Vol. 793
No. 207

Thursday
15 November 2018

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

This issue of the Official Report is also available on the Internet at
https://hansard.parliament.uk/lords/2018/11/15

The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

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

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

© Parliamentary Copyright House of Lords 2018,
this publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

House of Lords

Thursday 15 November 2018

11 am

Prayers—read by the Lord Bishop of St Albans.

Domestic Abuse: General Practitioner Charges

Question

11.06 am

Asked by ***Lord Kennedy of Southwark***

To ask Her Majesty's Government what progress they have made in the general practitioner contract negotiations for 2019–20 to end charges for the provision of evidence of domestic abuse.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con): My Lords, the Department of Health and Social Care has put this important issue forward as part of the general practice contract negotiations for 2019-20. While the progress of those negotiations is not discussed publicly until an agreement has been reached, I can reassure the House that the Government are committed to dealing with this issue.

Lord Kennedy of Southwark (Lab Co-op): My Lords, survivors often need to provide evidence of abuse when applying for legal aid and for anonymous registration, and a letter from a GP is an acceptable form of evidence. GPs are able to charge survivors for this letter—in some cases over £150—and this is unacceptable. Can the Minister confirm, without question, that it is the official position of the Government to stop charges for these letters being made and that, either through the current negotiations or legislation, these fees will be banned?

Lord O'Shaughnessy: I agree with the noble Lord. I feel uncomfortable with the idea of these letters being charged for. They have been identified by the Ministry of Justice and MHCLG as barriers to accessing support for victims of domestic violence. That cannot be right, and we are seeking to end that situation. GPs are independent contractors and therefore have that freedom unless it is specifically prohibited in their contracts, and that is what we are seeking.

Baroness Walmsley (LD): My Lords, while supporting the concerns of the noble Lord, Lord Kennedy, perhaps I may point out that next week sees the International Day for the Elimination of Violence against Women. Will the Government celebrate the day and the end of austerity by funding more refuges and services for victims of domestic violence? This is necessary because during the recent years of austerity many refuges, which offered hundreds of safe places for women and their families, have been closed.

Lord O'Shaughnessy: I can reassure the noble Baroness that we will celebrate that day. I think this Prime Minister has done more than any to clamp down on domestic violence and to support victims. That was shown in the £100 million that was set aside to support victims of domestic violence in a number of innovative ways. I can further reassure her that, as I understand it, the number of beds in refuges has increased over the past few years.

Baroness Greengross (CB): My Lords, it was good to hear the recent government announcement that they would ask the Law Commission to consider whether offences against older victims should be recognised as hate crimes, and of course the charges in this respect are important. The *Times* has recently shown that crimes against the over-65s increased between 2013 and 2017 by 31%; and violent and sexual crimes against them increased by a similar amount. I agree with Action on Elder Abuse that the figures are symptomatic of a failure to recognise the signs of this kind of abuse. What action are the Government taking as the Law Commission considers hate crime as a potential offence? Can the Minister give an idea of the timescale in which he expects it to come to a conclusion on this matter?

Lord O'Shaughnessy: I join the noble Baroness in condemning this type of crime, and it is disturbing that violence against older victims has risen. That is precisely the reason the Government have asked the Law Commission to look at the issue and bring forward suggestions on how to give the authorities greater powers to clamp down on those who perpetrate such crimes.

Lord Clark of Windermere (Lab): My Lords, is the Minister concerned that the treatment of these abuse issues is under serious threat, given that many surgeries in the north of England no longer have a single permanent doctor?

Lord O'Shaughnessy: I do not think that it is an issue of staffing per se, because it is not only doctors but other healthcare professionals who are able to provide letters of this kind. The evidence that has been gathered through consultation and indeed through the progress of the secure tenancies Bill is that the charges for these letters act as a barrier. That is the issue we are trying to address.

Lord Laming (CB): My Lords, does the Minister agree that evidence of domestic abuse is important not only in respect of the adult who is the victim but also in respect of the children? It is the children who are often the most innocent victims in these situations. Given that, GPs have an important role to play in producing evidence of the well-being of children in these households.

Lord O'Shaughnessy: The noble Lord speaks with great wisdom on this subject. That is precisely why the domestic abuse Bill is looking to provide stronger sentences where a child has been involved or has witnessed this kind of abuse, and why some of the money I mentioned earlier, around £8 million this year, has been put aside to support children in these situations.

Baroness Corston (Lab): My Lords, is the Minister aware that during the time of the Labour Government, our noble and learned friend Lady Scotland of Asthal, when she was a Home Office Minister, took legislation through the House that provided for independent domestic violence advisers in courts? Those positions were abolished by the coalition Government. Will he consider reinstating them?

Lord O'Shaughnessy: The noble Baroness will appreciate that this is not a matter for the Department of Health and Social Care, but it is something that I will be happy to look into. What I do know is that the draft domestic abuse Bill is looking to establish a domestic abuse commissioner. It may be that it is through that route that support of that kind may be made available.

Baroness Gardner of Parkes (Con): My Lords, do we have any special reception facilities for men or women who have been abused? When I served on the United Nations Commission on the Status of Women, we had an opportunity to consider the excellent procedures in place in Brazil, a country which has taken this matter very seriously indeed. Over the years, this issue has been raised quite often, but do the police here pay any special attention to it, and do they protect those men or women who say that they have been attacked?

Lord O'Shaughnessy: My noble friend is right to say that domestic abuse can affect anyone, although of course it happens predominantly to women. The police, local authorities and the third sector are there to provide support for both men and women when they are abused.

Baroness Pitkeathley (Lab): My Lords, further to the question put by the noble Baroness, Lady Greengross, I understand that it is becoming more common for some general practitioners to see older people with a similar illness in groups. Would this not be quite prejudicial to the idea of having a confidential interview with one's GP if abuse has been threatened?

Lord O'Shaughnessy: This would be for the discretion of the GP. I would be amazed if any GP would want to see someone who has come to them with a confidential matter, such as saying that they have been the victim of domestic abuse, in a group situation. That seems to be quite wrong. There is a role for group GP appointments for totally different issues, and indeed some of the emerging evidence shows that, for certain illnesses, they can be quite successful.

Productivity: Work-related Stress

Question

11.14 am

Asked by ***Lord Haskel***

To ask Her Majesty's Government what assessment they have made of the impact of work-related stress on productivity.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, an estimated 15.4 million working days were lost last year due to work-related stress, depression or anxiety. That is 57% of the total days lost due to work-related ill health. The 2017 Stevenson/Farmer review of workplace mental health made 40 recommendations, all of which were welcomed by the Government.

Lord Haskel (Lab): I thank the Minister for that reply, but the Government's latest skills and employment survey told us that we are working harder than ever and are under increased strain. In spite of this, productivity has stagnated. Recent research by McKinsey seems to show that less prescriptive management empowers staff to be more productive and reduces stress. What can be done to encourage this good practice? It would certainly help with the productivity puzzle. It also costs little and could relieve some of the mental health problems we hear about every day.

Lord Henley: My Lords, the noble Lord is right to draw attention to productivity problems, which my right honourable friend the Secretary of State raised in the *Industrial Strategy* last year. He is also right to talk about work-related stress, which was recognised as a problem by my right honourable friend the Prime Minister in January 2017. That is why she commissioned the review from the noble Lord, Lord Stevenson, and Paul Farmer, which produced its report in October last year. The Government then responded, accepting all the recommendations. The Government will do whatever they can both as an employer, to help to reduce work-related stress, and through setting an example to others and encouraging employers in other fields. We will also take note of the noble Lord's suggestions.

Baroness Jolly (LD): My Lords, large organisations have volunteer first-aiders. Would the Government consider having volunteer mental health first-aiders so that somebody with a mental health condition who wants signposting could go to them in the same way that somebody with a workplace injury could see someone?

Lord Henley: My Lords, that is a very interesting suggestion. I cannot remember the precise details of all the recommendations in the Stevenson/Farmer report as to whether that was one of them, but it certainly recommended that large employers—organisations with more than 500 people—should take certain actions. The Government recommended applying that to employers with more than 250 people, an improvement on that figure. I will certainly take the noble Baroness's suggestion on board and ensure that it is looked at.

