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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

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House of Lords

Friday 20 July 2018

10 am

Prayers—read by the Lord Bishop of London.

Civil Partnership Act 2004 (Amendment) (Sibling Couples) Bill [HL]

Second Reading

10.06 am

Moved by ***Lord Lexden***

That the Bill be now read a second time.

Lord Lexden (Con): My Lords, this is an extremely short Bill consisting of just two clauses, the second of which is concerned with the formalities that all legislation requires, but though small in size it would have large and wholly beneficial effects. It would inflict no hardship on anyone, while removing a palpable injustice suffered by a significant number of our fellow country men and women.

British society has been reshaped in our generation, assisted by the introduction of important new rights that have produced greater legal equality than ever before and released many individuals from scorn and outright discrimination because of the lifestyles that they choose to follow. My Bill would extend the benefits of some of these new rights, which surely ought to be spread as widely as possible in conformity with the spirit of our times. It would confer on thousands of men and women living together in secure and committed platonic relationships the legal status that they have hoped for so long to possess and which they deserve so thoroughly to acquire.

Throughout the country, sibling couples—brothers, sisters, sometimes one of each—have decided to spend their lives together in homes that they have created jointly until parted by death. Proper legal recognition should be given to them. Their circumstances will vary greatly. All, however, will develop the strongest platonic ties, stemming from natural family affection. Sometimes, the sense of being part of a family will become immensely powerful. It tends to be particularly marked where one of the siblings has a child and the other shares responsibility for bringing up the much-loved youngster. Two very dear friends of mine, Catherine and Virginia Utley, have done just that, and now the third member of their family, Olivia, who has inherited the long-established family talent for journalism, has joined them in making the case for the legal reforms embodied in my Bill. Indeed, my initiative owes much to their inspiring example.

The reforms that sibling couples need can be so easily accomplished thanks to the existence of the Civil Partnership Act 2004. Just six simple, straightforward additions to it provided for in my Bill would bring sibling couples the legal recognition that they require and deserve. The first and only substantive clause sets out those additions and specifies where they would be inserted into the 2004 Act. They include a clear definition of the sibling couples who would be entitled to register as civil partners. Both siblings would have to be aged over 30 and have lived together continuously for 12 years.

Why do committed platonic sibling couples need the legal rights they would gain by becoming civil partners? The cruellest aspect of the current state of affairs is the terrible situation that can arise when one member of the committed sibling couple dies. Their joint home, owned by them both and the repository of a lifestyle of shared experiences and memories, has an importance to them that goes beyond bricks and mortar. Yet the rise in the value of property in our time often means that a home that has been shared for decades must be sold when the first sibling dies to raise the inheritance tax on his or her share. Living with the knowledge that this could happen at any time can cause years of apprehension and anxiety that members of the committed, platonic family unit ought surely to be spared. Loss of the shared home creates huge additional misery when two siblings are parted by death.

This tragic state of affairs has been widely publicised and deplored, but nothing has yet been done to remedy it. The state continues to insist that the passing of property from one person to another free of tax must apply only to spouses and civil partners. Sibling couples, lacking the right to form civil partnerships, have been left to bear the combined distress and the loss of a shared home as best they can. The coalition Government's tinkering with inheritance tax thresholds added to the injustice, for the measures did not apply to sibling couples.

This issue, grave though it is, is just one feature of the wider injustice to which sibling couples are subject, rather than the sole ground on which change is sought, as is sometimes mistakenly suggested. There are other serious difficulties faced by sibling couples, including restrictions on applying for joint council tenancies and the inability to transfer pension rights. The state ought to bestow support on sibling couples. Instead, it leaves them in severe difficulties.

Fourteen years ago, when the civil partnership legislation was going through Parliament, the force of these arguments was recognised in your Lordships' House. An amendment was carried to include sibling couples, but it did not find favour in the Commons. Then and since, there has been a curious reluctance in the Commons to face up to the issue properly and decide what should be done about it, in part perhaps because successive Governments, including this one so far, have irresponsibly shied away from it. Action could perfectly well be taken in the Commons now through a Private Member's Bill which is before it, designed to extend civil partnerships to men and women who want to be united but not through marriage, a point of view strengthened by a recent ruling of the Supreme Court. Yet despite the efforts of some Conservative MPs, an obvious opportunity to right a wrong through that Bill may well be lost. That makes my Bill all the more important.

Throughout the past, frustrating 14 years, recognition of the case for change has remained strong in your Lordships' House. No one has reiterated it with more force and authority than the noble Baroness, Lady Deech. Sibling couples throughout the land will be heartened by her participation in this debate. It will be of great importance to them, too, to hear the noble Lord, Lord Alton, speaking up for them today.

[LORD LEXDEN]

Other noble Lords, learned in the law, also support this Bill. Both the noble and learned Lord, Lord Mackay of Clashfern, and the noble Lord, Lord Pannick, an expert in the subject who took the well-known case of the elderly Burden sisters to the European Court of Human Rights, would be in the Chamber today if engagements had not detained them elsewhere. I am grateful to all noble Lords who have come here this morning to consider this significant little Bill.

The view has been expressed—it may well be heard in this debate—that since civil partnerships were introduced specifically for gay people by Mr Blair's Government, they should not be extended widely where no sexual element is involved in a relationship . There is a deep and understandable sense of attachment to them in a restricted form by some gay people. I yield to no one in my support for LGBT rights, as my record in this House shows. I would be gravely distressed if fellow gay men and women in the community at large should feel an overwhelming reluctance to see civil partnerships extended to others who can benefit so significantly from them, particularly since we now have equal marriage, which is for ever closed to sibling couples. We owe sibling couples, indeed other blood-related co-habitees, support in their quest for justice.

Is it not important to remember that the sexual expression of love has never been a defining characteristic of civil partnerships? Ordained priests in the Church of England are permitted to enter into them on the condition that they remain chaste. As the former Bishop of Rochester, Dr Michael Nazir-Ali, wrote recently,

"surely civil partnerships should be open to all those who live together permanently … They should not be based on the presumption of a sexual relationship".

Indeed, that would be very strange since they already exist without a sexual element.

I turn now to the position of the Government. The recent experience of my friend Catherine Utley is not, I think, untypical. For years she has been writing and commenting publicly on this issue. Towards the end of May, she wrote to Ms Penny Mordaunt in her capacity as Minister for Women and Equalities, asking her whether she accepted that cohabiting blood relations were unfairly treated and whether she was,

"open to ideas of ways in which the government might help".

Not even the prospect of this debate, to which Catherine Utley referred, could stir the Minister's office into action. In response to a reminder at the start of this month, she received the following email from the senior assistant to Ms Mordaunt's special advisers:

"Hi Catherine"—

this perky, informal person wrote—

"I have passed your letter onto our correspondence team here! I will keep you updated".

Nothing more, of course, has been heard, even though the Minister is clearly not short-staffed. Perhaps my noble friend who will reply to this debate would feel disposed to have a word with Ms Mordaunt about the shortcomings of her not inconsiderable entourage.

I hope that the Home Office is not so inert. My noble friend Lady Williams and I had a little exchange three years ago. I asked the Government why they had no plans to extend civil partnerships to sibling couples. I was told:

"Civil partnerships are the equivalent of a marriage: a loving union".—[*Official Report*, 9/9/2015; col. 1427.]

The only interpretation that can be put on this is that a loving union must in the Government's view have a sexual element, but, I repeat, the existing law makes no such assumptions. Why should brotherly and sisterly love be disregarded?

I look forward to hearing the Government's current position. Have they reflected that they represent the party of the family and that in today's diverse society sibling couples need to be seen as family units? Exactly 30 years ago, Margaret Thatcher said that,

"the basic ties of the family … are at the heart of our society and are the very nursery of civic virtue. And it is on the family that we in government build our own policies".

Those Tory principles surely underline the accuracy of the assessment of the current situation made by the former Attorney-General, Mr Dominic Grieve. He has stated:

"The basis for creating civil partnerships is the recognition by government of the value of close mutually supportive relationships outside of traditional marriage. As such the exclusion of cohabiting blood relations from the right to form one is discriminatory and a serious mistake that needs to be corrected".

Not everything that Mr Dominic Grieve says and does earns the approval of your Lordships' House, but I hope that on this matter there will be widespread support for him.

This is a mistake that my Bill would put right as regards sibling couples. It happens to coincide with a review of civil partnerships as a whole by the Government, following the recent judgment in the Supreme Court. That is a fortunate accident of timing. The review was discussed in the other place two days ago. It would be incomplete without the inclusion of my Bill. I therefore look to my noble friend the Minister to ensure that it will be carefully considered during the review. The central issue is this: why should all those whom the Government presume are in a sexual relationship, whether heterosexual or gay, enjoy legal recognition, and only those who live together in committed, secure, platonic relationships be denied it? Their inferior status must be ended. I beg to move.

10.20 am

Lord Alton of Liverpool (CB): My Lords, it is a great pleasure to support the noble Lord, Lord Lexden, and his Bill to amend the Civil Partnership Act 2004 as it relates to sibling couples. Along with other Members of your Lordships' House, the noble Lord has vigorously pursued this issue and I hope that when the Minister comes to reply she will be able to indicate that the Government will give this measure a fair wind. A few moments ago the noble Lord described this as "a little Bill": it may be a little Bill, but it seeks to put right a great injustice. The noble Lord has cogently set out the provisions of the Bill and the injustice that it seeks to remedy.

I begin my own remarks by reminding the House of the sort of unassuming people who, because they do not join protest marches or organise campaign groups, are too often overlooked. Siblings caring for one another, or for other members of their extended family, are often such overlooked people. Kay Evans and her brother

lived together for 30 years in their house in Blackheath, London, which they owned jointly. They are devoted to one another and have looked after one another all their lives. Her brother entered the Royal Air Force at 16, then retrained and worked until he was 76. They also looked after their mother in her final years. Kay nursed her brother through his final illness until he died, comforted by the belief that their joint savings would pay for her care in old age. In the event, the inheritance tax on his share of the property came to £95,000 and she had to choose between keeping the house, with all its memories and in the neighbourhood where she was surrounded by a network of support, or selling up to pay the bill. She tried to keep it, but ended up having to sell.

Or consider the story of two sisters, Pat and Cicely Meehan. Now in their 70s, they live together in the house in which they grew up, in Clapham. They are the perfect neighbours: good citizens are the lifeblood of strong communities. They visit the sick, shop for the elderly, look after people's pets when the owners are away, are active in their local church, nursed their elderly relations and much more besides. When, many years ago, their next-door neighbour died young, leaving two small children and a father who had to work permanent night shifts, it was they who took the children in for him and brought them up. When one of the sisters dies, the bereaved survivor will not be able to keep the joint home going because property prices have increased so dramatically that the inheritance tax will now be far beyond anything they could possibly afford.

The journalist, Catherine Utley, who was referred to by the noble Lord, has done much to highlight stories such as those of Kay Evans and the Meehans. She lives with her sister, Virginia, in the next street to the Meehan sisters and she brought their story to my attention. The Utleys have lived together all their lives and in their current house for 23 years. Virginia stepped in when Catherine faced single parenthood and the two sisters provided a stable and happy home for the child from birth to adulthood. Their house, jointly owned, will also have to go when the first sister dies. The inheritance tax payable now would be more than the original, almost 100% mortgage, that they been paying off all their working lives. This outrageous injustice recalls the case of a disabled man who lived with his sister in the house they inherited from their parents. The sister pre-deceased him and he had to pay the tax on her share of the house. This meant no money was left for his care. He ended up in a state nursing home, entirely dependent on state benefits.

Then there is the famous case, referred to by the noble Lord, of the Burden sisters, Joyce and Sybil, who lived together all their lives and looked after a succession of elderly relatives in their Wiltshire home. After a long legal battle, in which they argued that they should be treated as civil partners for inheritance tax purposes, so that the bereaved sister could keep the house after the first death, they lost their case at the European Court of Human Rights. They had argued that when one of them died, the surviving sister would be liable to pay inheritance tax, and accordingly that the law was discriminatory. The court found that there had been no discrimination.

The outcome in that case stands in stark contrast to the case of Steinfeld and Keidan in which the United Kingdom Supreme Court unanimously declared that, to the extent that the Civil Partnership Act precludes a different-sex couple from entering a civil partnership, it is incompatible with Article 14 and Article 8 of the European Convention on Human Rights. In response, the Government declared that the legislation would be,

"kept under review in light of the recent Supreme Court judgment".

That is why the noble Lord is so right when he says that at least, as part of that review, this issue should be looked at as well, and why the Bill could be used as a way of remedying this injustice. How bizarre and unfair it would be if, once again, in promoting civil partnerships, the Government precluded siblings caring for one another in the new dispensation.

The argument of the judgment in the case of the Burden sisters was, of course, circular: they were not entitled to be treated as civil partners because they had not made a binding commitment to each other as civil partners do, and they were not able to make a binding commitment to each other because they were sisters. This is a classic Catch-22 situation and it is, as the noble Lord has said, deeply offensive to people who love and care for one another in the kinds of relationships he described. I think back to deeply loving siblings that I regularly met in my work as a city councillor or as a Member of the House of Commons, representing Liverpool communities at one level or another for some 25 years. Their platonic faithfulness to one another was every bit as strong as the strongest marriages; indeed, stronger than many.

As things stand, two people are not eligible to register as civil partners of one another if they are not of the same sex, or if either of them is already a civil partner or is lawfully married. Blood-related cohabitants remain the only group with no access to any legal safeguards at all, and it is time that Parliament legislated to remedy this.

The Bill is hardly a bolt out of the blue. During the passage of the 2004 legislation, family situations were considered at various stages and the noble Baroness, Lady O'Cathain, successfully moved an amendment in your Lordships' House, that I supported, which would have extended the benefits of the Bill to family members who have lived together on a long-term basis. In another place, Sir Edward Leigh MP identified the reason for this continued failure to put right a searing injustice:

"Only the Treasury stands in the way of righting this injustice; it is about money".—[*Official Report*, Commons, 2/2/18; col. 1097.]

The noble Lord, Lord Lexden, referred to the letter to Penny Mordaunt MP, the Minister for Women and Equalities, from Catherine Utley. I had not heard about the email correspondence that the noble Lord humorously referred to, but it is outrageous that Catharine Utley has not had a proper, considered reply from the Minister. I hope at least that, as a result of today's debate, the noble Baroness, Lady Williams of Trafford, will assure us that a proper reply will be given. I was struck by the quotation that the noble Lord gave from the former Attorney-General, Dominic Grieve:

[LORD ALTON OF LIVERPOOL]

"As such the exclusion of cohabiting blood relations from the right to form one is discriminatory and a serious mistake that needs to be corrected".

He is right. The Bill seeks to correct both that mistake and the injustice and discrimination that it represents. I strongly support it and I hope that it makes good progress through both Houses of Parliament.

10.29 am

Lord True (Con): My Lords, I need not detain your Lordships for too long. Certainly, I will not be tempted down the road of unanswered correspondence. I am sure that there are many Members of the House who could tell tales, as I could, of letters sent to government departments that have not been acknowledged. I believe that Whitehall is developing a progressive incapacity to answer something as traditional, civil and thought-out as a letter.

Perhaps I might praise my noble friend Lord Lexden. He, along with others, including the noble Baroness, Lady Deech, took up this cause many years ago, but today he expressed his absolutely compelling case with all the humanity, penetrating logic and clarity that have made him my admired and respected friend for half a lifetime. I hope that his voice will be heard and I am here to declare my support, along with those who have spoken and will speak.

Society today is increasingly atomised. We surely need to honour and sustain those affinities that bind it together—and none across the centuries, as my noble friend said, has been greater than the family. Great, if sometimes halting, advances have been made—rightly so—in respect of the rights of those born strangers who later come together and choose to form a relationship of marriage, or now of civil partnership. Their status is rightly acknowledged. Their rights are enshrined in the laws of welfare, taxation, tenancy succession and inheritance. But this is not true of the rights of those who have a lifelong affinity by reason of blood. They may be protected in part by the laws of intestacy—but those laws are blind as between Goneril, Regan and Cordelia.

