. The Government share the condemnation of the House of Commons of Daesh crimes and are aware of the strength of feeling on this matter in Parliament and in the UK. As the noble Lord, through many exchanges on these issues, anticipated that I would come back to, we maintain that it should be a matter for judicial authorities, rather than a political decision. However, the growing body of evidence that terrible crimes have been committed is why we have launched a “bringing Daesh to justice” initiative. The UN Security Council Resolution 2379 in September 2017—which was, as we heard from the noble Lord, Lord Dykes, an incredible achievement—called for the terms of reference to be agreed between the Government of Iraq and the UN before any team was deployed on investigating these war crimes. These terms were agreed just last month, on 9 February, and the UN is now ready to start the process of deploying a needs-assessment mission to Iraq to report back on the practical measures needed to ensure that the investigative team's efforts are successful.

The noble Baroness, Lady Sheehan, asked what we are doing about the latest UN appeal. We continue to support the UN appeal this year; of course, the London conference was such a seminal moment in rallying the international community to raise funds for the humanitarian response. As has already been pointed out, we have already made a £2.46 billion commitment to Syria and the region, which represents our largest ever humanitarian intervention and reflects the seriousness with which we take this issue.

As regards increasing the numbers for resettlement, our priorities remain humanitarian aid and actively seeking an end to the conflict in Syria. However, we have begun our work on future asylum settlement strategy, which includes consideration of the UK's resettlement offer beyond 2020. The UK fully supports the UN-mediated political process and the efforts of the UN Special Envoy, Staffan de Mistura, which are aimed at reaching a settlement in this conflict. My noble friend Lord Ahmad hosted what everyone who attended found a very useful session for interested Peers earlier this week with Alistair Burt. He has an extensive interest in and knowledge of the region and had just returned from there, so he was able to update us on the position. We will continue to seek every such opportunity to keep colleagues updated and informed on what is happening.

The opposition have declared their readiness for negotiations without preconditions but the regime continues to obstruct progress. The regime and its backers

must commit to a ceasefire and a political process that ends the conflict for good. The right reverend Prelate was absolutely right to remind us that if Easter is about one thing, it is about hope. We should never give up hope. Probably the best thing we can do for the Syrian people, as well as our aid on the ground and the diplomatic and military efforts we are making to protect them, is never to give up hope. I thank the noble Lord, Lord Roberts, again for giving us the opportunity to reflect on that as we begin our Recess.

Lord Roberts of Llandudno: I thank the Minister very much indeed for ending on what is always an

encouraging note. The time is late; I could go on for some time but I would not be the most popular person. I hope that we will continue to talk about Syria month after month; it is important that we keep it on our agenda. Finally, I thank all noble Lords who have taken part. I wish everybody here Pasg llawen—a happy Easter. Diolch yn fawr; thank you.

Motion agreed.

House adjourned at 4.23 pm.