Lord Stevenson of Balmacara (Lab): My Lords, I do not wish to trivialise the issue but I want to bask in the reflected glory of the name Stevenson. Unfortunately, it was nothing to do with me. I guess there must be quite a lot of stress in the party opposite in the current circumstances so I send them my best wishes at this difficult time.

Does the Minister accept that work-related stress is one of the components of job quality? On page 118 of the 254-page *Industrial Strategy*, the Government set out a programme of work stemming from Matthew Taylor's review, which assessed job quality and success—including the well-being of workers and employees, which is said to be fundamental. Can he say what progress has been made on that work stream?

Lord Henley: My Lords, if the noble Lord can be patient, he will get a further response to the Taylor review in due course. I assure him that there is no stress in the Conservative Party or the Government at the moment.

Lord Hylton (CB): My Lords, have the Government considered the impact on stress and mental health of zero-hours contracts? Does the Minister agree that although they may suit students and semi-retired people, they are not good for the rest of the population?

Lord Henley: My Lords, I am very glad that the noble Lord highlighted the fact that zero-hours contracts have a part to play in our economy. As he suggested, they are of considerable benefit to a great many people, such as students and retired people. They also benefit others. Again, if the noble Lord can be patient, he will hear more from the Government in due course.

Lord Fox (LD): My Lords, I fear that this is beginning to sound a like a shopping list, but another way of alleviating stress in the workplace is for employees to have the tools and the training to be able to meet the requirements of their job. Does the Minister agree that the Government's plans for industrial and workplace training are in a mess? The apprenticeship levy is falling down and workplace training is at a level lower than it has ever been. What will the Government do to get a grip on training?

Lord Henley: I admire the noble Lord's ingenuity in trying to extend the Question to a great many other subjects. Stress has many causes; we understand that there is a problem with it; that is why we commissioned the review by the noble Lord, Lord Stevenson—not the noble Lord, Lord Stevenson, sitting opposite me—and Paul Farmer. It is also why the Government accepted what they suggested.

Lord Roberts of Llandudno (LD): My Lords, if Brexit comes in and Airbus and other firms move out of north Wales, with some 7,000 jobs and 400 apprenticeships going with them, will that increase or decrease the stress of those involved in those industries?

Lord Henley: My Lords, I suspect that what will increase stress in those industries is the noble Lord and others putting about scare stories of that sort.

Lord Elton (Con): My Lords, would it relieve the anxiety of noble Lords if the Minister reminded them that Aston Martin had decided to open a large works in Wales?

Lord Henley: I am grateful to my noble friend for making that point.

Lord Foulkes of Cumnock (Lab): My Lords, it is very good that we have such an experienced Minister replying to this Question. Can I urge him to consider introducing counselling sessions for those experiencing work-related depression and anxiety at the moment—namely, members of the Cabinet?

Lord Henley: My Lords, I do not think any counselling is necessary.

Lord Cormack (Con): My Lords, can we not have an award for resilience under stress presented to the Prime Minister?

Lord Henley: I heartily agree with my noble friend.

Lord Razzall (LD): My Lords, without meaning to hog the Question from the Liberal Democrat Benches, can I follow up the point made by the noble Lord, Lord Haskel: that we appear to be working considerably harder without improving productivity? What does the Minister think about the suggestion made by a commentator in the *Sunday Times* that every company needs to invest in making the most of the talent they have rather than endlessly employing cheap labour?

Lord Henley: My Lords, we always welcome interventions from the Liberal Democrat Benches and never think there are too many.

Noble Lords: Oh!

Lord Henley: Sometimes.

I take note of the noble Lord's suggestion. As we made clear, we accept that there is a problem with productivity. We want to improve it and get it up to levels that we see in other countries.

Policing: Priorities

Question

11.22 am

Asked by ***Lord Hunt of Kings Heath***

To ask Her Majesty's Government what assessment they have made of whether police forces have established effective priorities for fighting crime.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, police and crime commissioners are directly elected to set the policing priorities for their local areas and hold their chief constable to account. They must also have regard to national policing priorities and the strategic policing requirement. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services periodically reports on police effectiveness. In its most recent effectiveness inspection report, the majority of forces were graded good.

Lord Hunt of Kings Heath (Lab): While I am grateful to the Minister, I wonder what she made of the comments of the chair of the National Police Chiefs' Council, Sara Thornton, in calling on police forces to refocus their priorities on what she described as "core policing". Does the Minister accept that that highlights the appalling

[Lord Hunt of Kings Heath]
state that we have reached? Since 2010, there has been a 15% real-term, full-time equivalent reduction in the number of her police officers. Many crimes now go unrecorded and undealt with. The figures since 2015 show that there has been a 26% reduction in the number of charges or summons brought for recorded crime, resulting in 153,000 fewer criminals being brought to justice. What is the Government's response to the appalling state that we have reached?

Baroness Williams of Trafford: My Lords, I think that I have stood at this Dispatch Box before and said that it is up to local police forces to set priorities for their local areas, because they will differ from area to area. It is important to note—I have said this before as well—that both the Home Secretary and the Policing Minister recognise the increasing calls on police time and the different demands facing them, particularly in light of events in the past year. There is an additional point about how the police operate. It will not be any surprise to the noble Lord that some police forces are far more effective than others, and it is important to think of ways in which they could collaborate, make better use of technology and be more efficient as time goes on.

Lord Paddick (LD): My Lords, in the current scenario in which there is significant rationing of policing services because of central government cuts to police budgets, it is no longer acceptable for the Government, and the Home Office in particular, to wash their hands of the consequences. When will the Home Office provide the leadership needed and tell the police service what it should stop doing, because it cannot do everything that the public want with the resources it has been given?

Baroness Williams of Trafford: The Home Office has no intention of telling the police what they should stop doing because, as I said to the noble Lord, Lord Hunt, there will be different priorities in different areas. It is up to local police forces to decide what those are. As for the other acknowledgement by the Home Office, which is that the police are facing new demands and have faced increasing calls upon their time over the last year or so, both the Policing Minister and the Home Secretary fully recognise this and are working with the Treasury to get a better settlement.

Lord Elton (Con): My Lords, the Minister must recognise that there is a connection between police numbers and police effectiveness. In view of the considerable reductions of the recent past, is there any prospect of the numbers being increased in the near future?

Baroness Williams of Trafford: I both agree and disagree with my noble friend: numbers in and of themselves do not lead directly to effectiveness. However, where those numbers are stretched to the point that it impacts on effectiveness, both the Home Secretary and the Policing Minister have absolutely recognised this. There is not necessarily a direct correlation between the two—of course, the most effective police force, Durham, is also the most efficient.

Lord Wigley (PC): My Lords, what assessment have the Government made of the impact of the reduction in the size of safer neighbourhood teams in both Wales and England on the capacity of the police to gather intelligence that helps them deliver on their priorities?

Baroness Williams of Trafford: My Lords, safer neighbourhood teams certainly provide reassurance to local people, and if local forces feel there should be more numbers in the safer neighbourhood teams, then that is what they should invest in. I certainly recognise that safer neighbourhood teams provide reassurance at a local level.

Lord Hogan-Howe (CB): My Lords, as the Minister knows, I think there are two axes that the Government might follow for the future. One is that the police genuinely need at times to be more effective—just having fewer resources is not a good reason to say that they always need more resources; they have to be more effective at times with the resources they have. I have always felt that, both in the job as well as outside now. However, there is clearly a resourcing issue, and I repeat a constructive suggestion that I ask the Minister to consider. With the transformation fund for the police rising to £350 million over the next two years, which by my estimation would provide 7,000 police officers, it is a foolish endeavour when all it is for is to cover for the fact that there will not be regional police forces. It is not transforming anything; it is taking money from the police at the very time when I would argue that those 7,000 would help to fill the 20,000 gap that has developed over the last seven years.