The invisible role of familial partners—and not only siblings, for I would go further in time than my noble friend to embrace those across generations who elect to care for each other and who very often at the end of their life become not just partners but carers—is a remarkable and cohesive force in society. Love, as my noble friend said, is not expressed only in the conjugal act. The love of two family members who care for each other, who share their home and all their worldly goods, for richer, for poorer, in sickness and in health, surely merits the recognition of society.

As a councillor for a generation or so in an area of exceptionally high land values, I came to know many people who were capital rich but income poor. I could tell many tales, but one of the most distressing cases was similar to those to which the noble Lord, Lord Alton, referred. It was that of sisters, former teachers, who had lived their lives in their parents' home and, when the older one died, after many years of frailty during which she had been cared for by her sister, that sister, after more than 70 years in her home, found herself forced out and away from all her memories and familiarity by inheritance tax. I could do nothing about that profound injustice and I will not name those concerned, to spare the distress that has been suffered by the surviving sister. This should not happen.

Equally, we know of many people, daughters and sons, who care for elderly parents, who have lived with them for many years—often all their lives in the same house—who face the same insecurity. I think of a widow I see every day, who has moved into a tenancy to care for her mother but who feels insecure as to her succession rights when the head tenant dies. Security in this case is guaranteed—and rightly so—to civil partners. But elective familial relationships of this kind involve sacrifice, and often they close the door to other forms of affinity.

Pushing my noble friend's case wider to intergenerational carers would perhaps complicate the matter. I have the honour of chairing your Lordships' committee on intergenerational fairness and I would be interested to hear evidence in relation to that from people who have been affected. But to press that today would muddy the simple—and I think all of us who heard it would say, unanswerable—case that my noble friend made on equity for sibling couples.

A civil society should privilege that true affinity and partnership that spares it many burdens of costs and care that would otherwise fall on others. A civil society should honour the deep affinity of so many sibling couples who give us, just as they give each other, so much by their gift of lifelong love.

10.35 am

Baroness Deech (CB): My Lords, ever since I first took an interest in the case of the Burden sisters some 10 years ago, in which two of the barristers were my former pupils, I have wondered why the financial and inheritance benefits of coupling up are confined to sexual relationships. The law is solicitous towards married couples, of the same or different sexes, and towards civil partners of the same sex—and, following the recent Supreme Court decision in Steinfeld and Keidan, it is highly likely that we will soon be legislating for civil partnerships for heterosexual couples, with the concomitant tax and financial breaks. In that case, the Supreme Court found that Article 8 of the European Convention on Human Rights, which protects the right to family and private life, was breached, along with Article 14, which states:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

Sibling couples are the subject of Bill introduced by the noble Lord, Lord Lexden. If civil partnerships are to be extended to heterosexual couples by virtue of the non-discrimination clause of Article 14, the same must be true of sibling couples, who are being discriminated against in the enjoyment of their private and family life on the grounds of birth or other status. Even cohabiting couples, usually defined as living together as husband and wife, enjoy certain benefits that sibling couples do not.

It is of course true that the creation of marriages and civil partnerships does more than extend financial benefits; it acknowledges publicly the responsibility that each of the pair takes for the other. But, leaving aside the sexual relationship—which, incidentally, is assumed but does not have to exist—why should sibling couples who have lived together for decades, and are co-dependent, not get benefits too?

Heterosexual and same-sex couples have a variety of ways in which to seek public and formal recognition of their relationship—or they may choose to avoid it altogether by cohabiting without entering marriage or a civil partnership. Family members cannot get the benefits—albeit that they would be seeking public recognition of the relationship not as a sexual one but as one where each has decided to take on responsibility for the other.

Now that formal partnerships extend beyond the marriage of man and woman, there is no reason not to grant financial and inheritance benefits, along with parenting and medical and other benefits, to co-dependent family members. Life can be unfair to the single. Those who are fortunate enough to enjoy a formal partnership should not claim a monopoly on benefits that might appropriately benefit others' different relationships.

The discussion today highlights a pressing social issue. A recent report by the Social Market Foundation estimates that there are more than 7 million carers, who sacrifice careers and freedom to look after family members. As society ages, and while no solution has yet been found to fund social care for the elderly, the number of carers will increase—and increase in importance.

Financial provision laws that apply to married couples and civil partners who dissolve their union have as their aim that disadvantages and unfairnesses arising from the care-giving within the couple-and-children relationship be compensated for. Some of those formal unions may have been very short-lived. But family carers may have struggled on for years without recognition and respite, and without employment policies that support working carers. They are saving the state a fortune in social care. Why should they not enjoy some tax breaks and financial support, especially if they stand to be evicted from their home when the cared-for person dies? Of course, rather than creating a new category of partnership, the Government might just choose in the forthcoming review to extend inheritance tax deferral to family couples, carers or not. That would go a long way to resolving the issues.

The case of the Burden sisters was one where substantial inheritance tax fell to be paid once one of them died, having lived together all their lives in the same house. It would have to be sold. The degree of commitment and stability in the case of the sisters resembles that of any formally partnered couple. We have heard of several examples this morning where they choose to live together, and that is their lifestyle and self-determination. The same may well be true of many daughters looking after elderly parents or other family members for decades; they are at risk of being evicted from the home on the death of the person they have cared for. There is no certainty that a claim by the carer under the Inheritance (Provision for Family and Dependants) Act would succeed because the claimant has to show that they were being maintained by the deceased, not the other way round. The Government are fearful of losing tax on inheritance. They need not be because the effect of extending civil partnership benefits to family couples would be only a deferral of the tax until the death of the survivor, not a total loss.

The Burden sisters' appeal was rejected by the Grand Chamber of the European Court of Human Rights. The judgment was unsatisfactory, however, as it did not address the central question: why should the sisters be liable for inheritance tax on each death simply because the person they want to spend their life with is a sister, rather than a spouse or partner of the same sex? The Government did not dispute that the purpose of the inheritance tax exemption in the case of married people and civil partners is to make provision for the partner left behind, and there was no explanation of why that principle should not apply in the case of two sisters.

I hope the Government will support the noble Lord, Lord Lexden, and others speaking this morning. I hope they will show understanding of the unfair position that family members are in at present and take on the gist of his Bill. Being Friday, I cannot resist mentioning once again that the shadow of the noble lyricist Irving Berlin hangs over this Chamber. He wrote:

"Sisters, sisters
There were never such devoted sisters …
Lord help the mister who comes between me and my sister".

10.42 am

Baroness Seccombe (Con): My Lords, having heard the many eloquent speeches this morning, I feel that I can only offer my support so I will keep my contribution very short. It seems to me that money, or a lack of it, and inequality are always the drivers for change. Over recent years, legislation on civil partnerships has resulted in a significant tax advantage which, as the House heard at the time of the passing of the civil partnerships Bill, brought much joy to those who profited from it.

However, there is one disadvantaged group who have never been able to benefit from that legislation: siblings who have shared for most or all of their lives the home that they jointly own. There may not be many in this group but they are not only disadvantaged; they are a discriminated-against minority who should not be forgotten. I have long thought it wrong that two heterosexual siblings, whether brothers or sisters, who have lived together for many or all their years should end their lives in the fear that the survivor would have to sell the house to pay the inheritance tax demanded, so leaving him or her homeless. As I say, this tax does not have to be paid by same-sex couples until the survivor dies. It is cruel and unacceptable that this relief is not available for heterosexual siblings. Surely this is an anomaly and an inequality, which should be corrected.

I support the Bill wholeheartedly and congratulate my noble friend on his tenacity. I wish him every success with it and I hope that your Lordships will give it a safe passage through this House.

10.44 am

Baroness Wilcox (Con): My Lords, it was 14 years ago last month that the Lords passed an amendment to the Civil Partnership Bill, which was then going

[Baroness Wilcox]
through Parliament, to extend its scope so that adult family members who lived together permanently could come within it. I supported the amendment at that time but it was of course overturned in the Commons. Looking back, I have all the paper from that time—there was loads of it—and the bit which has stayed with me most of all from the speech which I made at the end, which I have highlighted in yellow, is when I said to the Committee:

"I will not go away".—[*Official Report*, 12/5/04; col. GC 117.]

I told them that I would return one day to see this provision through. I hope that this is the day when it will happen. I am only too delighted to be standing here to say not very much except, "Gosh, we're on the road again".

Since then the noble Baroness, Lady Deech, the noble Lord, Lord Pannick, and others have reminded the House from time to time of this unresolved issue, which perpetuates injustice to blood-related cohabitants. The rights which they are denied include inheritance tax exemptions, the rights to inherit a tenancy and pension rights. In the most distressing cases, as we have heard this morning, the bereaved survivor of a long-term platonic partnership is forced to sell the joint home to meet an inheritance tax bill. This has happened so many times. Many of us today could look back, as I could, to examples such as the two sisters who ran our local post office. When one of them died, the other lost not only the person she loved so much but the house that she had, and the business as well.

This Private Member's Bill would extend civil partnerships, as we have heard, to sibling couples aged over 30 who have lived together continuously for 12 years. The issue and the injustice that it creates goes much wider, but my noble friend Lord Lexden's Bill would help draw attention to it at a time when the future of civil partnerships is under consideration, with a formal review of them a strong likelihood.

I did not win on 12 May 2004 but protecting people from legal vulnerability became important to me following that failure. I could see how many times it was happening to people who really did not understand the law or their rights. They could not turn to what we are, I hope, going to achieve from today onwards in protecting people from legal vulnerability. Gosh, what a change those 14 years have made. What a wonderful thing it has done for gay people, who have been able to find a lovely way to be together in life. I remember being here when the original Bill went through. There were two people sitting watching who had been briefing me; they had been together for 37 years. I was the first person to stand at their wedding, when we all cried, including the poor dear lady who was trying to pull it all together that day. She could not work out which words she was supposed to use, so she put some music on to cheer us up, threw the paper down and did it her way. I will always remember that.

I will be delighted if we are able to go forward with my noble friend's Bill. I can only believe that it is to the good and for the good. I hope that our Minister will today be able to give us a little of the reply that we have not managed to get thus far.

10.48 am

Lord Cormack (Con): My Lords, my noble friend Lady Wilcox has, Sinatra-like, done it her way. I sincerely hope that her plea will be heeded.

I am delighted to support my noble friend Lord Lexden on this small but important Bill, but please do not think that this is merely one good turn returning another. I much appreciated his injunction to your Lordships to accept my invitation to Lincoln—when the trains are running—but I stand to support his Bill because I have believed in this from the moment that the Civil Partnership Bill was introduced in another place. In fact, I spoke on that occasion and I felt so strongly that I withheld my support from the Bill because I felt that it was not honouring all those whom it should honour. I felt that because I had had the good fortune to represent a Staffordshire seat in the other place—by that time, I had represented it for some 34 or 35 years—and I had come across so many examples of sisters widowed early in life because their husbands had suffered in the mines. I also had a couple of sisters who ran a village post office in one of the 30-something villages in my constituency and brothers who had come together, honoured each other and been brothers in every possible sense, yet these people and many others were being discriminated against. We failed 14 years ago as my noble friend Lady Wilcox has just said, but we have the opportunity to put things right.

The recent judgment, to which my noble friend Lord Lexden referred in his magnificent speech, and to which others referred should put this at the top of the domestic agenda again. It would be only fitting for this House, which passed that amendment 14 years ago, to take the lead and say to another place, "Here is a small, modest measure which does harm to no one"—and of how many laws can that be said?—"but which can give enormous peace of mind to many people", often quiet, unobtrusive leaders in their own little communities, as in my constituency in Staffordshire. I hope that the Minister will reply positively, indicate that the Government accept the logic of the case made in every speech in your Lordships' House this morning and give this Bill a fair passage. At the moment the law has got it wrong. In the immortal words of Mr Bumble, the law is an ass. Let us put it right this morning.

10.52 am

Lord Hamilton of Epsom (Con): My Lords, I shall follow my noble friend in the gap and will not detain noble Lords for very long. I support my noble friend Lord Lexden on this, but I shall speak about one thing: money. I do not think this is anything to do with the Home Office. My noble friend on the Front Bench should not be answering this debate. It should be answered by a Treasury Minister because this is all about inheritance tax and the loss that the Treasury perceives that it is going to take if it were to change the legislation on this subject.

I would like the Minister to undertake to write to me calculating the amount of money that is saved by daughters and sisters looking after their siblings and their parents, living in their homes and not putting that burden on the taxpayer. We always hear one side

of the profit-and-loss account from the Treasury—what it will cost it in terms of loss of inheritance tax—but we never hear the other side of that calculation. This is all about money; it is nothing about humanity. If we are going to talk about money and are to make a balanced judgment, let us hear both sides of the equation because we should consider this as a Treasury matter, not one for the Home Office.

10.54 am

Baroness Barker (LD): My Lords, it is a great pleasure this morning to put on record my admiration for the noble Lord, Lord Lexden. I do not know him particularly well, but over the years I have watched the many things that he has done, particularly within his own political party, to secure greater equality for LGBT people. I admire much that he has done. It will surprise nobody, least of all him, that today I profoundly disagree with him, but I hope we will continue in future to be allies on other matters.

I disagree with him today because I believe that this proposal has a fundamental and dangerous flaw. I accept that, back in 2004, the people who proposed extending civil partnerships in this way did so to wreck the then Civil Partnership Bill, and they very nearly succeeded. The noble Baroness, Lady O'Cathain, very nearly succeeded in doing so. I also accept that today that is not the motivation of the noble Lord, Lord Lexden. None the less, I believe that the path he has chosen to pursue is wrong. In 2004, the noble Baroness, Lady O'Cathain, took her lead from the Christian Institute, one of the first organisations to import into this country a rather brutal form of evangelical Christianity from the United States. I think noble Lords will find it worth reading the documents which the institute produced at that time to see the fundamental underlying motivation for the proposal.

It is wrong to equate the relationship between siblings and family members with relationships between adults which are entered into voluntarily as loving relationships. It is simply wrong. Consanguinity is not something that we can ignore in this matter because it has a profound effect upon relationships. I shall pick up one point made by the noble Lord, Lord Lexden. He talked about equalising the relationship of siblings with people who have particular lifestyles they have chosen. Being gay is not a lifestyle and, for some of us, it is not a choice. We are who we are and our relationships as gay people are fundamentally different from the relationships that we have with our siblings. The noble Lord, Lord Lexden, and many other noble Lords made the point that the purpose of the Bill is to end discrimination or to support siblings—although I noticed how many of your Lordships talked about daughters, and I will come back to that in a moment—supporting their family. The noble Lord, Lord Lexden, is not, I think, proposing that children should enter into civil partnerships with their parents. However, if one accepted the basis of his proposal, one could argue that perhaps they should. I think that that is fundamentally wrong. It conflates two entirely different relationships and complicates them.

Let us get on to the complications. The noble Lord, Lord Lexden, has not talked about one particularly important matter: a civil partnership can be dissolved. You cannot dissolve your relationship with your family in the same way. You can become estranged, you can have the most horrible and distant relationship, you can fall out over property, but you will remain in that family. That is why I think the noble Lord, Lord Lexden, was wrong, as was the noble Lord, Lord Cormack, to say that this is a wholly beneficial measure which inflicts no harm on anyone. Imagine yourself in the position of a woman in a family with an overbearing, dominant brother or father and a significant property. Noble Lords have spoken this morning about couples they know. The couple who come to my mind—there were originally three siblings but one of them died; I do not know what we would do in a case where there were more than two siblings, but that is another matter to consider—lived on a farm. They were devoted to each other. They were members of my father's church and wonderful people. If this proposal had been in place and one of those siblings had wished not to remain on that farm but to go away, imagine the pressure that there would have been on that woman. That is the dark side of this that no one has spoken about: the potential for abuse that it opens up. It is why I have maintained in all the discussions we have had that the noble Baroness, Lady Deech, is wrong. I can see that carers would come under enormous pressure to enter into a civil partnership. Incidentally, as I have said to her before, I think it is really interesting that no carers' organisation has ever asked for this and, as far as I know, they do not support it. They support carers having much greater support than they do now but not being tied into a legal obligation such as this. I could not disagree more fundamentally with the noble Baroness. I do not for one moment question her motivation but I disagree with her entirely.