Baroness Williams of Trafford: I start by thanking the noble Lord for what I found to be an extremely helpful discussion yesterday, particularly around knife crime, and for all the incredible work he did as commissioner. He is absolutely right, and I have alluded to it in my answers, that there needs to be more effectiveness within police forces. I take his point about fewer police forces larger in number, but I think that the transformation fund is doing some very good work and is actually incentivising police forces to be more efficient.

Police: Serious and Violent Crime

Question

11.29 am

Asked by ***Lord Bach***

To ask Her Majesty's Government what steps they intend to take to strengthen the ability of police forces in England and Wales to tackle knife and other serious and violent crime in addition to funding provided by the Early Intervention Youth Fund.

Lord Bach (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and, perhaps topically, declare my interest as the police and crime commissioner for Leicester, Leicestershire and Rutland.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the serious violence strategy sets out our response to tackling serious violence and it includes an ambitious programme of 61 commitments to take action on this issue. We have already delivered on our commitment to establish a new national county lines co-ordination centre and to improve police capabilities to tackle this issue, and we have provided £1.4 million to support a new national police capability to tackle gang-related activity on social media.

Lord Bach: My Lords, I thank the Minister for her reply. The early intervention youth fund is obviously a good idea and I welcome the support that the Government have given to Metropolitan Police forces—by goodness, they need the funding. I know that the Minister has been a supporter of Leicester's projects to fight serious and violent crime in the past, but how can the Home Office justify giving no funding at all to Leicester, a city which has seen an increase of 12.5% since 2015—more than double the average around the country—alongside massive child poverty, child crime and youth crime? Further, how can the Home Office justify giving nothing to Nottinghamshire, Derbyshire or Leicestershire, by far the three largest police force areas in the East Midlands, each of which has a city conurbation and whose population amounts to over 3 million people? Why has the East Midlands been treated so much worse than any other part of England and Wales?

Baroness Williams of Trafford: I first pay tribute to the noble Lord as Parliament's only PCC. He is absolutely right that I support the work that Leicester does. I have been to see the work that he has done as PCC, particularly some of the multiagency work across services to improve the lives of people in Leicestershire. There were 111 bids for the early intervention youth fund, so it was a very competitive process indeed. As he has let me know that Leicester was unsuccessful, I would like to sit down and talk to him, perhaps about the youth endowment fund that the Home Secretary has announced and what might be done there. This is a metropolitan problem, as well as everywhere else.

The Lord Bishop of St Albans: My Lords, as well as better and more effective policing, we need a long-term, consistent grass-roots focus on this problem, working with not just the statutory authorities but the voluntary sector. For example, the pan-London churches serious violence summit was hosted by Southwark Cathedral earlier this week. Will the Minister support and resource such initiatives where the grass roots are trying to address the roots of these problems?

Baroness Williams of Trafford: I totally agree that some grass-roots interventions are the most critical and beneficial to local areas. Not only do we appreciate the work that people such as the right reverend Prelate do, but we are keen to carry on supporting it. He is absolutely right that to achieve any long-term change in local areas we have to work with local people, local groups and local charities.

Lord Rosser (Lab): This is the second Question on policing today and it is the Home Office that has a responsibility for assessing how much funding police forces need. In the light of the 11% to 25% range—in real percentage terms—in funding reductions experienced by police forces between 2010-11 and 2018-19, rising violent crime, fewer arrests, high numbers of crimes not being investigated, less neighbourhood policing, fewer police officers and declining public satisfaction, is it still the Government's assessment that police forces have sufficient funding in the current financial year to meet the legitimate demand for police services? Is the answer yes or no?

Baroness Williams of Trafford: The Government's assessment at this point in time—I refer again to my right honourable friend the Home Secretary and my honourable friend the Policing Minister—is that the police have had huge increases in demand. The pattern of crime is changing, as the noble Lord pointed out. Knife crime is a particular issue in London and county lines are spreading the problem across forces. I know that the Home Secretary and the Policing Minister recognise this and are looking to work on the funding picture.

Lord Paddick (LD): My Lords, public health approaches such as those mentioned earlier can take a decade to produce significant results and meanwhile, young people are dying. Effective, targeted stop and search based on community intelligence requires a significant investment in community policing to build trust and confidence in the police and restore the flow of information about who the knife carriers are, so that the knives can be taken off the streets. When will the Government make such an investment? This is a clear example of where more resources could save lives.

Baroness Williams of Trafford: I acknowledge that a public health approach is not a quick fix, but in Scotland, where there has been a public health approach for some time, it has been incredibly effective. I know that officials have been talking with the Scottish violence reduction unit and sharing its experience and insight into just how effective a public health approach can be.

Baroness Jones of Moulsecoomb (GP): My Lords—

Lord Pearson of Rannoch (UKIP): My Lords—

Lord Morris of Aberavon (Lab): My Lords—

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, it is clear that there are several noble Lords competing for a place. It is difficult to make a judgment, but I think we should hear from the Green Party.

Baroness Jones of Moulsecoomb: My Lords, in conversation with two ex-Met officers recently, they told me that good policing can reduce drug-related

[Baroness Jones of Moulsecoomb]
crime, which is obviously serious for young people, but it can never affect the scale of the problem simply because drug criminals keep being replaced. So is it time for the Government to regulate illegal drugs and take the business out of the hands of criminals?

Baroness Williams of Trafford: My Lords, the Government have no plans to legalise drugs. The noble Baroness is right that good policing can reduce drug crime and all the effects that we are seeing from drug-related crime now. She is right, but we are not intending to legalise drugs.

Business of the House
Timing of Debates

11.37 am

Moved by ***Baroness Evans of Bowes Park***

That the debates on the motions in the names of Earl Attlee and Baroness Neville-Rolfe set down for today shall each be limited to 2½ hours.

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, in a few moments I will repeat the Prime Minister's Statement on the draft withdrawal agreement. Given the significance of its content, I recognise that the House will want more time to consider it than the usual 40 minutes, which is why my noble friend the Chief Whip has rearranged business on Tuesday next week to allow a debate of up to four hours. That will give noble Lords more time to consider the documents that have been made available. A speakers' list has been opened. I beg to move.

Motion agreed.

Brexit: Negotiations
Statement

11.38 am

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, with the leave of the House, I will now repeat a Statement made by my right honourable friend the Prime Minister in another place. The Statement is as follows:

"With permission, I would like to update the House on our negotiations to leave the European Union. First, I want to pay tribute to my right honourable friends the Members for Esher and Walton and for Tatton. Delivering Brexit involves difficult choices for all of us. We do not agree on all of those choices but I respect their views and thank them sincerely for all that they have done.

Yesterday we agreed the provisional terms of our exit from the European Union, set out in the draft withdrawal agreement. We also agreed the broad terms of our future relationship in an outline political declaration. President Juncker has now written to the President of the European Council to recommend that, 'decisive progress has been made in the negotiations', and a special European Council will be called for Sunday 25 November. This puts us close to a Brexit deal.

What we agreed yesterday was not the final deal. It is a draft treaty that means we will leave the EU in a smooth and orderly way on 29 March 2019 and which sets the framework for a future relationship that delivers in our national interest.

It takes back control of our borders, laws and money. It protects jobs, security and the integrity of the United Kingdom, and it delivers in ways that many said could simply not be done. We were told that we had a binary choice between the model of Norway and the model of Canada—that we could not have a bespoke deal. But the outline political declaration sets out an arrangement that is better for our country than both of these, a more ambitious free trade agreement than the EU has with any other country. We were told that we would be treated like any other third country on security co-operation, but the outline political declaration sets out a breadth and depth of co-operation beyond anything that the EU has agreed with any other country.

Let me take the House through the details. First, on the withdrawal agreement, the full legal text has now been agreed in principle. It sets out the terms on which the UK will leave the EU in 134 days' time, on 29 March 2019. We have secured the rights of the more than 3 million EU citizens living in the UK, and around 1 million UK nationals living in the EU. We have agreed a time-limited implementation period that ensures that businesses have to plan for only one set of changes. We have agreed protocols to ensure that Gibraltar and the sovereign base areas are covered by the withdrawal agreement. And we have agreed a fair financial settlement, far lower than the figures that many mentioned at the start of this process.

Since the start of this process, I have been committed to ensuring that our exit from the EU deals with the issue of the border between Northern Ireland and Ireland. I believe this issue can best be solved through our future relationship with the EU, but the withdrawal agreement sets out an insurance policy should that new relationship not be ready in time at the end of the implementation period. I do not pretend that this has been a comfortable process, or that either we or the EU are entirely happy with all the arrangements that have been included within it. Of course that is the case; this is an arrangement that we have both said we never want to have to use. While some people might pretend otherwise, there is no deal that delivers the Brexit that the British people voted for that does not involve this insurance policy—not Canada-plus-plus-plus, not "Norway for now", not our own White Paper—and the EU will not negotiate any future partnership without it.

As the House knows, the original proposal from the EU was not acceptable as it would have meant creating a customs border down the Irish Sea and breaking up the integrity of our United Kingdom, so last month I set out for the House the four steps that we needed to take. This is what we have now done and it has seen the EU make a number of concessions towards our position. First, the EU proposal for a Northern Ireland-only

customs solution has been dropped and replaced by a new UK-wide temporary customs arrangement that protects the integrity of our precious union.

Secondly, we have created an option for a single time-limited extension of the implementation period as an alternative to bringing in the backstop. As I have said many times, I do not want to extend the implementation period and I do not believe we will need to do so. This is about an insurance policy. However, if it happens that at the end of 2020 our future relationship is not quite ready, the UK will be able to make a choice between the UK-wide temporary customs arrangement and a short extension of the implementation period.

Thirdly, the withdrawal agreement commits both parties to use best endeavours to ensure that this insurance policy is never used. In the unlikely event that it is needed, if we choose the backstop then the withdrawal agreement is explicit that it is temporary and that the Article 50 legal base cannot provide for a permanent relationship. There is also a mechanism by which the backstop can be terminated. Finally, we have ensured full continued access for Northern Ireland's businesses to the whole of the UK internal market.

The Brexit talks are about acting in the national interest, and that means making what I believe to be the right choices, not the easy ones. I know there are some who have said I should simply rip up the UK's commitment to a backstop, but that would have been an entirely irresponsible course of action. It would have meant reneging on a promise made to the people of Northern Ireland during the referendum campaign and afterwards that under no circumstances would Brexit lead to a return to the borders of the past, and it would have made it impossible to deliver a withdrawal agreement. As Prime Minister of the United Kingdom, I have a responsibility to people in every part of our country and I intend to honour that promise.

By resolving this issue, we are now able to move on to finalising the details of an ambitious future partnership. The outline political declaration we have agreed sets out the basis for these negotiations, and we will negotiate intensively ahead of the European Council to turn this into a full future framework. The declaration will end free movement once and for all. Instead, we will have our own new skills-based immigration system based not on the country that people come from but on what they can contribute to the UK. The declaration agrees the creation of a free trade area for goods with zero tariffs, no fees, charges or quantitative restrictions across all goods sectors. No other major advanced economy has such an arrangement with the EU. At the same time, we will be free to strike new trade deals with other partners around the world.

We have also reached common ground on a close relationship on services and investment, including financial services, which goes well beyond WTO commitments. The declaration ensures that we will be leaving the common agricultural policy and the common fisheries policy, so we will decide how best to sustain and support our farms and environment and the UK will become an independent coastal state once again.

We have also reached agreement on key elements of our future security partnership to keep our people safe. This includes swift and effective extradition arrangements, as well as arrangements for effective data exchange on passenger name record data, DNA, fingerprints and vehicle registration data, and we have agreed a close and flexible partnership on foreign security and defence policy.

When I first became Prime Minister in 2016, there was no ready-made blueprint for Brexit. Many people said that it simply could not be done. I have never accepted that. I have been committed day and night to delivering on the result of the referendum and ensuring that the UK leaves the EU absolutely and on time. But I also said at the very start that withdrawing from EU membership after 40 years and establishing a wholly new relationship that will endure for decades to come would be complex and require hard work. I know that it has been a frustrating process. It has forced us to confront some very difficult issues. But a good Brexit, a Brexit which is in the national interest, is possible. We have persevered and made a decisive breakthrough. Once a final deal is agreed, I will bring it to Parliament and ask MPs to consider the national interest and give it their backing. Voting against a deal would take us all back to square one. It would mean more uncertainty, more division and a failure to deliver on the decision of the British people that we should leave the EU. If we get behind a deal, we can bring our country back together and seize the opportunities that lie ahead.

The British people want us to get this done and to get on with addressing the other issues that they care about: creating more good jobs in every part of the UK and doing more to help families with the cost of living, helping our NHS to provide first-class care and our schools to give every child a great start in life, and focusing every ounce of our energy on building a brighter future for our country.

The choice is clear. We can choose to leave with no deal, we can risk no Brexit at all or we can choose to unite and support the best deal that can be negotiated: this deal, a deal that ends free movement, takes back control of our borders, laws and money, delivers a free trade area for goods with zero tariffs, leaves the common agricultural policy and the common fisheries policy, delivers an independent foreign and defence policy while retaining continued security co-operation to keep our people safe, maintains shared commitment to high standards, protects jobs, honours the integrity of our United Kingdom and delivers the Brexit that the British people voted for.

I choose to deliver for the British people. I choose to do what is in the national interest, and I commend this Statement to the House".

11.48 am

Baroness Smith of Basildon (Lab): My Lords, I am grateful to the noble Baroness the Leader of the House for repeating the Statement today, although I have to say that I did not detect any great enthusiasm there. I am grateful for her statement at the beginning about timing. Last night, the usual channels agreed the normal arrangements for a Statement, with Back-Bench contributions for 20 minutes today and a more substantive debate of three or four hours on Tuesday, when noble Lords will have had the opportunity to read and consider the detail of the deal and the

[Baroness Smith of Basildon]
documents. However, with such significant developments this morning—four resignations so far from the Government, including the Brexit Secretary—it is clear that there is a crisis at the very heart of government. I am disappointed that the Government would not accede to our request for extra Back-Bench time today—I think that was wrong. However, we welcome a longer four-hour debate next week, when we can consider the deal in greater detail. Given the importance of the issue, and because that debate is instead of time today, will the noble Baroness the Leader confirm that she will lead the response next Tuesday?

As the Government descend further into chaos, one thing has remained consistent: the Prime Minister's approach of living for the moment—getting through today, and worrying about tomorrow later. That has not served her or the country well. But we should not forget that this situation is not entirely of this Prime Minister's making. The entire Brexit process has been about the internal politics of the Conservative Party. It cost David Cameron and George Osborne their jobs—although the latter has done fairly well for himself since—and it could be about to cost the Prime Minister hers as well.

Last night, outside Downing Street, the Prime Minister claimed that the withdrawal agreement and the outline political declaration had been agreed by "a collective decision of the Cabinet", and yet this morning, so far, two Cabinet Members have resigned—I do not know whether there is an update on the figure yet. She has failed to unite her Cabinet again. She has failed to unite her party, with MPs reportedly rushing to submit letters to the chairman of the 1922 Committee. Watching the Statement in the other place, we have seen that she is failing to unite Parliament, where there is seemingly no majority for any course of action, other than opposing no deal.

So let us be clear about what is most important: the Prime Minister is failing the people of our country. Families, communities, businesses and workers will not be able to understand why the Conservative Party is behaving in this way, putting the economic well-being of the country behind petty infighting and personal ambition. As Frances O'Grady, the general secretary of the TUC, said this morning, we need Parliament and the country to come together and find a real alternative to this agreement—a deal that the Prime Minister's former adviser has labelled a "capitulation".

Those who have welcomed the deal have either said it is "the best we can get"—faint praise indeed—or, as the CBI made clear, support the very measures that the Brexiteers have opposed: a long-term transition and frictionless trade. The draft agreement and political declaration published last night are exactly what we expected: vague promises of a future trade deal, but no clear road map as to how, or when, this will be achieved.