The Bill is fundamentally flawed. The noble Lord, Lord Lexden, talked about the "curious reluctance" of another place to consider this matter. I think it is a wholly understandable decision not to pursue something that is fundamentally flawed and potentially dangerous.

Baroness Deech: On a point of order, why would there be more duress on two family members to enter a civil partnership than on any other two people? Of course if there is duress, it is vitiated. Any contract or marriage or civil partnership that you enter into not of your own free will is invalidated. A civil partnership can be ended just like that, even if two people are family members. Given that there is a dissolution procedure, that would apply. There is an academic output, which I do not know if the noble Baroness has seen, that suggests that the pressure for civil partnerships, which is not just about money, between family members is a way of denying the sexuality of gay partnerships. Some 14 years have gone by and I think that argument is simply not tenable.

Baroness Barker: Yet again I disagree fundamentally with the noble Baroness; I think that is exactly what it is about. I also say to the noble Lord, Lord Lexden, that I am not guilty, and I do not know anyone else within the LGBT community who is, of wanting to keep civil partnerships as the preserve of our community. I support the extension of civil partnerships to heterosexual couples, although that debate is for another day,

[Baroness Barker]
but extending it to people who as adults come together of their own volition, with no baggage and no pressure, is completely different. The noble Baroness dismisses some of the great tensions of family life in her submission.

I believe the noble Lord, Lord Hamilton, is right that the Bill is trying to deal with a matter that should be dealt with by the Treasury because it is about fiscal matters. I would warmly support anyone who wished to find some way of addressing those issues of inheritance tax. However, you do not solve an injustice by putting in place something that is equally unjust and open to great abuse. I genuinely believe that this is a wrong and dangerous move. I hope that, just as 14 years ago, we in this House and people in another place will see this for the great mistake that it is and stop it.

11.03 am

Lord Collins of Highbury (Lab): My Lords, I am extremely grateful to the noble Baroness, Lady Barker, for her submission today because it summarises my own thoughts on this matter. I too begin by thanking the noble Lord, Lord Lexden, for his incredibly hard work on behalf of the LGBT community, not only in this country but globally. I know he has fought against all kinds of discrimination, and he has led the charge over the criminalisation of homosexuality in Commonwealth countries. I consider him very much a friend, and we work together on these issues. On this matter, though, I fundamentally disagree with him. I think he and many noble Lords today have identified a problem. I hope the Minister will be able to address that problem but not through the solution offered up by the noble Lord, Lord Lexden. Clearly there is a problem, particularly for siblings who have shared a home together and then suffer a detriment, partly because of rising property prices and partly because of the length of time that they may have been living together.

However, I come back to the point—the noble Baroness, Lady Barker, put this extremely well—that this cannot also be a mechanism for simply driving a coach and horses through tax legislation. If there is an issue to be addressed then, as the noble Lord, Lord Hamilton, said, it should be a matter for the Treasury to look into and come up with proper evidence-based solutions to an identified problem. That is what lawmaking should be about. I do not want to see a situation where—and perhaps I am taking his name in vain—the Duke of Westminster might enter into a civil partnership. For what purpose? Perhaps he would do so with a member of his family. After all, many members of the aristocracy live in their parents' homes for many years, far longer than the 12 years that is identified in the Bill. When we have seen Britain's heritage being under threat, we have looked at that in terms of how we protect it and address the laws of inheritance that way. We did not come up with a solution that talked about civil partnerships.

Many noble Lords have referenced songs, but what came to my mind when I was sitting here was Salt-N-Pepa: "Let's talk about sex, baby". For many years, my identity was—and it still is in many circumstances—invisible. There are still many places in this country where I cannot walk down the road hand in hand with my husband. Many heterosexual couples can, but we cannot because we will still suffer abuse. When the Civil Partnership Act was going through this House, my partner and I were planning a ceremony. The amendment that has been talked about today caused our ceremony to be delayed by a year. We could not get married on my 50th birthday; instead, 12 months later we got married on my 51st birthday. So I know that people have genuine concerns, but let us not pretend that the concerns about sibling partners were a genuine reason to delay the Civil Partnership Act in 2004. That Act was significant progress on the road towards equality for LGBT people. We finally got full equality with the Marriage (Same Sex Couples) Act 2013, which again was something that we in this House worked together on across the parties. However, when that Bill was going through, many people in this House made arguments about why gay couples should not be able to get married. That is why I have got quite emotional today.

I want the problem of siblings whose homes they have built together to be properly addressed. I want the Minister to take that away and say, "Let's properly gather the evidence". I am sorry that Penny Mordaunt did not respond properly, because there is an issue there about taxation. However, as the noble Baroness, Lady Barker, said, this is not about making marriage between brothers and sisters. That is not what people are really proposing, is it? Let me make it clear that civil partnership was on the road to equal marriage and equality; it was addressing the issue of identity and ensuring that I did not remain invisible as a loving couple—a romantic, loving couple—which many people still in this country deny us. I hope that this debate has ensured that we identify the problem, seek a solution, but do not undermine those hard fought-for rights that we have so proudly established in this House.

11.10 am

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, first, I thank my noble friend Lord Lexden for securing this Second Reading debate. I join with other noble Lords in commending him for all the work that he has done over the years in promoting equality in society. I have listened with care to my noble friend's impassioned argument around the financial and inheritance difficulties faced by siblings who live together, and the ensuing debate has had a very similar theme. It is very obvious that it is a matter of incredible importance to my noble friend and noble Lords who have spoken, but it is also about financial matters, as all noble Lords have pointed out in different ways.

In answer to my noble friend Lord Hamilton about this being a Treasury matter and the savings to the Treasury that might ensue, my noble friend probably will not be surprised that I do not have the figures for the revenue savings that might ensue from siblings being able to enter into civil partnerships. I utterly take his point about it being a Treasury matter.

Lord Alton of Liverpool: I am grateful to the Minister for giving way and I shall try to keep it very brief. When she replies to the noble Lord, Lord Hamilton, will she provide the figures to the whole House by putting that information in the Library? Will she also add to it from the Treasury what the deferred costs

would be by putting off the inheritance duties that will come into the Treasury in due course? Will that calculation also be included in those figures, so we can see the whole picture when we come to consider this in Committee?

Baroness Williams of Trafford: I can certainly request them—and, if we have them, of course I will provide them. If we have figures on deferred costs, of course I shall provide them to the noble Lord, Lord Alton, and others.

Civil partnerships were introduced in 2004 to allow same-sex couples to formalise their relationships at a time when same-sex marriage was not available to them. This enabled same-sex couples to have their intimate couple relationship—as the noble Lord, Lord Collins, so articulately pointed out—recognised by society and the law, with the various benefits and responsibilities that that entails. Since then, the Government are proud to have introduced same-sex marriage, creating equality of opportunity between same and opposite-sex intimate couples in accessing marriage.

My noble friend's Bill seeks to amend the Civil Partnership Act 2004, by altering the definition of who may enter a civil partnership, and thus the nature of civil partnerships themselves. This Bill would make it possible for qualified pairs of siblings to enter a civil partnership with one another—and, as the noble Baroness, Lady Barker, pointed out, what happens about any other subsequent children in that family or home? It would also give them exemption from the clauses within the existing Civil Partnership Act, which explicitly bar them from being able to enter a civil partnership, notably the forbidden degree of relationship criteria, and whether they are the same or opposite sex to one another.

This morning we have heard a number of poignant stories, mainly around financial or inheritance tax problems, and those involved certainly deserve our sympathy. However, I must make it clear from the outset that the Government have significant reservations about this Bill. My noble friend talked at length about the financial hardships facing siblings who live together upon one of their deaths, and I utterly sympathise with those affected. However, these have all been matters relating to finance and, in some circumstances, to inheritance tax. By attempting to extend civil partnerships to sibling couples, this Bill seeks the wrong remedy to the issue at hand. Quite simply, this Bill is not the appropriate vehicle for addressing the grievances expressed this morning.

At this juncture, I apologise to noble Lords who have mentioned the correspondence from Catherine Utley. There was a bit of uncertainty about which department should reply but, after my noble friend alerted my office to Catherine Utley's letter, we have tracked it down, I have a copy of it here, and we will respond to it as soon as possible after the debate. I apologise for the unanswered correspondence.

Most noble Lords have referred this morning to inheritance tax. My noble friend Lord Lexden asked about amending laws on inheritance tax. As we know, the tax gives a number of advantages to married couples and civil partners over and above cohabiting couples or others, because it reflects the unique legal commitment that married couples and civil partners enter into. There are no plans to change the inheritance tax rules in this regard. Any extension of the treatment for married couples or civil partners would be a matter for the Treasury. Currently, I can give some figures. Less than 4%—so that is a very small percentage of estates—have an inheritance tax liability. That is because inheritance tax is payable only on an estate that exceeds the level of the nil rate band, which is currently £325,000. Of course, the residence nil rate band, if that is also appropriate, is £125,000. That can be claimed against the value only of an individual's home, and only when that value is transferred to their direct descendants. The threshold for inheritance tax is £325,000; a 40% tax rate applies to property after this, but it does not apply to spouses or civil partners. In the current 2018-19 tax year everyone is allowed to leave an estate valued at up to £325,000 plus the new main residence band of £125,000, giving a total allowance of £450,000. So a person's inheritance tax allowance rises by the proportion of their deceased spouse or civil partner's allowance that is unused, meaning that a surviving spouse or civil partner can currently move up to £900,000 tax free. That is probably at the heart of what we are talking about today. I hope that that explains the inheritance tax provision at this point in time.

To go back to civil partnerships, they are far more than a legal contract for providing financial and other benefits to two people. They are a significant instrument, allowing same-sex couples to have their intimate partner relationship recognised by society and the law. This is especially pertinent as they were introduced at a time when marriage was not yet available to same-sex couples, a situation which we have now rectified.

I briefly acknowledge, as noble Lords have mentioned it, the recent judgment in the Supreme Court, which ruled that the fact that opposite-sex couples are unable to form a civil partnership, whereas same-sex couples can choose to enter either a civil partnership or a marriage, is incompatible with the European Convention on Human Rights. The Government are of course fully aware of this judgment and are giving it careful consideration to make the right decision about the future of civil partnerships. However, that is a very different issue to that of extending civil partnerships to sibling couples. The Supreme Court's ruling relates to same and opposite-sex intimate partner relationships, which is a different type of relationship to that of siblings or other familial relationships, however stable and committed, as the noble Baroness, Lady Barker, and the noble Lord, Lord Collins, pointed out. It is clear that an exclusive, intimate and loving relationship between two people holds a unique and special place in society. Marriage and civil partnership were created for such exclusive, intimate, loving relationships.

My noble friend Lord Lexden, the noble Lord, Lord Alton, and the noble Baroness, Lady Deech, referred to the case of Sybil and Joyce Burden, two sisters who took a case to the European Court of Human Rights in 2008 to seek the right to enter a civil partnership with one another. The court ruled against the claimants, arguing that there was a clear distinction between intimate couple relationships and sibling and other types of familial relationships. The official report of the court stated that,

[Baroness Williams of Trafford]

"the relationship between siblings was of a different nature to that between married couples and homosexual civil partners under the United Kingdom's Civil Partnership Act. One of the defining characteristics of a marriage or Civil Partnership … union was that it was forbidden to close family members. The fact that the applicants had chosen to live together all their adult lives did not alter that essential difference between the two types of relationship".

The Bill seeks to redefine the very nature of what a civil partnership is and who is, or is not, eligible to enter one. As the noble Baroness, Lady Barker, pointed out, it also raises the question of why, were it to be extended beyond the intimate couple relationship, it should be extended only to siblings and not to other long-standing relationships such as disabled parent and caring son or daughter, or even to more than two people. The noble Baroness also touched upon the difficulties of dissolution and the tricky problems of coercion that are sometimes found in families.

I have listened with care to the views of noble Lords this morning, and while I recognise the difficulties faced by the individuals which have been raised, I remain unconvinced that this Bill's approach to altering civil partnership is the solution. The Government recognise and support committed, intimate partners who seek to have their relationship formalised legally and in the eyes of society.

11.23 am

Lord Lexden: My Lords, sibling couples throughout our country will have been heartened and encouraged by most of this moving debate this morning. It was on their behalf that I brought the Bill before Parliament. For too long their interests have been neglected and ignored, and it will mean much to them to know that there is a strong view in your Lordships' House that the injustices they suffer should be corrected. I thank all those who voiced their strong support for this short but important Bill.

To the noble Baroness, Lady Barker, and the noble Lord, Lord Collins, with whom I work closely on LGBT matters, as they mentioned, I simply say this. In 2004, a hugely important reform was enacted. Its passage through this House and the reaction to it 14 years ago may have left them deeply dissatisfied. We have moved on. I see no reason why important legislation which served one purpose in 2004 should not now be used to honour and recognise other important, stable, committed relationships. That is the heart of the matter. A review is taking place. The essential immediate point must be to ensure that the review encompasses the Bill, and I look to the Minister to assist in that process.

This is not the first time in recent weeks I have found myself not completely at one with the Home Office. The Minister will recall another outstanding matter that needs to be very immediately addressed, touching the shortcomings of Operation Conifer. We are not at one, but this morning this House has expressed an extremely strong view. I look forward to further constructive discussions about the issues with which the Bill is associated and I ask the House to give the Bill a Second Reading.

Bill read a second time and committed to a Committee of the Whole House.

Children Act 1989 (Amendment) (Female Genital Mutilation) Bill [HL]

Second Reading

11.26 am

Moved by ***Lord Berkeley of Knighton***

That the Bill be now read a second time.

Lord Berkeley of Knighton (CB): My Lords, this Bill seeks to make a one-line amendment to the Children Act 1989, but it would considerably extend protection to young girls at greatest risk of genital mutilation, and I can think only that its current omission is simply an oversight. I will begin and end with one startling fact. If a child is at risk of forced marriage or violence from, say, a habitually drunk father, the family court has all the full protective powers a court can offer, up to and including making an interim care order. But if a child is at serious risk of having her genitals mutilated, it does not. The powers fall far short, and all that can be done is to make an FGM protection order and hope for the best. How can that be right or logical? I will try to explain the difference between the two and will give some background to the genesis of the Bill.

When I joined your Lordships' House in 2013, I came with music and music education as my main calling cards. But then I attended a debate on FGM, initiated by the late and much missed Ruth Rendell, Baroness Rendell of Babergh, and I was stunned and appalled by what I heard. I simply could not believe that in our country, girls were being subjected to a barbaric procedure that often leads to infertility, sepsis, pain and severe curtailment of sexual pleasure, performed all too often with dirty razor blades and in far from sterile conditions.

This custom has no basis in religion—in the Koran, for example—and as countless distinguished medical experts have told your Lordships' House in previous debates, it cannot be justified for medical reasons: in fact, quite the reverse. So when Baroness Rendell died in 2015, and on hearing that many thousands of girls were considered at risk in this country—the figure of 60,000 was mentioned in one debate—I decided to take up the gauntlet and have asked Questions and tabled debates ever since, and will continue to do so.

Despite it being illegal since 1985—thanks again to Lady Rendell—there has not been a single successful prosecution of FGM in this country. That is regrettable, because it would certainly send a signal. However, I do not unduly castigate the Government for that—it is an extremely sensitive, delicate, cross-cultural problem—and I have come to agree with them that education is the most important resource in our armoury. We simply have to change the attitude to FGM that has been passed down the generations, largely by grandmother to mother to granddaughter, but in the alleged interests of men, who it is thought will welcome only girls who have not been sexually active. Therefore, FGM is designed to create a physical barrier to normal sexual activity but also a psychological one, in that it is supposed to lessen desire and lustful thoughts. Just imagine the long-term consequences of this and all the physical things I have mentioned for a woman.