So, what has our sovereign Parliament been offered? The documents contain no commitment to a permanent customs union, despite the support of business and the trade unions; no detail on our future relationship with the single market, despite the EU being our biggest single trade partner; and no clarity regarding the terms on which the UK will continue to participate in EU agencies and internal security systems.

Your Lordships' House worked hard to secure a meaningful vote for the other place, but the Government are telling parliamentarians that they must decide between this bad deal or no deal at all. It is a Hobson's choice—that is, no choice. As many predicted, last night's Cabinet marathon meeting has become a disappointing sequel to July's Chequers summit. An agreement that has been toiled over for many months has yet again unravelled overnight.

On social media, I am known as @Lady Basildon. It is not just about my former constituency and my home, it is after a character in an Oscar Wilde play. As I watched the news of resignations unfold, a Wildean phrase came to mind: to lose one Brexit Secretary may be regarded as a misfortune, to lose two looks like carelessness. We now understand why the Prime Minister was not prepared to allow a vote in Cabinet. She could not because she did not have the support of her colleagues. She must have known how fragile the position was when she made her statement last night.

I have little time for David Davis and Boris Johnson. They failed in Cabinet to convince their colleagues of their so-called vision for Brexit or to come up with any viable alternative. They now stand back and attack the Prime Minister from the sidelines. Dominic Raab has criticised the deal but, again, offers no credible alternative. While many in the Cabinet, including, apparently, the noble Baroness the Leader of the House, voiced their concerns about the draft agreement last night, no alternative was offered at the meeting. It remains unclear exactly what Brexiteers want, other than to lead this great country off a cliff edge in a few short months' time.

The situation will undoubtedly evolve in the coming hours and days. Noble Lords will use the expertise of this House to track developments. We will have our debate on Tuesday, but today, it would be helpful if your Lordships' House were left in no doubt about the noble Baroness's position. Does the Leader of the House give the Prime Minister and the draft withdrawal agreement her full support?

Lord Newby (LD): My Lords, I commiserate with the noble Baroness who had to repeat this Statement, because we know that she does not agree with it. It appears that she was one of 10 Cabinet Ministers who expressed severe reservations about the agreement. Will she explain her reservations in her reply? I think that the House would like to know.

There is a lot of real and mock surprise and indignation about the contents of the withdrawal agreement. Yet how could anybody reasonably expect it to be materially different from what has emerged? Once you accept a frictionless border in Northern Ireland, provisions such as those now in the agreement become inevitable. That was recognised by the Government in the agreement they reached with the EU last December and, incidentally, which they have spent the last 10 months denying. They have now reaffirmed that December commitment.

If the outcome on the transitional period and the backstop are predictable, I am genuinely shocked at the outline of the political declaration. In some ways,

this is a much more important document because it covers our long-term relationship with the EU, not just the position during the transitional phase. I had expected the document to be layered with fudge, but I could not imagine that it would be so vague and unspecific—a mere seven pages.

It is vastly less detailed than the Chequers agreement, which listed some 68 programmes or bodies by name of which the UK wished to remain a member post Brexit. This document mentions hardly any. I believe that we are to get a somewhat extended version next week but, based on the seven pages we have before us today, it is unlikely to answer any of the difficult issues which remain. Fisheries and the European arrest warrant are but two of the myriad tricky issues that are clearly nowhere near being resolved. I cannot believe that the country would accept this pig-in-a-poke Brexit.

However, it is clear that we are not going to get to the point where these things matter, because the agreement document bears all the hallmarks of Monty Python's dead parrot. It is bereft of life. In her statement last night, and again this morning, the Prime Minister admitted for the first time that there are three possible outcomes to the Brexit process. We can accept her deal, we can crash out without a deal, or we can remain. The noble Baroness has said many times that remain was not an option. The noble Lord, Lord Callanan, has probably said it hundreds of times.

Lord Foulkes of Cumnock (Lab): Thousands.

Lord Newby: Or thousands, I stand corrected. That was never true. At least the Prime Minister now accepts reality. I am not by nature an avid reader of the *Daily Express*, but I caught its front page today and I agree with its headline: "It's a deal—or no Brexit". I agree. And given that it is now abundantly clear that the current deal has zero chance of passing through the Commons, and we know of course that the Commons would never vote for a ruinous no-deal outcome, remain is now the only viable option. This will of course require a referendum to get the endorsement of the people.

The Government are spending hundreds of millions of pounds preparing for a no-deal outcome, which they know will not happen. Will they now spend the extremely modest amount needed to prepare for a referendum, to be held next spring, which will put the Government's deal to the people with an option to reject it and remain in the EU? Given that we have been told from the Dispatch Box umpteen times that a prudent Government prepare for all possible contingencies, and that they now accept that this is a possibility, would a failure to do so now not be a dereliction of duty on the Government's part?

Baroness Evans of Bowes Park: First, I am very happy to tell the House that I fully support the Prime Minister and I back this deal. I would not be standing here if I did not—and I am very grateful that everyone seems so happy to see me.

The noble Lord and the noble Baroness asked about the outline political declaration. Negotiations will now continue to finalise the full political declaration, focusing on adding detail, defining further what balance of rights and obligations should apply in the context of trading goods and identifying which additional operational capabilities should be prioritised for consideration in the context of internal security. We are determined to conclude a full political declaration by the end of November, bringing the Article 50 negotiations to a close. Once agreed, we will bring that deal to Parliament. We have agreed, as the outline document shows, the scope of a future relationship, signalling the ambition on both sides. We have agreed to the creation of a free trade area for goods, combining deep regulatory and customs co-operation with zero tariffs and no fees, charges or quantitative restrictions across all goods sectors—the first such agreement between an advanced economy and the EU. Common ground has been reached on our intention to have a close relationship on services and investment, including financial services; on the desire for wide-ranging sectoral co-operation, including on transport and energy; and on fisheries, recognising that the UK will be an independent coastal state.

The noble Lord asked about the European arrest warrant. He is correct that it is still under negotiation, but the EU and UK have agreed to swift and effective arrangements enabling the UK and member states to extradite suspected and convicted persons efficiently and expeditiously. Both the UK and EU recognise the continued importance of close and effective operational co-operation and recognise the risks of reverting to the Council of Europe conventions. I am afraid to say to the noble Lord that we will not be holding a second referendum.

12.02 pm

Lord Forsyth of Drumlean (Con): My Lords, can my noble friend assist me? The deal that has been agreed involves spending £39 billion in return for having less say over employment policies, agricultural policies, environment and taxation. It has resulted in headlines across Europe—the most dramatic perhaps being in Ireland:

"Victory in Dublin, chaos in London"—

and the humiliation of our country. How can it be presented as being in the national interest to have brought about such a circumstance?

Baroness Evans of Bowes Park: I am afraid that I do not agree with my noble friend's assessment. We have agreed the principles of the UK's smooth and orderly exit from the EU, as set out in the withdrawal agreement, and agreed the broad terms of our future relationship. We are delivering on the result of the referendum; we will be leaving the EU; and, going forward, we will be developing a strong partnership with the EU that will last for decades to come.

Lord Howarth of Newport (Lab): My Lords, in the choice between democratic and material values in 2016, the people of this country voted by a clear majority to reclaim democratically accountable self-government. Is it not now incumbent on those who speak and vote on their behalf in Parliament to do

[Lord Howarth of Newport]
likewise and to reject this deal, which fails to allow us the governmental autonomy that the people of our country ought to have?

Baroness Evans of Bowes Park: Again, I am afraid that I disagree with the noble Lord. This deal is bringing back autonomy to this country, and it should be supported.

Baroness Ludford (LD): My Lords—

Baroness Butler-Sloss (CB): My Lords—

Lord Taylor of Holbeach (Con): My Lords, we have not heard from the Cross Benches; I think we ought to hear from them.

Baroness Butler-Sloss: Perhaps the Minister can tell me what is meant by the letter from Mr Raab, which said that he could not support the declaration because,
"the regulatory regime proposed for Northern Ireland presents a very real threat to the integrity of the United Kingdom",
whereas the Statement from the Prime Minister says that,
"the EU proposal for a Northern Ireland-only customs solution has been dropped and replaced by a new UK-wide temporary customs arrangement".
Which is the situation?

Baroness Evans of Bowes Park: The EU proposal for a Northern Ireland-only customs solution has indeed been dropped and replaced by a UK-wide temporary customs arrangement which protects the integrity of the UK. However, there are regulatory elements necessary to avoid a hard border that will apply to Northern Ireland only, including product standards on industrial goods and agricultural products, as well as regulations strictly necessary to maintain the single electricity market on the island of Ireland. There are already some regulatory differences between Northern Ireland and Great Britain.

Baroness Ludford: My Lords—

Lord Reid of Cardowan (Lab): My Lords—

Lord Taylor of Holbeach: The House will know that there is a limited amount of time. We ought to hear from the Liberal Democrat Back Benches.

Baroness Ludford: My Lords, the Statement says that,
"the broad terms of our future relationship",
have been agreed in the outline political declaration. How can the Minister justify that assertion when that very short outline is nothing more than a shopping list? There are hardly any verbs in it. For instance, on fisheries, which my noble friend mentioned, it talks about the aim of the,
"establishment of a new fisheries agreement on, inter alia, access to waters and quota shares".
That tells us nothing about the detail, which is a crucial issue. Can the Minister explain how on earth we are going to get from this to something more substantive in the next week or so? What is the process? At the moment there is no flesh on the bones.

Baroness Evans of Bowes Park: As I said in response to questions from the noble Baroness and the noble Lord, work will now begin on a fuller political declaration that will be published after the November summit.

Lord Reid of Cardowan: My Lords, quite frankly we could do with more time. If the 2016 vote was about anything, it was about taking back control—that was the slogan and that was what the vote was about. This deal leaves us with less control, less power and less influence in Europe and the wider world for an indefinite and prolonged period. As the noble Lord, Lord Forsyth, pointed out, as regards our domestic regulations and laws it leaves us with no voice, no vote and no veto. How can the Government possibly contemplate trying to take this through Parliament when it is the absolute opposite of what the people voted for, rather than taking it back to the people and letting them decide?

Baroness Evans of Bowes Park: As I have said, having agreed the withdrawal agreement, we will now be able to talk about moving on to our future relationship, which will bring back exactly the kinds of powers and develop exactly the kind of relationship that the noble Lord is talking about. The withdrawal treaty is about leaving the EU; we can now look forward, having agreed that, to an excellent future relationship together.

Lord Howell of Guildford (Con): My Lords, paragraph 4 of Article 129 of the withdrawal agreement makes the future arrangements for this country crystal clear. It says that,
"during the transition period, the United Kingdom may negotiate, sign and ratify international agreements entered into in its own capacity".
That makes it very clear where the future lies, and perhaps contradicts what was said earlier. As the Labour Opposition Front Bench here in the Lords is so vastly superior to the Labour Opposition Front Bench in the other place, does my noble friend think that it might, on the day, support the withdrawal agreement or at least abstain?

Baroness Evans of Bowes Park: My noble friend is absolutely right that, under the terms of the withdrawal agreement, the UK will be free to negotiate, sign and ratify FTAs during the implementation period and to bring them into force from January 2021. I have no doubt that we will have many useful discussions in this House about the future relationship with the EU, and I look forward to them.

Lord Wigley (PC): My Lords, is the noble Baroness aware that the Governments of Wales and Scotland have, as a post-Brexit objective, an ongoing involvement in the EU single market? In view of the fact that Northern Ireland has been accorded such a facility, will she confirm that it is equally negotiable for Wales and Scotland, or is Northern Ireland being treated differently?

Baroness Evans of Bowes Park: No. As we said, the EU proposal for a Northern Ireland-only customs solution has been dropped and replaced by a UK-wide temporary customs arrangement that protects the integrity of the union.

Lord Bridges of Headley (Con): My Lords—

Lord Lea of Crondall (Lab): My Lords—

Lord Taylor of Holbeach: My Lords, it is Labour's turn to speak.

Lord Lea of Crondall: The Minister lays great stress on what might be summarised as "There is no alternative"—a phrase that we have heard somewhere before. This slogan is patently inaccurate. I know that the Minister would like it to be the case, but is she not obliged to consider alternatives as they are presented?

Baroness Evans of Bowes Park: The Prime Minister, supported by the Cabinet, has brought forward this deal, which has been negotiated with the EU, and it is the deal on the table. There will be a Council meeting later this month for both parties to agree it, and it will then be put to Parliament, which will, I hope, support it.

Lord Bridges of Headley: My Lords, I applaud the efforts of the Prime Minister in getting us this far, but I fear that my misgivings about what would happen in this process have been proven all too true—namely, the political declaration is meaningless waffle and, worse still, it is laced with the cyanide of the backstop. I understand what my noble friend says about us wishing to get more clarity in this political declaration, so maybe she can now tell the House what it means when it says that the future relationship will,

"build on the single customs territory"?

What does that mean? Does it mean that we will remain in some form of customs union with the European Union?

Baroness Evans of Bowes Park: No. It means that we want a frictionless border, and we will continue to work on that. However, once we leave the EU, we will be able to negotiate free trade agreements across the world and become a truly global Britain.

Lord Taverne (LD): My Lords, did the Minister note the poll that took place on Tuesday—the biggest poll carried out since the referendum, consulting some 25,000 people—showing strong and growing support for letting the people have the final say, including increasing support in marginal Conservative seats and support among Labour members by a margin of no less than 59% to 41%? In the light of this, if the Government are concerned to listen to the voice of the people, is it not right that in the immediate future the alternative to no deal, which is where we are heading, is to let the people have the final say?

Baroness Evans of Bowes Park: I am afraid to say to the noble Lord that we have heard from the people. The people voted to leave the European Union. We are coming forward to a deal which will deliver that, and we will work on a bright relationship with the EU going forward.

The Lord Bishop of Leeds: My Lords, the Prime Minister's Statement speaks of bringing the country back together. Does the Minister believe that this is a credible and achievable aim? If so, how will it be brought about?

Baroness Evans of Bowes Park: Yes, I do believe it is credible and achievable. It is something the Prime Minister has been focused on. She is delivering Brexit. We have a deal. We will bring that deal to Parliament. We hope Parliament will support it, and we will bring the country back together in a strong relationship with the EU going forward.

Lord Morrow (DUP): My Lords, during the debate, much was said about our precious union. Does the Minister agree that, in fact, the precious union will be destroyed by this deal if it goes through—although that seems unlikely. Surely Northern Ireland has now been pushed on to a ledge and into no man's land. This is not an acceptable way to protect the precious union.

Baroness Evans of Bowes Park: With the greatest respect, I am afraid I disagree with the noble Lord. Protecting the union and ensuring that we uphold the Good Friday agreement has been central to much of the negotiations, and the Prime Minister has been absolutely clear about that. That is delivered by the fact that we have got rid of the Northern Ireland backstop, and we have a new, UK-wide temporary customs arrangement which does protect the integrity of our union.

Lord Davies of Stamford (Lab): My Lords, in the referendum campaign the most prominent leader of the Brexit side, Mr Boris Johnson, famously said that we can have our cake and eat it too. Another prominent leader, Michael Gove, said during that campaign that, the day we leave, all the cards will be in our hands. In the light of events, does the Minister feel the British public were given honest and responsible advice on that occasion?

Baroness Evans of Bowes Park: I respect the British people. They made a decision for us to leave, and we are delivering on that decision.

Lord Wallace of Saltaire (LD): My Lords, the Minister's Statement said that we are going to re-establish an independent foreign policy and, at the same time, close and continuous security and foreign policy co-operation with the members of the EU. How do we reconcile that? Will we be allowed to say no whenever we feel like it but the others will be compelled to collaborate with us, or are we actually talking about sharing sovereignty and security despite the rhetoric of independence?