Therefore, I welcome the decision that made mandatory the reporting of FGM in the National Health Service. The figures are not reassuring, and at this stage I thank the Library for providing the latest figures, as requested. In 2015-16, there were 9,223 reports, of which 6,080 were newly recorded. Between April 2016 and March 2017, 9,179 reports were recorded, of which 5,391 were newly recorded cases. Between January and March of this year, 2,320 attendances were already reported, of which 1,030 were newly recorded cases affecting women or girls. These shocking figure reveal just why we and the courts desperately need to have every form of protection available.

Having secured attention for this problem in your Lordships' House, I was contacted by a barrister, Mr David Maddison, who from great experience—18 years of working in family law and with the police in Manchester—wrote to me explaining that a simple change in the law would enormously help the protection of the young girls most at risk of FGM. Based on his notes to me—this is our case—the power to make female genital mutilation protection orders is in Schedule 2 to the Female Genital Mutilation Act 2003. This is in effect a stand-alone statutory code.

Lots of other remedies in the family courts also exist as stand-alone codes—for example, non-molestation orders are made under the Family Law Act 1996. Courts also have the power under the Children Act 1989 to make interim care orders when they are so concerned about a child's welfare that the court wants a local authority to intervene and share parental responsibility. This is a very useful way for judges to alert local authorities to children who might have slipped beneath their radar. Crucially, however, the Children Act is not a stand-alone code in the sense that it allows a court to make interim care orders in any family proceedings.

Section 8(4) defines what is meant by family proceedings by listing various statutes. The effect of this section is that it allows a judge to reach across from one seemingly stand-alone code and use the powers of the Children Act 1989 to protect children by granting an interim care order. FGM is not listed as a family proceeding. However, the Family Law Act 1996, for example, is listed, so if a person were to apply for a non-molestation order under that Act, it would be open to a judge also to make an interim care order if the relevant test was satisfied. Section 8(4) is what allows the Children Act to open its protective umbrella, if you like, and offer shelter to many other children who might seek help under the Family Law Act or any of the other statutes listed in it. So one might well ask: could a non-molestation order cover FGM? In theory, yes, but it would involve hammering an oval peg through a round hole. It is not as workable and effective as including FGM as a family proceeding would be.

FGM protection orders and forced marriage protection orders were developed because it was realised that the courts were being forced to strain the limits of their available powers to provide appropriate protection. As a consequence, it was recognised that the courts needed better, bespoke tools for these problems. One particular difference between a non-molestation order and an FGM protection order is that a non-molestation order is applied for by the person seeking protection, and they can obtain protection only against "associated persons". That has a lengthy definition but for these purposes is best understood as a very broad but not limitless pool of people whom that person may need protection from.

In contrast, FGM protection orders and forced marriage protection orders can be brought by the child or a relevant third party. That can include local authorities and police forces. This is important, because children might not voice their concerns or they might want it to look as though the decision has been taken out of their hands so that there are no reprisals from their family. Neither a local authority nor a police force can apply for a non-molestation order on behalf of someone. So, yes, you could use a non-molestation order to protect a child but it would generally involve the parent applying for it for their own and the child's benefit. Where this tool is wanting, then, is in the ability of local authorities and police forces to act on their information and take protection steps. As I said, the Female Genital Mutilation Act 2003 is not included in the list of statutes at Section 8(4), so does not constitute family proceedings, and thus it is not open to a judge to make an interim care order if they think it appropriate. This is surely denying judges a very useful and important tool to protect children—hence the amendment that we seek to make to the Children Act.

The test for an interim care order is that there are reasonable grounds to believe that the child has suffered or is at risk of suffering significant harm. If a child is considered to be at risk of genital mutilation, it is not very likely that there will be reasonable grounds to believe that they are at risk of suffering significant harm? Can anyone argue with that? Therefore, we suspect that the Female Genital Mutilation Act is not listed in Section 8(4) more by oversight than by deliberate omission. It is very difficult to see an argument against including it. It will not lead to a flood of care orders. It is rare for judges to make interim care orders using their powers under Section 8(4)—Mr Maddison says that he has probably seen them less than a dozen times in his 18-year career—but judges should, and must, still have this tool at their disposal. As FGM becomes more and more visible and people become more and more active in doing something about it, so the change we seek will be more and more necessary.

I am most grateful to all noble Lords who are speaking today, particularly my noble and learned friend Lord Brown of Eaton-under-Heywood and the noble Baroness, Lady Massey, on the Labour Benches, who will speak with great legal knowledge. I am also very grateful to the Minister, the noble Baroness, Lady Vere, who arranged for me to meet her and her officials earlier this week. Even though this is a one-line amendment, it inevitably involves complicated legal issues, which others in your Lordships' House are much better qualified than me to deal with.

One of the great privileges of being a Member of this House is that just sometimes one can hope to make a real difference to people's lives and, to that end, can also consult truly eminent experts in the field. I have done so, and by them and, as it happens, by leading politicians at the highest level, I have been much encouraged to pursue this Bill.

[LORD BERKELEY OF KNIGHTON]

I end as I began by referring the House quite simply to one fact: the absolute illogicality of the family court being able to effectively protect a child at risk of forced marriage or domestic abuse but not protect one at risk of having her genitals mutilated. I beg to move.

11.39 am

Lord Brown of Eaton-under-Heywood (CB): My Lords, I begin by congratulating my noble friend Lord Berkeley of Knighton on promoting this Bill and on opening the debate so cogently. He has championed this most compelling of causes for some years past.

I put my name down to speak in the debate because I thought it might be helpful to add the voice of an erstwhile judge to what might appear to be a somewhat technical, legal objective, which this commendably focused Bill seeks. It will achieve, as has been admirably explained by my noble friend, the addition to the armoury of a judge who is seized of an application to make an FGM protection order under the 2003 Act the power to make an interim care order under the Children Act 1989, and thereby involve the local authority in the child's future protection. To achieve this desirable aim, it is necessary by this Bill to effect the listing of the FGM Act 2003 itself among the various other statutes which constitute "family proceedings" for the purposes of Section 8(4) of the 1989 Act. Currently, inexplicably, the 2003 Act is omitted from that list. Really, that is all that needs to be said in support of this Bill.

I just wish to add this. The need to combat the scourge of FGM is one that I too have been alive to for some years. Twelve years ago, sitting in your Lordships' House as a member of the Appellate Committee of this House, under the chairmanship of the late and much missed Lord Bingham of Cornhill, I was party to a decision in two linked asylum cases, reported under the title of Fornah v the Home Secretary, 2007, 1 AC 412. The cases concerned the meaning of the term "a particular social group" within the refugee convention. Put shortly, we held that FGM amounted to persecution under the convention and was an extreme expression of discriminatory treatment based on the institutional inferiority of all women in Sierra Leone, so that all women at risk of it were entitled to political asylum.

In giving the leading judgment in that case the noble Baroness, Lady Hale, now the President of the Supreme Court, which of course succeeded the Appellate Committee of this House, set out the WHO four-category definition of FGM—in fact, she did so in rather more detail than appears in the Library note, helpful though it is. I think it is worth reading into the debate her words at paragraph 92 of the judgment, in which she said that,

"these procedures are irreversible and their effects last a life time. They are usually performed by traditional practitioners using crude instruments and without anaesthetic. Immediate complications include severe pain, shock, haemorrhage, tetanus or sepsis, urine retention, ulceration of the genital region and injury to adjacent tissue. Long term consequences include cysts and abscesses, keloid scar formation, damage to the urethra resulting in urinary incontinence, dyspareunia (painful sexual intercourse) and sexual dysfunction. Infibulation can bring particularly severe consequences, and it may be necessary to cut open the skin to enable intercourse or childbirth to take place. It is likely that the risks of maternal death and stillbirth are greatly increased".

Finally, I take this opportunity to make plain my growing astonishment and profound disappointment at the fact alluded to by my noble friend Lord Berkeley. Despite the continuing prevalence here of this disgusting and plainly criminal practice, there has still not been a single successful prosecution in the UK. Regularly prosecuting those guilty of it is, I am sure, central to the eventual eradication of this vile practice. In the meantime, in its own way, my noble friend's Bill will, on occasion at least, save some poor child from this ghastly fate. I strongly support the Bill.

11.46 am

Baroness Flather (CB): My Lords, I have very little to add to what has already been said today. I have come mainly to listen, because I was not aware that care orders could not be made at the same time or that nobody else could bring anything forward. If we can bring this amendment together with everything else, it cannot be anything but the right way. I have no problem with that at all.

I have known about FGM for a very long time. Since we first became aware of it, all of us have been horrified by its effect on women. How is it possible that it is still going on and is so prevalent in some countries? We know that it is only Muslims who practise this, and it has spread across Islamic countries and all over Africa. It happens also in Bangladesh. It is a really bad thing but it is very difficult to stop, because nobody will come forward to say, "This happened to me—please do something about it". Unless somebody can come forward to say that they have been a victim, it is extremely difficult to bring a case. I hope that, sooner or later, we will get to that point and cases will be brought.

I want to add one point that is not usually mentioned. If a girl has been cut—as they say nowadays—she can claim a higher bride price and her family will get more money. As noble Lords will know, in the Muslim system the man's family pays for the girl. I feel that that is quite an important factor: if you are very poor, it may make a difference as to whether you get so much money or you get double that. Noble Lords should bear that in mind when they think about FGM.

There is nothing more to be said other than that it is a horrible and horrifying practice.

11.48 am

Baroness Kennedy of The Shaws (Lab): My Lords, I too congratulate the noble Lord, Lord Berkeley of Knighton, on introducing this Bill. It will make not a huge difference, but it will make some difference. As has been said by the noble and learned Lord, Lord Brown, it adds to the armoury of those who hear these cases, and that can only be to the good. In reality, in many of the cases in which FGM protection orders are sought, local authorities are involved. Disclosure usually takes place by a girl telling a friend, who tells a teacher, who in turn contacts the local authority. Usually in that way, matters come to the attention of the courts and therefore orders are sought, but not always. Therefore, if the police become involved, that is a clear mechanism for engaging the social workers in the local authority in this business because often it is not just one child in the

family but several. Therefore, keeping an eye on the family could be a very useful part of the armoury, as has been said.

I have been involved in this issue for many years going back to when the law was changed back in the 1980s. Baroness Rendell was not in the House in the 1980s and neither was I, but it came about as a result of intelligence coming forward that there were practitioners in Harley Street and even in poorer communities who were prepared to be involved in this. The law was directed towards medical practitioners. We can fairly say that that does not happen now. Doctors know the consequences and are not involved, and neither are midwives or women involved in medical practice in any form. What is happening now is that these practices are carried out by elders in the community, usually older women, and we have to recognise that the women in the communities, acculturated to this, are often great supporters of the practice and encourage it in each new generation. So it is important to see the depth of the cultural shift that needs to take place to deal with this terrible issue.

While the Bill would add to the range of possibilities, we need to ask why the criminal law has been so unsuccessful. In recent years, there have been two prosecutions. One was of a young doctor and it became very obvious early on—my legal advice was sought at one stage by colleagues who knew the young doctor—that he was in no way involved in communities where FGM was practised and knew very little about it. He was clearly out of his depth at a moment where a birth had taken place and he had stitched a woman after there had been an episiotomy to allow for a natural birth. She was expecting to be restitched in the way that she had been. She was not returned to how she had been, however; there was an overstitching and then there was a question of whether an offence had been committed. The young doctor went through the traumatic experience of having a prosecution brought. We need to be careful that prosecutions should be brought only in the right circumstances.

More recently, a case in Bristol involved a man who was a taxi driver. Someone sitting in his taxi who had been active on this issue encouraged a disclosure—or so it seemed. The taxi driver was encouraged to talk about FGM and drawn into it by someone who, in a way, came close to being an agent provocateur. He was provoked into discussing FGM and spoke about his own daughters. It led to a prosecution but it was shown that his daughters had not been subjected to FGM. Again, that was an unsuccessful prosecution. We have to be very careful about the use of criminal prosecutions. Young people and family members do not come forward where there is coercion and pressure because of the consequence. The idea that a father or mother might be imprisoned or that an elderly grandmother or someone admired in the community and does this work will end up in prison because of a complaint rests heavily on the shoulders of people in the community.

On Tuesday night this week, I was present at a charity that I am a patron of, Safe Hands. A wonderful woman was there known to everyone as Hibo, her first name. She speaks very publicly about how she herself was subjected to FGM as a child—the pain and trauma of it—and how it has affected her life ever since. She is now a woman in middle age with grown-up children. Her daughter, a young woman in her 20s, was present at the meeting. What was clear from Hibo's description was the way in which this practice is maintained. The silence around it is maintained through shame. Shame is something that we attach to many things concerning women. We have to break down the shame. The good thing that is happening is that the openness of discussion has led to more young Somalian and Ethiopian women who live in this country speaking out about their experiences and saying that they will not undergo the practice. They then become the advocates for change. It is far better in the end that the community itself reckons with and becomes well informed about the consequences of this practice.

The noble and learned Lord, Lord Brown, spoke about the judgment of the noble and learned Baroness, Lady Hale, in the Fornah case—a case that I have written about extensively and was very involved in at the time, when there was campaigning around the issue of whether this was a form of persecution. The Court of Appeal failed badly, but it is interesting. It is an argument for having women in our senior courts because a woman judge on the Court of Appeal dissented and said that it was persecution. A strong argument was made, which was shared by the men in the Supreme Court, that it was persecution. Even if women support the practice, it is because they have been acculturated into thinking that it is acceptable.

As the noble Lord, Lord Berkeley, said, it is not just about keeping women chaste and protecting virginity, but about taking away a woman's sexuality and the possible enjoyment of sex. It is to do with the idea that you will stop a woman being promiscuous. I have travelled to Ethiopia on human rights projects when we discuss with senior people the ways change can be made, and we hear it said that the practice makes the girl gentler—a better wife and more passive. Those descriptions are made.

I want to make this clear and it is important that the noble Baroness, Lady Flather, hears me say this: this is not confined to the Muslim community. It is a cultural practice that has nothing to do with religion although many people in a religion are told that it has. In Ethiopia, I met young Christian girls who were experiencing FGM, too. It is not confined to any one religious group, but is a cultural practice about notions of how womanhood ought to be. It is important to have a public discussion about that and to challenge it.

The charity Safe Hands does wonderful work in Ethiopia, Somalia and other countries in Africa. Some 20 years ago, Ruth Rendell came into this House. She had written a crime novel about FGM. She told me about it and I told her that I knew a bit about the subject. I took her to the Africa clinic at the North Middlesex University Hospital where women go who are giving birth and where they have to have an episiotomy—to be cut open—to deliver their babies. The doctors explained that they would not be returned to the way that they were. But the doctors all told us that when those young women returned to have their second babies, their vaginas had been stitched up

[Baroness Kennedy of The Shaws]
again. So the practice was happening in the communities. They were not having to return to Somalia or the places from whence they came. It was happening at the hands of older women. The men have also been told that it is the right thing to do. So it is wonderful to have men taking part in this debate and for it to be led by a man. It is important that this is not a women's issue but an issue for all of us. It is an issue of health, humanity and law.

Criminal law is not the only way forward. Although we want to see prosecutions, we must not urge the Crown Prosecution Service to bring prosecutions and for them to be unsuccessful because they are not the right prosecutions. We want to have confidence that the communities will talk about this, and then people will point to who is at the heart of performing these operations. I greatly commend what the noble Lord, Lord Berkeley, seeks to do and I know that it will make a difference. I thank him for doing this.

11.59 am

Baroness Boycott (CB): I congratulate my noble friend Lord Berkeley of Knighton on bringing to the House this extremely important Bill. I am delighted to be able to add my voice in support. As has been said, FGM is a truly horrific crime which is carried out in our country every day of the week and I, like others, am horrified that so many young girls are still being affected. The lack of successful prosecutions shows the complexity of this issue, and I thank the noble Baroness, Lady Kennedy, for illuminating just how problematic it is.

I was horrified to learn that this week, which is the start of the school summer holidays, is known as the "cutting season" because it is when the practice is traditionally carried out, certainly in the UK. I also learned that, as it is now expensive for people to travel to their country of origin with their daughters, they pool their resources to bring a cutter over from abroad so that girls can be mutilated in groups. Poorer families form a sort of co-operative to raise the funds that will pay for someone to come from overseas. If you are wealthy enough, you can use a doctor or a nurse at a private clinic. London, the city we live in, has been accused of being the FGM capital of Europe because so many people come here, using the Eurostar to bring their daughters over here to be mutilated.