Baroness Evans of Bowes Park: As the outline political declaration shows, we have reached consensus on key elements of our future internal security partnership—as I mentioned, on extradition, data exchange, fingerprints, DNA, vehicle records and passenger name records. On foreign, security and defence policy, we have agreed arrangements for consultation and co-operation on sanctions, participation in missions and operations, defence capability development and intelligence exchanges. As I said, now that we have agreed the withdrawal agreement, we will be able to get into the detail of the

[Baroness Evans of Bowes Park]
future relationship. Both sides are very clear that security is a key area in which we want to continue to have a very strong partnership.

Baroness McIntosh of Pickering (Con): My Lords, the Minister has confirmed that, as of 29 March next year, the United Kingdom will leave the common agricultural and fisheries policies. As it stands today, there is a complete vacuum on what the policies of this country will be for agriculture and fisheries. Negative instruments are being proposed, and the Agriculture Bill is completely policy free. What timetable do the Minister and the Cabinet propose for putting before this House the five or six remaining Bills and the thousands of statutory instruments that have to be adopted before we leave?

Baroness Evans of Bowes Park: As my noble friend rightly says, we have an Agriculture Bill; a fisheries Bill will come soon. Legislation will continue to be put forward in the House, and we now move towards talking about our future partnership. But we will now also have the capability to decide our own agriculture and fisheries policies as we leave the EU.

Lord Hain (Lab): My Lords, I urge the Minister not to repeat the fiction that it is either this deal—almost certainly dead in the water—or no deal, which would be disastrous. Parliament has the power, the opportunity and, I would submit, the duty to take back control of this whole disastrous saga, including the option of a people's vote giving the people a final say on whether they want to remain in the European Union. All the alternatives before us at present are far inferior to that.

Baroness Evans of Bowes Park: I have been quite clear that we will not be having a second referendum. We have had a people's vote, and we are now delivering on that. However, the noble Lord is absolutely right that the withdrawal agreement and implementation treaty will be brought forward to the House and there will be opportunity for both the House of Commons and this House to scrutinise it and discuss it. It will be for Parliament to pass it.

Lord Green of Deddington (CB): My Lords, the noble Baroness will be aware that the question of immigration was a major factor in the referendum. Can she explain why these documents, apart from dealing with the rights of EU citizens in the UK and vice versa, are virtually silent on this important issue?

Baroness Evans of Bowes Park: We will end free movement when we leave the EU, which means that we will develop our own independent immigration policy. We will bring forward a White Paper setting out those thoughts shortly.

Baroness Crawley (Lab): My Lords, there is consensus across the House that this deal will not get a majority in the other place. What is the Government's plan B? As we see it, a no-deal scenario happens automatically, unless the Government and Parliament decide to stay in the EU until a deal can be reached or decide to organise a second referendum. What do the Government make of the more hysterical claims of Brexiteers about Northern Ireland, which has been the pinch point all along? I am thinking especially of the claim that there are no trading, constitutional or legal differences between Northern Ireland and the rest of the UK, when we all know that there are already significant differences on agriculture, animal checks, future corporation tax, abortion and same-sex marriage—I could go on.

Baroness Evans of Bowes Park: I am not going to prejudge what the other place does in relation to its decision on this deal. As noble Lords have rightly said, it will have a vote on this deal. We believe it is the best deal and we will be encouraging the other place to support it, and I believe that it will.

Lord Beith (LD): My Lords, one of the consequences for our fisheries is that the negotiations will lead to the regulation of fisheries in a non-discriminatory manner and to the putting in place of an agreement on quotas and access to waters which will continue after the transition period. Does that not indicate that the promise made by Brexit supporters to fishing communities, that Britain would have total control of its fishing waters and unlimited access to the fish regardless of international agreements, was not realistic?

Baroness Evans of Bowes Park: No. We will retain and bring back access to our own waters. We will deliver on the referendum.

Baroness Finn (Con): My Lords, under the proposed deal, during the implementation period the UK would be subject to all EU rules, including on freedom of movement. Why then does my right honourable friend the Prime Minister continue to rule out membership of the European Economic Area and the European Free Trade Association as an alternative interim state?

Baroness Evans of Bowes Park: We have negotiated an implementation period, and that is what we shall deliver to ensure that we do not have a cliff edge. We will negotiate a strong new partnership with the EU, which will serve us both well in the future.

Privileges and Conduct

Motion to Agree

12.23 pm

Moved by ***The Senior Deputy Speaker***

That the 2nd Report from the Select Committee (The conduct of Lord Lester of Herne Hill) (HL Paper 220) be agreed to.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, in moving this Motion, I will speak also to the amendment to the Motion in the name of the noble Lord, Lord Pannick.

The report before us relates to a finding that the noble Lord, Lord Lester of Herne Hill, sexually harassed the complainant, offered her a corrupt inducement to have sex with him and warned her of unspecified

consequences if she did not accept his offer. The complaint was investigated by the House's independent Commissioner for Standards. She found that the conduct of the noble Lord, Lord Lester, was in breach of the provision in our code of conduct that all members must act on their personal honour. The commissioner's findings were considered by the Sub-Committee on Lords' Conduct, whose role it is to recommend an appropriate sanction. That sub-committee recommended that the noble Lord, Lord Lester, should be expelled from the House.

The noble Lord, Lord Lester, appealed to the Committee for Privileges and Conduct against the findings and the sanction. That committee considered a detailed set of papers on appeal and heard from the noble Lord, Lord Lester, in person. We dismissed the appeal of the noble Lord, Lord Lester, against the finding that he had breached the code and we endorsed both the approach and the conclusions of the commissioner.

In relation to the appeal of the noble Lord, Lord Lester, against sanction, we upheld his appeal against expulsion and recommend instead a period of suspension. The committee was conscious that at the time of the breach of the code, the power to expel a Member of the House, which has now been conferred by the House of Lords (Expulsion and Suspension) Act 2015, was not available. At the time the noble Lord, Lord Lester, breached the code the maximum sanction available was suspension to the end of the Parliament in which the suspension started. We concluded that the noble Lord, Lord Lester, should be suspended for a period coterminous with the maximum expected length of the present Parliament. We accordingly recommend that the noble Lord, Lord Lester, be suspended from the House until 3 June 2022. I should be clear that this is our recommendation to the House irrespective of whether or not a general election takes place before 2022.

My Lords, it may be helpful to the House if I say a few words in anticipation of the amendment of the noble Lord, Lord Pannick. The amendment suggests that the Commissioner for Standards did not conduct her investigation in a way that conformed with natural justice and fairness. This is a serious claim and one that the Committee for Privileges and Conduct considered very carefully, because it was a central point of the appeal of the noble Lord, Lord Lester. We were very clear in paragraph 12 of our report that we did not,

"accept Lord Lester's contention that the Commissioner was at fault in the way she carried out her investigation".

That was the unanimous position of all 14 members of the committee. In coming to that position we listened with particular care to the opinions of two of our members with considerable judicial experience, the noble and learned Lords, Lord Mackay of Clashfern and Lord Hope of Craighead. I hope that they will both speak later in this debate.

The amendment of the noble Lord, Lord Pannick, directs us to consider the procedures the commissioner followed in her investigation. Let me remind the House what they are. They are set out in the guide to the code and they are kept under review by the Sub-Committee on Lords' Conduct, chaired by another member with considerable judicial experience, the noble and learned Lord, Lord Brown of Eaton-Under-Heywood.

Paragraph 124 of the guide to the code states:

"Proceedings are not adversarial, but inquisitorial in character."

Then paragraph 127 says:

"Complainants have no formal locus once an investigation is under way: they have no right to be called as a witness, though they are expected to co-operate with any investigation and to supply all the evidence in their possession when asked to do so. Nor do members accused of misconduct have any entitlement to cross-examine complainants, though they are given an opportunity to review and, if they so wish, challenge the factual basis of any evidence supplied by complainants or others".