Both here in the UK and elsewhere, Plan International—a charity that I have worked for that seeks the betterment of women and girls across the world—points out that there are certain warning signs we can look for: hearing girls talk about a planned summer trip to a country known to practise FGM; girls talking about visiting relatives for a ceremony or for an event; and holidays that include additional time either at the beginning or the end. I recently read about a scheme that one school has initiated to try to identify young girls in fear of being taken abroad for forced marriage. They suggested that any young woman who was scared in this way should come to school with a spoon hidden in her underwear. This would set off the metal detectors in the school, and in this way she could alert teachers to her plight without actually having to say anything. Is there any possibility of an idea like this being copied?

Finally, Ayaan Hirsi Ali, a great writer and campaigner who is now an ex-Muslim, was herself the victim of FGM at the age of five. She says that even today, many years on, she would never be able to prosecute her family for what they did, even though she knows intellectually that FGM is a crime. I shall quote her words:

"It is a psychological issue. The people who are doing this are fathers, mothers, grandmothers, aunts. No little girl is going to send them to prison. How do you live with that guilt?".

I congratulate her, Nimco Ali and other fine and brave young women, who had this vile practice carried out on them in their younger years, on having the guts and the courage to come forward and talk about it. As others have said, ultimately it is only through education that we will change this practice.

However, in the meantime it is clear that the courts must have the right to defend a child who they think is in this kind of danger. These are vulnerable little girls who are being persecuted and mutilated by the very people they have placed all their trust in—in other words, their families. They are totally vulnerable. I hugely congratulate my noble friend on introducing this important Bill, and I thoroughly support it.

12.02 pm

Lord Alton of Liverpool (CB): My Lords, it is a privilege to support my noble friend Lord Berkeley of Knighton, whose Private Member's Bill provides another step in seeking to prevent the barbaric practice of female genital mutilation and ultimately to protect girls from being subjected to it. I concur with the remarks of the preceding speakers. It is also a pleasure to follow my newly ennobled noble friend Lady Boycott, who has just addressed the House. In preparing for today's debate, I am indebted to the work of Ewelina Ochab, and to the noble Baroness, Lady Vere of Norbiton, who is to respond to the debate. I thank her and her officials for the time that she gave myself and my noble friend earlier this week to discuss the Bill before it was to be debated in your Lordships' House.

I shall begin by referring to the World Health Organization, which has said:

"Female genital mutilation (FGM) is recognized internationally as a violation of the human rights of girls and women".

The organisation describes four different kinds of FGM, all inflicted on young women who experience pain and suffering as a consequence. WHO research indicates that FGM can lead to several immediate complications and long-term consequences. It reports that the immediate complications include:

"severe pain … excessive bleeding … swelling … fever … infections … urinary problems … wound healing problems … shock",

and even,

"death".

FGM also has an effect on childbirth. Women literally have to be cut open to allow the birth of the infant and then sewn up again. This adds unnecessary complications to an already risky situation.

However, FGM stands for more than the inflicting of pain and suffering. The WHO says:

"It reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women and girls".

FGM violates a litany of human rights, including the right to security and physical integrity, the right to be free from torture and cruel, inhumane or degrading treatment, and potentially also the right to life.

As my noble friend has stressed, and as was emphasised by the noble Baroness, Lady Kennedy of The Shaws, FGM is not specified in the Koran and it is happening in non-Muslim communities too. However, religious leaders should be vociferous in speaking out against it and developing the kind of educational approach that my noble friend and others have said is enormously important in combating this cruelty.

Universal human rights are more important than treading carefully around the sensibilities of any community, especially in a country like our own that condemns FGM and even more so in countries that do not condemn it. It is striking, and perhaps even encouraging and hopeful, that in countries like Sudan the educated and more wealthy citizens do not subject their daughters to FGM. They need to become more active in seeking to outlaw this practice altogether. In this context, I recall the success of that remarkable Englishwoman, Gladys Aylward, who became one of the Chinese foot inspectors enforcing laws that finally ended the cruel practice of the foot-binding of young Chinese girls. The law was changed, but so were hearts, minds and attitudes.

It is greatly to be welcomed that the United Nations has vigorously condemned FGM as a violation of human rights. In Resolution A/RES/67/146 of 20 December 2012, the General Assembly urged all members to,

"prohibit female genital mutilations and to protect women and girls from this form of violence, and to end impunity".

It went on—my noble friend and others should be heartened by this, because it is emphasises the importance of education—to urge,

"States to complement punitive measures with awareness-raising and educational activities designed to promote a process of consensus towards the elimination of female genital mutilations".

The subsequent UN General Assembly Resolution A/69/150 of 18 December 2014 reaffirmed the call to ban FGM worldwide. Significantly, that resolution was co-sponsored by the group of African states along with 71 member states. In 2015, FGM was also identified as one of the millennium sustainable development goals.

Let us look at the scale of the challenge. According to the United Nations and despite international efforts to end the practice of FGM, it is estimated that at least 200 million girls and women alive today have undergone some form of FGM. That is a staggering figure. The countries with the highest prevalence of FGM among girls aged 14 and younger are Gambia with 56%, Mauritania with 54% and Indonesia where around half of girls aged 11 and younger have undergone the practice. The countries with the highest prevalence among girls and women aged 15 to 49 are Somalia with 98%, Guinea with 97% and Djibouti with 93%.

But as I have made clear, the issue of FGM is not only one for African countries or other parts of the world. The occurrence of FGM in the UK is significantly lower than in the countries I have cited, but as my noble friend Lady Boycott has just pointed out, it is also practised in the UK and there are women and girls in our midst who have been subjected to it. The National Health Service has reported:

"There were 5,39l newly recorded cases of Female Genital Mutilation (FGM) reported in England during 2016-17, according to the second publication of annual statistics from this data set. The FGM statistics, published … by NHS Digital, also showed that there were 9,179 total attendances in the same period where FGM was identified or a medical procedure for FGM was undertaken".

For six in 10 attendances, medical treatment post FGM was required. According to the NHS,

"Women and girls born in Somalia account for … 35 per cent or 875 cases … of newly recorded cases of FGM with a known country of birth (2,504). Of the newly recorded cases, 112 involved women and girls who were born in the United Kingdom. In 57 cases, the FGM was known to have been undertaken in the UK".

Providing assistance for post-FGM consequences is obviously crucial, but we must do more and act to prevent the practice of FGM in the first place, which is why my noble friend introduced the Bill. Despite the clear legal provisions criminalising the use of the FGM, as set out in this House by my noble and learned friend Lord Brown of Eaton-under Heywood, prosecution does not necessarily follow. That was confirmed by Her Majesty's Government in a response to a Written Question tabled by Laura Smith, MP for Crewe and Nantwich, who asked about the number of prosecutions for FGM in the last 30 years. The government Minister replied:

"There has been one prosecution which was under the Female Genital Mutilation Act 2003".

As my noble and learned friend pointed out, even that prosecution was unsuccessful, which is truly shocking.

My noble friend Lord Berkeley's Bill is an opportunity to shine a light once again on the barbarism of FGM and the wholly inadequate policing of this crime, but it also introduces a new safeguard by equipping the courts with an extra power to protect children from the risks of FGM. This is about striking the right balance in the law. It is significant that the Council of Europe recently passed a resolution on,

"Striking a balance between the best interest of the child and the need to keep families together".

The Bill seeks to achieve that idea of striking the right balance.

To conclude, notwithstanding the wider question of parental responsibility, we need to recognise that the case of FGM differs significantly from any other cases that the UK courts normally deal with—namely, we are discussing a procedure that inflicts pain and suffering on girls and women, is both unnecessary and harmful and may have lifelong consequences for the affected girls or women to deal with for the rest of their lives. For those reasons, I support my noble friend's Bill and hope that it will achieve a Second Reading in your Lordships' House today.

12.12 pm

Baroness Featherstone (LD): My Lords, I congratulate the noble Lord, Lord Berkeley, on the Bill and taking up the cudgels of the late and great Lady Ruth Rendell, who raised the issue of FGM for many years. I think that this is the first time I have spoken on FGM in this House; I have been here only a couple of years.

[Baroness Featherstone]

It is an interesting history. I was at the Home Office when I first heard about FGM. A young girl, Nimco Ali, came to see me with a few girls from an organisation she had started called Daughters of Eve. She metaphorically took me by the collar and shook me. She said, "This is child abuse. This is violence against women. You have to do something". It was a lesson: people think that meetings with Ministers do not affect them, but it affected me and has led me to work on FGM ever since.

At that time, in the age of austerity, the Home Office was facing severe cuts. As it happens, I was reshuffled to the Department for International Development, which had money—and has money, rightly so. I walked in and the first thing I said was, "I want to do something about female genital mutilation because our diaspora hangs on to the rules even longer than the countries of origin". As is so often the case when you are a Minister—as I am sure the Ministers opposite will know—if you meet a like-minded civil servant, you are in with a very good chance. I met one such civil servant who will remain nameless. They said, "Here's one I prepared earlier", and brought forward plans for a £35 million programme to support work that was then going on in Africa. We could not be finger-wagging colonialists saying, "This is what you should do". We were supporting an African-led movement. As said by the noble Lord, Lord Alton, the United Nations, 25 African countries and the African Union have banned FGM. So, this was about timing as well, which so often plays an important part.

The £35 million programme that we brought forward was the biggest in the world. I went to the UN Commission on the Status of Women and was allowed to announce the programme, but not the figure of £35 million. I am not entirely sure that I should say this, but I will: at that point, David Cameron wanted the amount to be in line with the Downing Street press release for International Women's Day. I was sitting on a platform in front of an audience of 600 people, including the heads of countries involved in moving forward on FGM. It came to my turn, I gave my speech and I thought, "This is ridiculous. This is the moment", so I said, "I am very happy to announce a £35 million worldwide programme, the biggest ever, to support the African-led movement". I remember seeing my Private Secretary, who was busy on her BlackBerry, gasp, thinking, "What has my Minister done? I will be in trouble". I was in trouble when I got back, but that is another story. It was a coalition; let us leave it at that.

That announcement kicked off everything that noble Lords will have heard about on this subject in the past five or so years, which carries on today. Legislative changes were brought in at that time. We managed to bring in travel ban orders, female genital protection orders and mandatory reporting. Immediately after that announcement, I did a Channel 4 programme in the UN basement. The next morning, I woke up to a text from the *Evening Standard.* I phoned in and did an interview, which kicked off the most amazing FGM campaign by a newspaper. It ran FGM stories every day and still does. It is going through a regeneration. That meant that I had a lot of power behind the argument. It also meant that many people, including David Cameron and Justine Greening, who was fantastic, wanted to join my mission. We had the Girl Summit, which sought a worldwide FGM ban. Things began to change, but as has been said, that one prosecution failed. As said by the noble Baroness, Lady Kennedy of The Shaws, the law is not the answer, although it is very important. I will come to the Bill of the noble Lord, Lord Berkeley, shortly.

The noble Lord, Lord Alton, raised the issue of equality. I have to say—I have said this from many a platform—that if we were cutting off half of men's penises, that practice would not have lasted five seconds, let alone 5,000 years. Noble Lords may laugh, but it is so true. There would not be one failed prosecution; there would be successful prosecutions across the land and across the world. In fact, it would never have started.

I want to pay tribute to the work of Efua Dorkenoo, who was the most amazing woman and the mother of the fight to end FGM. Sadly, she died recently, but her dedication and bravery in bringing this practice to light made all that has followed possible. As said by the noble Baroness, Lady Kennedy, she was a brave African woman who talked about women's sexuality and all its issues.

There is cutting in this country but many girls are taken back to their mother countries. Someone raised the issue of this being the "cutting season"; of course, it is. Any girl who goes missing in the period before school breaks up should be reported because it is a clue that leads to the possibility of a travel ban order. As I said, we made some great steps during the coalition but we did not go far enough. We introduced mandatory reporting but on the front line, social workers, teachers, healthcare professionals, the police and other public servants did not have the knowledge or confidence to address FGM. At the Girl Summit, we managed to introduce front-line training, but it was online; that is vital but inadequate. It needs to be part of the studies that lead to qualification. We cannot expect professionals to report unless they have the knowledge and confidence to do so.

Importantly, a measure that remains untouched is teaching about FGM in schools, as so many girls have no idea what is about to happen to them. We have to be able to warn them about sudden visits home, signpost who they can talk to if they are worried and explain what might happen. We have to bring this into schools. I am afraid I tried with Michael Gove and failed. I also tried with Justine, whom I hoped would bring it forward when she was Secretary of State for Education, but sadly she did not. We still need that to be brought forward in schools, particularly in areas of high prevalence, where there is extreme resistance by the community, parents and head teachers to spreading any knowledge about this. We need to be speaking to the male leaders of communities that practise FGM. Of course, much of the answer lies within the community itself, so we clearly need to support the brave girls and groups who campaign from and within the community and to make sure that they are given the help and funding they need to carry out their hugely important work.

That brings me to the point of today's debate. This should absolutely be a tool in the court's armoury—anything that enables authorities and professionals to step in and intervene to stop harm to a child is vital. The amendment of the noble Lord, Lord Berkeley, is a sensible and useful addition to the tools that can be used for this intractable, harmful and disgraceful practice.

12.20 pm

Baroness Massey of Darwen (Lab): My Lords, my noble friend Lady Gale is unwell, so I have the pleasure and the honour of making a guest appearance in your Lordships' House. I am delighted to be speaking in this debate and in such distinguished company. The noble Lord, Lord Berkeley, has set out extremely well the amendment, and the legal and other brains around the House have also explained the amendment in some detail. I shall not repeat those explanations.

I am grateful to the noble Lord, Lord Berkeley, for introducing this Bill and this debate. It is another wake-up call to us to be vigilant about this abhorrent practice performed on women and girls, and which is of course illegal in this country. I am also delighted to hear that the noble Lord is committed to fighting on in this manner. This is a form of child abuse—and "child" means up to the age of 18. The noble Lord has cleverly intertwined two Acts: the Children Act 1989 and the Female Genital Mutilation Act 2003. FGM has been a scourge in our and other societies for many years. There has never been a prosecution, although we have come near to it in this country. It is an act frequently performed on girls from some communities—not necessarily religious—against their consent, often arranged by parents or a relative, and it is potentially dangerous. It is very often performed by a person with no surgical experience, and is likely to have severe psychological consequences for women and cause severe physical difficulties in sexual intercourse and childbirth. Repair is possible but I am not aware of how common this is. I have spoken to doctors and midwives who are horrified by the damage done to women and girls. Most victims are young and have no say in the proceedings. Statistics probably underestimate the size of this problem.

The Private Member's Bill of the noble Lord, Lord Berkeley, is part of a process to tackle violence against children and it may be useful to give some indicators of that process today. The Children Act 1989 is central to the amendment. There have, of course, been many Children Acts in the UK, all responding to the current needs of children. They have evolved over the years. There is no single piece of legislation that covers child protection or safeguarding in the UK, but a number of laws provide a comprehensive framework. The child protection systems across the UK—in England, Wales, Northern Ireland and Scotland—are different, but all based on similar principles. The basis of all systems is that the welfare of the child is paramount, as expressed in the UN Convention of the Rights of the Child of 1989, which the UK has of course ratified. I am glad to say that the UK has also recently ratified another important convention: the Council of Europe Lanzarote Convention on Protection of Children against Sexual Exploitation and Sexual Abuse.

We are fortunate in the UK to have a vigorous and vigilant voluntary sector for children. I know that, because I work with it. We have campaigns supporting children against abuse, such as the Together We Can Tackle Child Abuse campaign. We have had seminal reports, such as the one produced by our colleague the noble Lord, Lord Laming, in 2009 following the horrific Victoria Climbié case. This report called for an overhaul of children's social work, including a safeguarding delivery unit. As I said, things have evolved and we in the UK have been active on child welfare. There are criticisms, including a lack of integration of strategies for children and interaction between the various frameworks and definitions, lack of data and not enough consultation with children, including child victims. I support strongly the participation of children in developing strategies which involve them. As one young woman said to me at a recent seminar on mental health and youth justice, "We are experts by experience". How true. I shall return to this later.

I am a member of the British delegation to the Council of Europe, and I chair the Sub-Committee on Children. I am impressed by the commitment of the Council of Europe in advocating for children. Its Istanbul Convention of 2011 speaks specifically about FGM, and the Council of Ministers has called for multiagency co-operation and integrated strategies to combat this practice—something we should perhaps look at more closely in our own efforts.

This amendment is an example of, and contribution to, joining the dots. FGM is a problematic issue, as has been explored today. It is well summed up in the response to a parliamentary Written Question in February 2017:

> "There has been one prosecution brought under the Female Genital Mutilation Act 2003, which was unsuccessful. The police and Crown Prosecution Service … have highlighted that one reason for the lack of investigations and prosecutions is a lack of referrals. In addition, cultural taboo and the age and vulnerability of the victims may prevent them coming forward".

This is something we need to crack: any attempt to integrate aspects of our laws, as this amendment does, will help. As I said earlier, there is no single piece of legislation that covers child protection. The Children Act 2004, which supplemented the 1989 Act, identified the components of child protection, including: the principle of paramountcy, with the welfare of the child being most important—the welfare of the child must come first; the provision of services for children in need; the duty to investigate; co-operative arrangements for care and care orders; parental responsibility; the protocol for inquiries and case conferences; police powers; and emergency protection powers. All these aspects have other aspects in other Acts. As I said before, integration is something we should look at. We should work together; perhaps the Minister can say something about this and talk to others afterwards about how we might integrate better.

Yesterday, we had an important Statement on the need for personal, social and health education in schools. Many of us have fought for this for years, believing that a key element of education is encouraging young people to develop confidence, social and emotional skills and self-esteem. By having such skills, health and relationships can improve. Through such programmes

[Baroness Massey of Darwen]
in schools, maybe we can encourage girls who are likely to be or who have been victims of FGM to speak out—and not just them, but their friends and others in their communities. Of course, it is unthinkable for girls to denounce their parents, but they can surely talk, or learn to talk, to someone who is sympathetic to their case and their cause. There is no substitute for "experts by experience".

When speaking of FGM, I am always reminded of the debt we owe to the late and much loved Ruth Rendell, who has been mentioned by others. She was of course a celebrated crime novelist. In a lesser light, she was also my mentor when I came here. She vigorously supported the fight against FGM by speaking at conferences, by giving interviews and indeed by funding a film to be used in the training of midwives and nurses.

She also, as my noble friend Lady Kennedy said, wrote a novel which introduced the subject of FGM. It was called *Live Flesh* and described a plot to subject a girl to FGM and how the girl narrowly escaped. In what I believe was her last speech in your Lordships' House, in December 2014, a week after mandatory reporting of FGM was instituted as part of the Government's reducing and preventing crime strategy, she said:

"those of us who have worked against FGM have long been convinced that the best way of stopping it would be to prosecute the perpetrators".—[*Official Report*, 11/12/14; col. 523.]

In France, there have been more than 100 successful prosecutions; also in Italy, Sweden and parts of Africa. Parents have been prosecuted for employing a so-called circumciser to cut the girl. The parents were sent to prison for three years. In France, girls are regularly examined by their doctors to check whether they have had FGM or are in danger of having it.

As I said, there have been no prosecutions in the UK. The reason given is that a girl will not go to court and give evidence against her parents about abuse carried out on her. I repeat that the girl should be given the self-empowerment to talk to someone about it.

FGM is an appalling crime. I think we hear less now about cultural values overriding cruelty to children, but FGM still goes on. The welfare of the child is paramount. By combining an FGM Bill with a children's Bill, the noble Lord, Lord Berkeley, has done a service to child protection. I support the amendment and hope that the Government will continue to strive mightily to fight the crime of FGM.

12.31 pm

Baroness Vere of Norbiton (Con): My Lords, I thank all noble Lords who have taken part in today's debate. The strength of support for the Bill of the noble Lord, Lord Berkeley, from all sides of the House is testament to the unanimous desire to stamp out this barbaric act. Female genital mutilation is an extremely painful and harmful practice that blights the lives of many girls and women. The Government roundly condemn this practice and are determined to see it eradicated in this country and elsewhere.

The practice of FGM is an age-old one, deeply steeped in the culture and tradition of practising communities. Those who practise it no doubt genuinely believe that it is in their children's best interests to conform with the prevailing custom of their community. But that does not excuse such a gross violation of their human rights. It is wholly unacceptable to allow a practice that can have such devastating consequences for the health of a young girl. The physical and psychological effects can last throughout her life. The mutilation and impairment of young girls and women can have no place in modern society.

The Government are clear that tackling FGM is about protecting vulnerable girls and women. That is why, in 2015, the Government introduced several legislative measures to strengthen the law on FGM to help make prosecutions more likely and protect women and girls at risk. These measures included extending extraterritorial jurisdiction to cover offences of FGM committed abroad by habitual, as well as permanent, UK residents; lifelong anonymity for victims of FGM; the creation of a new offence of failing to protect a girl from the risk of FGM; a mandatory duty to report FGM in girls under the age of 18; and the introduction of female genital mutilation protection orders—FGMPOs.

However, bringing perpetrators to justice cannot happen unless victims or those at risk of FGM come forward. The highly personal and intimate nature of the offence may be one reason for a victim or a girl at risk being reluctant to report FGM. But added to this is the fact that the crime of FGM is usually committed in a family context, with most victims or those at risk too young, scared or unwilling to report members of their own family. This makes it a more complex and sensitive issue and one where gathering sufficient evidence to prosecute is challenging. That is why the police continue to work with a broad range of agencies to raise awareness of FGM and encourage more people to report it.

FGM occurs in specific communities, with religious reasons cited as one explanation of why FGM is practised. But, as the noble Lord, Lord Alton, mentioned, it is not mentioned in the Koran. Since 2014, the Government have been working with faith leaders to address the practice of FGM, with a specific focus on breaking the perception that FGM is indeed a faith requirement. It is not. Over 250 faith and community leaders have signed a declaration denouncing the practice, and the Government are using their work with faith leaders in target communities to reach further into other communities.

Education of girls and women is essential, and education from within their communities is likely to be the most effective. The noble Baroness, Lady Flather, mentioned the prevalence of FGM in Africa, and FGM is indeed unlikely to end in the UK before it ends in Africa. The Department for International Development has led a £35 million flagship programme—the noble Baroness, Lady Featherstone, mentioned it as part of an interesting anecdote about working as a team in coalition government—that supports the Africa-led movement to end FGM, and is supporting work in 17 countries.

The noble Lord, Lord Berkeley, gave an outstanding speech in which he set out the challenges and impacts of FGM and the steps that have been taken so far. I welcome his support for the action taken by the Government. We are keen to do more. I also welcome

his focus and that of the noble Baroness, Lady Kennedy, on advocacy. Both are right, and it must be a priority as we take things forward.

I was very pleased—and, indeed, a little relieved—that the Bill attracted the significant support of the noble and learned Lord, Lord Brown of Eaton-under-Heywood. He mentioned the lack of prosecutions, as did the noble Baronesses, Lady Kennedy and Lady Massey, and the noble Lord, Lord Alton. Regrettably, they are right, but, as also noted by the noble Baroness, Lady Kennedy, prosecutions must not be undertaken lightly. As I mentioned, FGM cases are challenging to prosecute for many reasons.

Lord West of Spithead (Lab): My Lords, I thank the noble Baroness. I must say that I have a sense of déjà vu. I feel very strongly about FGM. Eleven years ago, sitting in her place, I worked very closely with Lady Rendell because we were not getting anywhere—we were not moving things forward. There was Project Azure with the Metropolitan Police, and one issue was no prosecutions. It is appalling that we were trying then to do it—I know the complexity—and yet for some reason we still cannot do it. We must break the logjam, as well as do all the other things which are so important. I feel a complete failure that in 11 years we have not done something about such an abhorrent and terrible thing.

Baroness Vere of Norbiton: I thank the noble Lord for his intervention and of course agree, but with the caveat that we must ensure that the prosecutions are the right ones. The Crown Prosecution Service's female genital mutilation prosecution guidance provides guidance for prosecutors in dealing with cases of FGM. The guidance was revised following the amendments made to the Female Genital Mutilation Act 2003 by the Serious Crime Act, as I outlined earlier. In addition, lead FGM prosecutors have now been appointed for each CPS area, and all those areas have agreed protocols with their local police forces setting out the arrangements for investigation and prosecution of FGM.

We would all like more prosecutions for FGM, there is no doubt about that. However, we must make sure that we do not prosecute the wrong people.

Lord Alton of Liverpool: My Lords, I am grateful to the Minister and entirely agree with what she just said about not bringing flimsy cases that do not stand up in court. She will have heard what was said earlier on about the number of successful prosecutions in other European Union countries. Are we looking at best practice elsewhere so that the failure rate that the noble Lord, Lord West, identified, does not continue for another 11 or 12 years?

Baroness Vere of Norbiton: Yes, the noble Lord is completely right. I was just about to come on to that, because I listened with great interest to the comments of the noble Baroness, Lady Massey, about prosecutions in other countries which one might say are very similar to ours. There must be things that we can learn from those countries. I will take that back to the department—I will write to noble Lords if there is any more information on it—to ask what we are doing about it and whether we are looking at the successful prosecutions in other countries.

It was my pleasure to listen to the well-informed speech from the noble Baroness, Lady Boycott, just two days after her maiden speech, but I was distressed to learn that there is a cutting season and to hear about the steps that families now take to continue this practice by bringing third parties from overseas to inflict this on a number of girls. I thank her for her contribution. The noble Lord, Lord Alton, reminded us of the prevalence of FGM. The figure of 200 million is truly shocking. This practice is truly barbaric and far more widespread than many would believe.

I turn to the Bill, which seeks to amend a small and, we believe, unintentional gap in the law. As the noble Lord, Lord Berkeley, said, there has been an oversight. He explained that the purpose of the Bill is to amend Section 8(4) of the Children Act 1989 to bring proceedings for FGMPOs within the definition of "family proceedings" for the purpose of the 1989 Act. The effect of bringing FGMPO proceedings within this definition would be that a number of powers under the Children Act 1989 would be opened up to the family courts in those proceedings, such as the power to make a care or supervision order.

The Government are pleased to be able to support the Bill at Second Reading. There are a few minor and technical amendments that we believe are appropriate and we will of course discuss them with the noble Lord, Lord Berkeley, and other interested noble Lords before the Bill returns to your Lordships' House for its next stage. First, however, I will provide a little bit of background on the introduction of FGMPOs and the ways in which such orders may currently be made, and explain the framework that applies to child protection in England and Wales.

FGMPOs were introduced in 2015 alongside a series of other legislative measures intended to strengthen the criminal law in this area and to make successful prosecutions more likely. An FGMPO is, however, a civil law measure, designed to protect those at risk of FGM from ever being subjected to this cruel practice. Applications for FGMPOs can be made to the family court or High Court. The family court and High Court can also make an FGMPO of their own volition, as can a criminal court during proceedings for an FGM offence. Between July 2015, when FGMPOs were introduced, and March 2018 the courts have made 220 FGMPOs.

FGMPOs were closely modelled on forced marriage protection orders, introduced in 2007 by means of adding a new Part 4A to the Family Law Act 1996. All proceedings under the Family Law Act 1996 are defined in Section 8 of the Children Act 1989 as "family proceedings" for the purpose of the 1989 Act. When FGMPOs were introduced the then Government decided to include the relevant provisions in the Female Genital Mutilation Act 2003, rather than in the Family Law Act, so that all the relevant law on FGM would be in one place, but one apparently unintended consequence of that approach was that FGMPO proceedings were not included within the definition of "family proceedings" for the purpose of the Children Act 1989. A number of orders can be made to protect children in "family proceedings" under the 1989 Act, and the exclusion of FGMPO proceedings from that definition means that,

[Baroness Vere of Norbiton]
as the law stands, if a local authority applicant for an FGMPO wishes also to apply for, for example, a care or a supervision order, a separate application is required.

Bringing FGMPO proceedings within the definition of "family proceedings" would mean that an application by a local authority or the NSPCC for a care or supervision order relating to a child at risk of significant harm could be made during FGMPO proceedings, thus avoiding the need for a separate application and potential delay. Other powers of the family court, including powers to make, for example, a prohibited steps order, special guardianship order or family assistance order, would also be available to the FGMPO proceedings. The Government believe that this simplification of process that the Bill intends is sensible and we are pleased to support it. It adds to the measures that the Government have brought forward to tackle FGM issues.

I turn to child protection in England and Wales and the role of the courts and local authorities. One of the key principles of the legislation that underpins the child protection system in England and Wales is that children are best looked after within their families. However, where a local authority has reasonable cause to suspect that a child is suffering or is likely to suffer significant harm, it has a duty to make such inquiries as it considers necessary to decide whether to take any action to safeguard or to promote a child's welfare. Ultimately, however, it is for the courts to make that decision. They may make an order to remove a child from his or her family's care only if they are satisfied that the child is suffering or likely to suffer significant harm attributable to the care being given to the child or the child being beyond parental control. The welfare of the child must be the paramount consideration in any decision that the courts make.

On child protection more generally, the Government have ensured that there is an ongoing responsibility for schools to safeguard the children in their care. Recently refreshed statutory guidance, *Keeping Children Safe in Education*, includes specific information on what FGM is, what to look out for and where to go for help.

To conclude, the Bill seeks to make a small, technical amendment to close a gap in the law that will have the principal benefit in FGMPO proceedings of making available to the court a number of powers under the Children Act 1989 that would serve to increase the ability of the court to protect children at risk. Once again, I thank the noble Lord, Lord Berkeley, the eagle-eyed lawyer, Mr Maddison, who was so determined to remedy this oversight, and all noble Lords who have taken part in the debate. The Government are pleased to support the Bill and I commend it to the House.

12.46 pm

Lord Berkeley of Knighton: My Lords, I am grateful and humbled to receive such unanimous support around the House from such distinguished speakers, many with greater knowledge of these matters than I have. My noble and learned friend Lord Brown of Eaton-under-Heywood reminded us what this involves, through the words of the noble and learned Baroness, Lady Hale. The noble Baroness, Lady Flather, spoke about work in Africa. I could link that to what my noble friend Lord Alton said about work in sub-Saharan Africa, where it is worth reflecting that NGOs are making some progress with these communities. It was a great pleasure to have the noble Baroness, Lady Kennedy of The Shaws, speak. She is absolutely right to reinforce what the Minister said about this not being a religious matter. This is not in the Koran; it extends beyond simply one religion. It is not religious and it is wrong to be made to think that it is purely a Muslim matter.

It was lovely to have our new colleague on these Benches, my noble friend Lady Boycott, speak. From what she said then and in her maiden speech, there is no question but that she will be an extremely valuable addition to your Lordships' House. I was grateful to her for mentioning the bravery of people such as Nimco Ali, who came to one of the debates I started, because that is the way in which we will educate people. The Minister mentioned education. "Education, education, education"—we have heard that before—but in this instance we have to get the word out. Prosecutions are important, but education is even more so.

I was grateful to hear from the noble Baroness, Lady Featherstone, who has such experience and passion to right these wrongs. Two distinguished surgeons and Members of your Lordships' House, the noble Lords, Lord McColl and Lord Winston, have described to me the terrible things they face in the operating theatre when trying to repair this damage. The noble Baroness said that if our penises were shortened, we might mind more, but there is an important point here. As the noble Lord, Lord Winston, said, many people ask whether this is not the same as male circumcision. It is absolutely not. Whatever you may think about male circumcision —we probably all think different things—it is not done to decrease sexual pleasure. Some would argue that male circumcision results in that; I could not possibly say.

I was very pleased to hear from the noble Baroness, Lady Massey of Darwen, that the Labour Party will support us, because that in some ways is a tribute to the incredible work of Lady Rendell, whom we all miss so much. Most of all, I am grateful to the Minister, who has been incredibly helpful. I look forward to working with her further on this matter.

It has been an extraordinary debate about something that we all care passionately about. I regard the human body as a kind of sacred vessel. What we do to our own body is one thing, but we should not allow other people to interfere with it in any circumstances. Having thanked everyone who has spoken, I ask the House to give the Bill a Second Reading.

Bill read a second time and committed to a Committee of the Whole House.

ONS New Crime Statistics

Private Notice Question

12.50 pm

Asked by ***Lord Paddick***

To ask Her Majesty's Government what is their assessment of the statistics published by the Home Office today which show an 11% increase in recorded crime in the year ending March 2018.

Lord Paddick (LD): My Lords, I beg leave to ask a Question of which I have given private notice.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Office for National Statistics has pointed to improvements to police recording and increased willingness of victims to report certain crimes such as sexual offences and domestic abuse as important factors in explaining trends in police recorded crime. However, there has been a genuine increase in serious violent crimes, so we have announced new laws to address them. The serious violence strategy represents a step change in the way that we respond.

Lord Paddick: My Lords, overall crime is increasing and violent crime, as the Minister has just said, is increasing at an alarming rate of more than 10%. The crime survey does not reflect this because of the underrepresentation of young men, who are predominantly the victims of violent crime. Nor are murder and manslaughter offences reflected in it. Crimes that are more complex to investigate, such as rape, are an increasing proportion of the total, requiring more police resources to investigate them. Meanwhile, the proportion of offences resulting in a court appearance fell from 11% to 9%, the lowest since comparable records began in 2015. Despite government claims to the contrary, central government funding for core policing continues to fall in real terms, with the number of police officers at the lowest level since comparable records began in 1996. At the same time, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services said in its *State of Policing* report of 2017:

"On the whole, the inspections we have carried out during the past year show that the effectiveness and efficiency of the police service are improving".

When will the Government accept that the continued, damaging, real-terms cuts to core policing budgets are helping to drive up crime, and when will they reverse them?

Baroness Williams of Trafford: My Lords, I thank the noble Lord for his Question. I say at the outset that the Government understand that police demand is changing and increasingly complex, as the noble Lord said. That is why, after the Police Minister spoke to all forces in England and Wales, we provided a comprehensive funding settlement which will increase total investment in the police system by more than £460 million in 2018-19. That includes £50 million for counterterrorism, £130 million for national priorities and £280 million in force funding for increases in council tax precept income. He will have also heard the Home Secretary saying that he understands what the demands on the police have been, particularly over the last year with all they have had to deal with, and that he will prioritise this in the next spending round. However, the overall picture is that public investment in policing has gone up from £11.9 billion in 2015-16 to £13 billion in 2018-19. The workforce of the police has remained broadly stable over the past year. I add that many forces have indicated that they either plan to protect the number of police officers or will in fact recruit further in the coming year.

Lord Kennedy of Southwark (Lab Co-op): My Lords, we have seen an 11% increase in recorded crime, police officer numbers at a record low, only 9% of recorded crime resulting in anyone being charged or summoned to court, offences involving knives and sharp instruments up 16%, gun crime up 2% and murder and manslaughter up 12%. These are appalling figures. Will the noble Baroness tell the House what responsibility the Government accept for letting the public down so badly?

Baroness Williams of Trafford: My Lords, I have said that the Government recognise the genuine increase in serious, violent crimes. I have talked about our serious violence strategy. This very week my honourable friend in another place, Victoria Atkins, will be going out to schools to talk about the initiative #knifefree and the importance of young people not getting drawn into knife crime. We have a number of initiatives around this, including Operation Sceptre. I have outlined not only the funding settlement for this year but the Home Secretary's priority for the next spending round, because he recognises the sheer strain that police have been put under—the changing face of the types of crime that people are committing and, of course, the strain that they have been under in terms of terrorist attacks. I will say something about police numbers in relation to serious violence. At the national level, most types of serious violence were far higher in 2000, with higher police numbers compared with the 1950s and 1960s, when police numbers were far lower. That is not to denigrate the points made about the police and the pressure they are under. I take this opportunity to thank the police for the very important work they do in keeping our communities safe.

Baroness Neville-Rolfe (Con): My Lords, I endorse what my noble friend says about the great work done by the police. I am particularly concerned about the position in London, particularly in relation to knife crime. Does she feel that there is more that the mayor and his team could do to help in the fight against this appalling crime?

Baroness Williams of Trafford: My noble friend makes a very valid point. Many people have pointed to the increase in knife crime and moped crime around London. This is not solely a job for the police: elected people such as the Mayor of London have their part to play. As I say, there are a number of initiatives going on in this area. The police are doing some incredible work, but everyone has their part to play.

Lord Lea of Crondall (Lab): My Lords, as my noble friend has said, some of the statistics are very disturbing. There is a whole pattern, not just in knife crime and violent crime, but in the numbers of what we might call ordinary crime. Something like 80% of robberies are not solved or even subject to charges being made. I wonder whether Cressida Dick, the new commissioner, should produce in two or three months a real-time, online assessment of what targets should now be set by the Met to reduce these appalling numbers.

Baroness Williams of Trafford: As I have said on many occasions, the targets that police set are for individual police forces to decide, depending on the challenges they have in their communities.

Baroness Hamwee (LD): My Lords, the Minister mentioned increased rates of reporting. That is a point that she will have heard, as I have, many times over decades now as part of an explanation. I do not discount it as part of an explanation, but can she assure the House that every effort will be made to encourage victims to report and that ways will not be found to deter them?

Baroness Williams of Trafford: The noble Baroness makes a very valid point. There is increased reporting and we do not want to discourage that. We have gone to some lengths to encourage victims of domestic violence and sexual abuse to come forward, as well as victims of FGM—as we heard in the debate that has just taken place—and victims of stalking. With all those types of crime, people were unwilling to come forward. So, yes, we are absolutely adamant that we want victims to carry on reporting those crimes.

Lord Swinfen (Con): My Lords, the police used to patrol on foot, both in the country and in towns, most of the time. As far as I can see, at the moment they patrol in vehicles, which does not give them the chance to know the young people in their area and to know where they should be and where they ought not to be, and so to prevent crime before it starts. Is there any likelihood of this changing?

Baroness Williams of Trafford: I agree with my noble friend that the bobby on the beat is a very valuable presence on our streets, not only to make people feel safe in their community but to act as some sort of deterrent to criminals who may be on our streets. I go back to the point that I made earlier: it is entirely a matter for PCCs, together with their chief constables, to decide how to deploy resources in the most effective way that meet the needs of their community.

European Union (Information, etc.) Bill [HL]

Second Reading

1.01 pm

Moved by ***Lord Dykes***

That the Bill be now read a second time.

Lord Dykes (CB): My Lords, I am very grateful for the opportunity to introduce this Bill today. I am not surprised that we have a modest list of speakers. I am very conscious of the fact that we had a major debate on referendums yesterday in the context of Europe, and that there are 60-plus speakers on Monday for the Government's Motion on their plans to leave the EU on a certain date in March next year. So I thank very much all noble Lords who have come to the debate today, particularly the noble Baroness, Lady Hayter of Kentish Town, the noble Baroness, Lady Ludford, from the Liberal Democrat Benches, and, of course, the very hard-working Minister, the noble Baroness, Lady Goldie, who has done so much work in different areas.

In fact, I am delighted to see that I am the only man present in this debate. That pleases me as I am a long-standing supporter and member of the 300 Group, which has always maintained that, as women make up half the human race, it should be half women and half men in politics, which would then be much less hysterical because it would not be men in charge, but everybody in a balanced way.

The Bill is modest in comparison with, for example, the excellent Bill introduced by the noble Lord, Lord Berkeley of Knighton. Incidentally, I hope that, because it is such an important Bill, it will have the effect at the margin of increasing the audience for his excellent music programme on Sundays, which I listen to if I happen to be in the UK. It is a very good programme indeed and I wish him well with his Bill.

I first introduced this modest Bill in 2006, when there was no question of us leaving the European Union. It was intended to cover a big gap in people's knowledge. This is not a criticism of the public in general but a statement of the literal fact that very few people in this country—including politicians—knew how the European Community functioned, about its institutional structure or about the work it did. The intention was not to promote particular policies but to explain the structure, the constitution, the development of treaties and all the rest of the apparatus.

I thought that a problem was developing, both here and in other countries, but much more here, which meant that the European Union was in danger of becoming a scapegoat when national politicians came back to their home audiences and said, "Ah, well, the trouble is, Brussels asked us to do this but we don't want to", and all the rest of it. Almost all of it was untrue, but the EU was a convenient scapegoat, and it happened to some extent in other countries, but not with the intensity that we saw develop here. Therefore, there was the growing vacuum of knowledge about the European Union—which is, to be fair, a very complicated apparatus even for those who have the time to study it very carefully.

I am grateful for the brilliant Library briefing note by Thomas Brown on the Bill, which emphasises that it is a brief Bill but, none the less, one that has been introduced before.

The referendum had a very sad result, I thought, and the Government have been handling it rather incorrectly since then, if I may put it in that gentle way. When that result came along, I thought that one would logically no longer proceed with the Bill. I have deliberately excised the clause in the original text about displaying European flags, which for obvious reasons looks a little less logical after the referendum result, despite the narrow majority which the anti-Europe vote produced. We went into considerable detail on that yesterday in the debate on referendums, which I spoke in as well.

However, there would be a reason to carry on with the other clauses in the Bill because, whatever might happen as a result of Brexit—I believe, for obvious reasons, that there should be one result, with which perhaps some members of the Government might not agree, but we will leave that aside for the moment—it would be worth while proceeding. The main provision

is in Clause 1, providing for the availability of information on the European Union in all logical public buildings. It would include those run by local authorities and the information would be available free of charge, as in a library. Libraries sometimes but not always have information on the EU and there is no particular set pattern; they, too, would be welcome to give this information—on a no-charge basis, of course. It would go into all the reasons for what the European Union was doing and the background to it. Those are in the subsections of Clause 1. It would not be on a compulsory basis but one which would encourage everybody to do it, because of the easy availability of the text and the fact that this habit might therefore grow.

Whatever the result of Brexit, it will be important for us. If we presumably have close and friendly relations with the EU, as the Government hope—that remains to be seen, of course; we will see what happens in the rest of the negotiations—then it would be of value for the public to know more about how the EU works. If the result were the alternative, however, of our remaining in the European Union, then I for one would be incredibly delighted about that, as would others. I think there is a built-in majority in the Lords for that result but we will see what happens in the future. Again, that would re-intensify the reasons for having the Bill.

The other part of the Bill in Clause 2 has provisions for the twinning arrangements that are promoted by the European Commission and the other institutions on behalf of the Union. This would develop town twinning both in existing member states and different countries, as there are new ones joining now. I think Albania is making its application this month. We are waiting to see the details of that. I recently visited that country and there was already a huge display of flags, anticipating that the result would be positive.

With those elements in mind, it would be a very good idea if the Government were kind enough to give the Bill a good run and not to oppose it, even if they have their own second thoughts about our membership of the European Union. It is important that the public be well informed on these matters and that calls for a more open response. For all those reasons I thank again those attending today's debate and, while I look forward to what the Government have to say in response, I beg to move.

1.08 pm

Baroness Ludford (LD): My Lords, I welcome the Bill and am pleased to speak in this debate. I salute the justified persistence and perseverance of the noble Lord, Lord Dykes. He has amply refuted the notion that this measure might be closing the stable door after the horse has bolted, because it is still essential that British citizens are informed about how the EU works. It will continue to be important to us. As even a Government who are pursuing Brexit acknowledge, we want at least a "deep and special partnership" with the EU. If it is deep and special, it is therefore not possible for our citizens to understand the world unless they understand the European Union.

The question in the 2016 referendum, although ostensibly about the EU, was rather along the lines of, "Are you happy with the status quo?". After a decade of tightened belts, no wage rises and concerns about insecure jobs, inadequate housing and widening inequality, you did not need an EU peg for many people to answer with a big raspberry, but the widespread ignorance, misinformation and sheer malevolence in much of the press towards the EU did not help. As the noble Lord, Lord Dykes, said, the EU has become a scapegoat for everything that people do not like, whether or not it has any relationship or any causative role in those matters that are causing discontent.

On knowledge of the EU before the referendum, I shall quote someone whom I shall not name because I have not asked his permission. He is a remainer now, but he voted leave in 2016. This is what he has written:

"Prior to 2016 I had never really thought much about the EU. Indeed, the only time I was vaguely aware of it was when, on the rare occasion it did make the news, it was generally in either a negative ('red tape central bureaucracy holding back business') or comical ('bendy bananas') context"—

he perhaps means straight bananas—

"1 or 2 rare minutes of a news bulletin was about the maximum coverage it received. Never prior to 2016 (that I am aware of) did the British public have any objective and informed insight into what the EU is, how it came to be, what is represents, how it works, how we play our part in it and what benefits membership brings to our daily lives and that of business. In the months leading up to the referendum I therefore sought to better understand the EU as best I could".

He continues along the lines that he did not find much guidance on that. That sums up better than I can the predicament in which many voters found themselves in 2016. They simply had not been prepared, through education or through the media, to be knowledgeable voters asked to pronounce on the EU.

We all know who started the Euro myth business of bendy cucumbers and straight bananas: the unlamented ex-Foreign Secretary Boris Johnson, whose association with the truth has more than a touch of Trumpism about it. Other journalists felt under pressure after Boris Johnson, as the Brussels correspondent of the *Daily Telegraph*, started finding it fun to report just on jokey, and usually untrue, stuff. They were pressured by their editors to produce the same sexed-up stories, but nothing boring about what was going on in the Commission, the Council or the Parliament. No, let us have some fun stuff. That has done an awful lot of harm.

On the history of the Bill, as the noble Lord, Lord Dykes, has said, he first tried about 12 years ago to get this Bill through. He did not have a lot of help from previous Governments including, it has to be said, the Labour Government, who felt that it was unnecessary to try to increase the volume of information that British citizens had.

In 2013, Andrew Rosindell MP asked:

"the Secretary of State for Education what his policy is on the teaching of the history of the European Union in schools".

The answer from Elizabeth Truss was:

"Should schools choose to teach their pupils the history of the European Union then they can do so at their discretion. However, as we have made clear in our proposals for the new national curriculum published earlier this year, we do not think it should be compulsory for them to do so. Where schools choose to teach this, legislation requires that they do so in such a way that pupils are not exposed to politically biased views, but are provided with a balanced presentation of opposing issues".—[*Official Report*, Commons, 3/6/13; col. 1004W.]

[Baroness Ludford]

We can hear an echo there of what many of us are criticising the BBC for these days: false equivalence. As soon as you start to say, "Please can people learn about the EU?", there is an accusation that you are politically biased, when actually people just want factual information. Somehow you have to balance knowledge of what the EU does with negative criticism of it. That is what has dogged this issue.

I had long been meaning to do this, but the Bill from the noble Lord, Lord Dykes, prompted me to actually go and look at what is in the national curriculum about the EU. The answer is nothing. Of course the curriculum does not even apply to academies and free schools anyway, and certainly when you come to the citizenship part of the curriculum you are relying on good will and on a teacher being found to cover the citizenship theme, which I am afraid often gets shoved aside in favour of subjects that are going to be subject to examination; it is often a sort of afterthought.

On the question of citizenship, the curriculum says that at key stage 3:

"Pupils should be taught about … the development of the political system of democratic government in the United Kingdom".

You cannot understand government in the UK without understanding the origins of EU law, and we have just been through all that in the European Union (Withdrawal) Act. We are asking people to completely not understand how EU law is made and how it is democratically arrived at between democratically directly elected MEPs and democratic Governments, so it is no wonder that you hear the accusation that the EU is not democratic. There may be a legitimacy issue about the EU, because it is seen as remote and so on, but it is undoubtedly democratic. However, we are telling our pupils that they do not need to know about that, so the myths about how the European Commission dictates everything easily take hold.

So there is nothing about Europe or the EU at key stage 3. At key stage 4, pupils have to learn about,

"local, regional and international governance and the United Kingdom's relations with the rest of Europe, the Commonwealth, the United Nations and the wider world".

This is as if our relations with the rest of Europe are only about bilateral intergovernmental relations, on a par with the UN and the Commonwealth. There is no mention at all of the EU or how its supranational governance—it is not a superstate, but it is a supranational organisation—affects law and governance in the UK.

Under the history curriculum, key stage 3 pupils learn about,

"Renaissance and the Reformation in Europe, … the Enlightenment in Europe and Britain",

and then,

"challenges for Britain, Europe and the wider world 1901 to the present day",

including,

"Britain's place in the world since 1945".

There is absolutely no mention of the history, creation and development of the EU.

Lastly, under the geography curriculum, pupils are expected to,

"extend their locational knowledge and deepen their spatial awareness of the world's countries, using maps of the world to focus on Africa, Russia, Asia … and the Middle East".

Europe does not exist, apparently; it is literally erased from the map. Then we come along with a referendum asking, "Do you like the European Union?", and find that they do not know anything about it.

So if there is one silver lining of the referendum, it is that in the two years since then we have had more discussion about the EU and, I hope, better chances of learning about it than in any previous time since we joined it. Really, what I am agreeing with is the absolute need for the Bill proposed by the noble Lord, Lord Dykes, but particularly with the focus on the national curriculum. Why does the national curriculum not have a single mention in citizenship, history or geography—and I am not aware that it has it in any other subject—of the European Union as such? It is quite astonishing.

Lord Dykes: I am very grateful to the noble Baroness for her remarks. Indeed, the EU is a democratic institution, with the European Parliament—and she has attested that herself with her own career there as a very hard-working MEP, as well as an extremely hard-working Peer in the House of Lords, dealing with European issues. I thank her for all that. I live in France, too, because I had to try to live in a eurozone country, even if it was not Belgium—and France is nearer for us. Can she say why she gets the impression that other countries are more enthusiastic and why Britain is less enthusiastic? As I am sure she has, I have been confronted by people visiting from France and other countries saying, "Excuse me asking, but this proposal to leave the European Union—are they all bonkers?". I get that a lot. Would she explain why she thinks that is so? Why are we different? Why do we not have the confidence, as a sovereign country, that the other members have?

Baroness Ludford: That would take more than a few minutes to answer, or more than 30 seconds. One problem is that the membership of the European Union has been a party-political football for the entire time we have been a member. No one has been able—certainly not those in the driving seat in government—to rise above that and say, "Whatever the political controversies about our membership of the EU, we are in it and, while we are in it, we owe it to our young people, growing up as citizens, to understand how it works". It is not propaganda or indoctrination, but that is how it has been seen; it is about simply empowering citizens to understand how the EU works and, indeed, how it should be reformed and improved. No Government have been able to rise above that party-political issue to see it as a matter of simply enabling our citizens to understand the world.

1.22 pm

Baroness Hayter of Kentish Town (Lab): My Lords, it is now, alas, probably a bit too late for this Bill to have the impact that I know that the noble Lord, Lord Dykes, would have wanted it to have in the past. Indeed, just imagine if it had been willingly and positively adopted five or so years ago, and local authorities had risen to the challenge of identifying and publicising the positive impact of the EU on their communities.

As we have just heard, both the low turnout at European Parliament elections and the spike in online searches for "What is the EU?" immediately after the referendum reflect on how poorly we communicated what the EU means to the country. The only thing on which I would disagree with the noble Baroness, Lady Ludford, is that it is less about how it works than about what it achieves. We were even worse at putting that across.

Prior to the referendum, public understanding of, or even interest in, the EU was low compared to that for domestic politics. That was reflected in the quote that the noble Baroness, Lady Ludford, gave from someone who had contacted her. Partly, it was because we all rather took it for granted because, after more than 40 years' membership, many or most of the electorate had spent all their adult life with us as members. So who can blame them for ignoring the difference between what was done in Westminster and what was done through the EU? They simply got used to being able to travel visa-free around Europe, were familiar with the euro, and took their cars and pets abroad with little thought as to how all that was made possible. No wonder they expected that all those things would continue even if they voted to leave, because no one had explained to them that it was through hard work, in the Council, by MEPs—such as the noble Baroness—and through negotiation, that so much of this was made to work for consumers, and that those things were part and parcel of our EU membership. Nobody explained that perhaps our driving licences or car insurance would no longer work once we had left the EU, that holiday guarantees or compensation for delays might be a thing of the past, that our students might not have the same opportunity to travel and study across 27 countries, or indeed that our access to EU products or food imports might be at risk, let alone that the ready availability of medicines could be in jeopardy.

However, when the referendum happened, the campaign taught us at least two things, though I am not sure they are the silver lining that was referred to. First, when it mattered, people wanted to know what it was all about. Secondly, to rely on parti pris campaigns, with no requirement for honestly, objectivity or fairness, is the very worst way of providing clear, unbiased information. The campaign was neither clear nor unbiased. How much better it would have been had local authorities made information available in libraries over years—if any were left after the government cuts had closed so many.

There is now just one problem with the intention of the Bill—other than that we are due to leave. How on earth could this divided, muddled, headless Government ever agree anything European, let alone some robust but unbiased material to distribute, whether in libraries or on the sides of municipal buses? They cannot even produce a White Paper when they promised. When the Minister comes to reply, can she tell us where it is? On 12 July in the other place, Dominic Raab announced that a White Paper on the withdrawal agreement and implementation Bill would appear "next week". Indeed, when the noble Lord, Lord Callanan, repeated the Statement here the same day, he again read out those words: there would be a White Paper on a withdrawal and implementation Bill next week. It is now Friday of the week he was referring to, and it is 1.30 pm. If the Minister would like to produce the White Paper from inside the Dispatch Box, I am here and ready to receive it. In the absence of that, perhaps she could explain what has happened to it. Is it lost? Has it been rewritten? Are there still squabbles? When can we expect it?

There is another part of the Bill, on twinning. Other than the meaningless phrase "Brexit means Brexit", which the Prime Minister likes to use a lot, there is her catchphrase, "We are leaving the EU but not Europe"—as if geographically that was possible, and some earthquake could move us further along into the ocean. But if we take those words in the spirit she perhaps means them—that we are indeed, in our thinking, policies, friendships and allies, still rooted in Europe—perhaps that means that the UK should continue or even increase the amount of twinning and similar arrangements that localities or special interest groups have with their continental equivalents. Therefore, can the Minister outline the Government's vision for the future of town twinning, particularly in the light of continued assertions that the UK will continue to be good neighbours and good Europeans? To do that, we need to talk, to meet and to share.

That message about communication is one of the messages behind the Bill that, even if it does not become law, we should heed. The lessons are twofold. The first is a broad and democratic one: Governments, parliaments and councils should do far, far more to describe and explain what they are doing to the very people affected by those actions. That is a very general lesson that we should learn. The second is the one that I have just referred to: we are indeed Europeans; it is our continent, and we should do all that we can to continue to work with, understand and ally ourselves with our near neighbours. So a thank you is due to the noble—indeed, the feminist—Lord, Lord Dykes, for introducing this Bill and for the chance to consider the issues that it raises.

1.30 pm

Baroness Goldie (Con): My Lords, having the Chief Whip at my right elbow is either an indication of great praise or it reveals something much more alarming, which is that he fears that something dreadful will happen and he might have to intervene to rectify it. However, I thank him for his presence on the Bench with me.

I congratulate the noble Lord, Lord Dykes, on securing in the ballot this Private Member's Bill on making provisions for information and statistics about the European Union to be available in various public places, and to provide information to further the establishment of twinning arrangements between towns in the United Kingdom and elsewhere in the European Union in accordance with the European Union's town twinning support scheme. I know that the noble Lord feels deeply about these issues. Over the years, he has shown great commitment and determination in relation to the provision of information about the EU. However, I have to say to him that, despite him being the only man in this debate and notwithstanding his considerable charms, this lady is, I am afraid, not for yielding. The Government's position is to oppose the Bill and I shall explain why.

[Baroness Goldie]

The Government do not believe that it is necessary to legislate—that is, to create an obligation—to make information and statistics about the European Union available in public buildings or online. The decision on what to make available in public buildings is, I suggest, properly one for the relevant bodies which are responsible for the buildings. If they decide that it is appropriate and worth while to make certain information and statistics about the European Union available, that is their choice. It would not be appropriate for central government to dictate what information should be available in individual public buildings. Local authorities have a much better understanding of the services which they want to offer and which provide the best value for money in their local areas.

However, I make it clear to, and in doing so reassure, the noble Lord, Lord Dykes, and the noble Baroness, Lady Ludford, that the Government believe that the European Union should be a transparent organisation, with access to information and statistics relating to it available to everyone. It is worth noting that information and statistics relating to the European Union, in addition to being available from traditional sources, are also easily and freely available online from a variety of sources, including the websites of the institutions of the European Union, which contain detailed information on the purpose, organisation and priorities of the EU. All EU legislation is contained in the *Official Journal of the European Union*, which is published online. In addition, there is information on the UK Government's pages, including dedicated pages on the Lisbon treaty.

The noble Baroness, Lady Ludford, referred to the provision within the education system. By way of general comment, in my experience, many young people—who of course tend to be in the van of IT skills and digital adroitness—are extremely well informed about topical issues and current affairs. That was certainly the case in the independence referendum in Scotland. On her specific question, the national curriculum is not relevant to the Bill from the noble Lord, Lord Dykes. The Department for Education leads on the national curriculum and this Bill calls for the provision of information in public buildings.

Baroness Ludford: I am sorry to interrupt the Minister but, although that is technically correct, I still think it might be worth while for her to try to answer my question. If she is not able to answer it now, perhaps she will write to me to explain why the EU does not figure at all in the national curriculum, which is the responsibility of the Government. Unless I have made some mistake, the statutory guidance that I have looked through includes no mention of the EU whatever. Can the Minister enlighten me as to why that should be so? Is she willing to consult her colleagues in the Department for Education and write to me with an answer?

Baroness Goldie: I quite accept that what is in the national curriculum is indeed the responsibility of government, but it is not my responsibility in dealing with this issue as the Minister for Brexit. The noble Baroness is clearly exercised by this, and she might want to raise the issue directly with the Department for Education.

When it comes to the twinning proposal in the Bill, the Government feel unable to support it for three interconnected reasons. First, traditional town twinning is a locally led activity built on the enthusiasms, preferences and commitments of local communities; it is for a local area, therefore, to decide how it wishes to approach twinning, what arrangements would work for it and how it wishes to make use of any available funds for twinning. Secondly, this would be an unnecessary bureaucratic requirement for local authorities, potentially imposing new financial burdens where budgets today are already under pressure. This would especially be the case if an area is not interested in twinning, in which case the requirement in the Bill would provide no gain for the local communities which councils are serving. Thirdly—and let me clarify this for the noble Baroness, Lady Hayter—this requirement is unnecessary as the current scheme eligibility criteria state that, if the UK ceases to be a member of the European Union, it will be required to leave the twinning scheme. The Bill specifies the EU's town twinning support scheme, which is open to applications from:

> "Towns/municipalities or their twinning committees or other non-profit organisations representing local authorities … A project must involve municipalities from at least 2 eligible countries of which at least one is an EU Member State".

Baroness Hayter of Kentish Town: The Government have said that, for everything else, existing funding through EU funds—whether structural funds or anything else—will continue at least until the end of the transition period. The question is this: will the Government replace this funding which would have been available had we been a member of the EU, as they have promised to do elsewhere?

Baroness Goldie: I say to the noble Baroness that that is a matter to be determined post Brexit. The Bill, however, is about a system that can operate only as long as the UK is an EU member state. I am merely pointing out why it will not be appropriate to continue that arrangement when the UK leaves the EU. The current scheme eligibility criteria specifically states:

> "For British applicants … eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project".

Requiring local authorities to start to provide information on this scheme during a time of additional complexity, as the Bill proposes, would diminish rather than enhance the enthusiasm and commitment in local communities in respect of twinning proposals.

That is not to say that the Government do not support the principle of twinning—indeed, the long-standing localist approach to twinning has over decades resulted in many hundreds of successful twinning arrangements. I reassure the noble Baroness, Lady Hayter, who was particularly concerned about this, that the Government recognise the value of effective partnerships between strong and active local communities across Europe and the wider world.

The noble Baroness also raised the specific matter of the White Paper. As the Secretary of State for DExEU said on 12 July:

"We will shortly publish a White Paper on the withdrawal agreement".—[*Official Report*, Commons, 12/7/18; col. 1158.]

Baroness Hayter of Kentish Town: I am sorry but the Secretary of State did not say that. The wording in the Statement was "next week", not "shortly".

Baroness Goldie: Well I have merely quoted from the line that I have been given from the Box, but the noble Baroness's comments will, I am sure, be noted.

Lord Taylor of Holbeach (Con): My noble friend Lord Callanan said "shortly".

Baroness Goldie: Well, it was the Secretary of State for DExEU. My noble friend the Chief Whip is saying that the phrasing was "published shortly". We will need to refer to that again, but it is not actually germane to matters before us at the moment.

In relation to twinning, and as an example of a new relationship with our European neighbours, we have committed bilaterally with France to 10 new-style twinning arrangements per year, designed to promote the sharing of practical experiences and expertise on topics such as productivity and skills, in order to promote growth and economic success.

We therefore urge the House to reject this Bill. Our position is clear: that we will be leaving the European Union in March 2019. Once the UK ceases to be a member of the European Union, the UK will be required to leave the twinning scheme.

1.41 pm

Lord Dykes: My Lords, notwithstanding the final remarks of the Minister, I am grateful to all the three Front Benches represented here today for coming and replying to this Second Reading debate. A number of important points were made and because we are finishing before the time originally estimated, even allowing for the Private Notice Question on crime, we are doing very well. Therefore, although I will be brief, I feel obliged to make one or two quick remarks.

Further to the excellent speech from the noble Baroness, Lady Ludford, for which I thank her again, that theme was enunciated between us. It is incredibly self-indulgent of me to quote from my own speech in the referendum debate yesterday, but I hope noble Lords will forgive me. I asked:

"Why has this country remained the bad member of the European club? It is a club of friendly, sovereign countries working together, using majority voting sometimes and unanimity at other times, building up the European Union by treaty, and increasing the collective sovereignty of the whole body—as well as the individual sovereignty of the member states—whenever they make a collective decision".—[*Official Report*, 19/7/18; col. 1366.]

Britain has become more powerful as a result of membership of the European Union, not less. That is the reality.

It is very sad that the Government have a closed mind, which echoes the previous stance of Labour Governments when I first introduced the Bill in 2006. Perhaps then there was slightly more excuse or reason because it was early days, but the then Labour Government passed the Lisbon treaty without a referendum, which was commendable. That took us a step further in our membership of the European Union, with new arrangements for the European Parliament and the Council of Ministers to work together on legislation jointly.

I thank the Front-Bench Labour representative, the noble Baroness, Lady Hayter, for her remarks. Her questions to the Minister have revealed once again the massive government disarray regarding what to do with these European matters. I think that this country is going through a terrible tragedy and nightmare in trying to deal with a process that has been unleashed by the Government in a clumsy way ever since the referendum result. The result was advisory only and weak, in that no provision was made for the magnitude of the percentages which all referenda in countries with written constitutions would normally have.

None the less, I am grateful to the Minister for responding to the debate and dealing with the points. I understand her reservations in one sense. While I feel disappointment about that, I hope the Government will think again. When the Government say that they are opposed to the Bill, and in noting that the Chief Whip is in his place, I would add the piquant thought that there have been provisional conversations with Members of the House of Commons representing different parties who are quite keen on the idea of the Bill—if it reaches them, depending on its remaining stages in this House—so there may be a more positive response from Members of Parliament in general or in particular than from the Government themselves.

Once again, I thank all noble Lords who have spoken in the debate and ask the House to give this Bill a Second Reading.

Bill read a second time and committed to a Committee of the Whole House.

House adjourned at 1.45 pm.

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