12.30 pm

This House has set out a process that does not include cross-examination but does allow for the rigorous testing and review of evidence. It is a process that has been in place for many years and has been used to investigate other extremely serious allegations against Members of this House. It is a process that the noble Lord, Lord Lester, himself vigorously defended in a speech in the House on Wednesday 20 May 2009. In that speech, the noble Lord, Lord Lester, referred to the conduct of the investigation into allegations against Lord Taylor of Blackburn. Lord Taylor's solicitors claimed that Lord Taylor had been,

"denied basic procedural safeguards guaranteed by domestic and international law, and by the House of Lords' own rules. Not least of these is the right to know the charges against you and to test the evidence against you through cross-examination".—[*Official Report*, 20/5/09; col. 1411.]

The noble Lord, Lord Lester, then summarised his own position as follows:

"I do not consider that there is a breach of the principles of natural justice or fairness, which are flexible principles. They are not conceivably breached in this case, and the penalties are in my judgment entirely proportionate".—[*Official Report*, 20/5/09; col. 1412.]

The view of the noble Lord, Lord Lester, was shared by the House in that case and remains shared by the House to this day.

I also suggest that if any noble Lord has any doubt about the care with which the commissioner tested the evidence, they should refer to her own description of the process she followed, as set out from page 94 of the published documents. Let me also remind the House that the commissioner is herself a highly experienced investigator. She is a former President of the Law Society and now sits as a judge. She applied the processes that this House has set down for enforcement of our code of conduct. She should not be criticised for doing exactly what the House tasked her with doing and which the Committee for Privileges and Conduct found she had done properly.

Perhaps I may finish by saying something about confidentiality and anonymity. Throughout the process the identity of the complainant was kept out of the public domain. That is why information and details in the report as published were redacted and a number of annexes have not been published at all. The complainant has, since the report was published, made her identity known. This is of course entirely her decision and I hope that noble Lords will respect that. That does not in any way undermine the approach taken to confidentiality during the process or the need to publish a redacted report. Looking ahead, it is important that we give confidence to others who may come forward with complaints about sexual harassment that their identity can be kept secret if that is what they wish.

[Lord McFall of Alcluith]

I beg to move that the second report from the Committee for Privileges and Conduct be agreed to.

Amendment to the Motion

Moved by ***Lord Pannick***

To leave out "agreed to" and insert "remitted to the Committee for Privileges and Conduct because the Commissioner for Standards failed to comply with paragraph 21 of the Code of Conduct which required her to act in accordance with the principles of natural justice and fairness."

Lord Pannick (CB): My Lords, I thank the Deputy Speaker for the way in which he has introduced this difficult matter. I declare my interests. I have been a close friend of the noble Lord, Lord Lester, and we were colleagues at the Bar for almost 40 years. I assisted him during the process before the Commissioner for Standards and indeed at the hearing before the Committee for Privileges, but I was not allowed, because of the procedures of this House, to speak on his behalf either before the commissioner or before the committee.

I do not know—your Lordships cannot know either—whether the noble Lord, Lord Lester, committed the acts alleged against him. I would be very surprised if he did but I do not know. However, I know that the procedure applied by the Commissioner for Standards was manifestly unfair. If you are going to assess the credibility of competing contentions as to what occurred nearly 12 years ago, apply a very serious sanction against someone and destroy their hitherto unblemished reputation, you have to allow them, through their counsel, to cross-examine the person making the allegations, which turn on credibility. At the very least, the commissioner should appoint independent counsel to perform that cross-examination; that would also be acceptable.

Paragraph 21 of our code of conduct is very clear. I am sorry that the Senior Deputy Speaker did not mention it. It states that the commissioner,

"shall act in accordance with the principles of natural justice and fairness".

The fact of the matter is that in every other regulatory, disciplinary or employment context in this country, if you are accused of serious misconduct where the issue turns on credibility and you face a serious sanction, you are entitled to your legal right to cross-examine the person making the allegations against you so that their credibility—and yours, because you must be cross-examined as well—can be properly assessed and determined. I find it quite astonishing that this House, which lays down the law for everybody, does not comply with these basic standards of fairness. With great respect to the Senior Deputy Speaker, the question is not about whether the commissioner is distinguished—she is—or whether she carried out this function very carefully; no doubt she did her best. It is essentially a question of principle. Can she fairly determine an issue that turns on credibility when she did not allow for any possibility of cross-examination?

The Senior Deputy Speaker relied on the guide to our code of conduct, paragraph 127 of which states, as he accurately pointed out:

"Nor do members accused of misconduct have any entitlement to cross-examine complainants".

Of course they have no such entitlement, because fairness does not require cross-examination in all cases. In many cases, credibility is not an issue, but that paragraph cannot mean that the commissioner lacks any power or duty to allow for cross-examination if and when fairness so requires. If that paragraph so provided, it would conflict with the governing position in paragraph 21 of our code of conduct, which requires the commissioner to act in accordance with "natural justice and fairness". In any event, even if our code were followed by the commissioner—which was not the case—the question before the House is whether the noble Lord, Lord Lester, was treated fairly and in accordance with natural justice by being denied the opportunity for cross-examination. It is very important to emphasise to the House that this is not a lawyer's point. It is inherent in the very concept of fairness.

It is also important to emphasise to the House that the noble Lord, Lord Lester, wanted the right to cross-examine not because of some abstract principle but because of what he sees as the gaps and inconsistencies in the case against him—as to when the harassment is said to have occurred, what meetings Ms Sanghera says she was denied access to and, most fundamentally of all, between her allegations and her own conduct. Your Lordships may have seen in the report that, one week after the alleged events, she signed her book for the noble Lord, Lord Lester, in affectionate terms. I quote:

"Anthony … Thank you so much for your love and support. It has been my pleasure to meet you … Love and admiration."

One week after the alleged events, she expressed "admiration". Two and a half years later, she sent him another book thanking him for his support and signing it—

Baroness Jones of Moulsecoomb (GP): I feel that the noble Lord is asking us to judge again this case, which is not appropriate for us, because our legal knowledge is not sufficient.

Lord Pannick: I emphasise to the noble Baroness and noble Lords that I am most definitely not asking the House to take sides as to who is telling the truth and who is not. I am citing these matters as briefly as I can because, in the circumstances of this case, fairness cried out for cross-examination. I am giving an example of why, in the absence of cross-examination, fairness could not be achieved. I was telling the House that, two and a half years after the alleged events, Ms Sanghera sent the noble Lord, Lord Lester, another book thanking him for his support and signing it, with "love and respect".

A great authority on evidence, Dean Wigmore, said—and he was right—that cross-examination is,

"the greatest … engine ever invented for the discovery of truth".

I remind your Lordships that in 1999 the report of the Joint Committee on Parliamentary Privilege, which was chaired by the noble and learned Lord, Lord Nicholls of Birkenhead, stated at paragraph 281 that when the House deals with serious cases of contempt it is,

"essential that committees of both Houses should follow procedures providing safeguards at least as rigorous as those applied in the courts and professional disciplinary bodies".

The Joint Committee set out what it described as a series of "minimum requirements of fairness" for a Member accused of wrongdoing. Those minimum requirements included,

"the opportunity to examine other witnesses".

Mention has been made by the Senior Deputy Speaker of the comments made by the noble Lord, Lord Lester, himself in the case of Lord Taylor of Blackburn, who was disciplined for dishonest expenses claims, but what is fair depends on the context. The context in the present case is an allegation of misconduct nearly 12 years ago dependent on the competing credibility of two people. In any event, what the noble Lord, Lord Lester, said in 2009 cannot be determinative of the standards of fairness.

The noble Lord, Lord Lester, put before the Committee for Privileges an independent opinion from David Perry QC, who had advised Parliament in relation to its code of practice. He said that, given the serious nature of the allegations and the time that had elapsed since the events in question, the noble Lord, Lord Lester, had been denied a basic requirement of fairness in the circumstances of this case. He also made many other criticisms which I will not deal with.

Sexual harassment and abuse of power are serious wrongs and nothing that I say is intended to diminish their gravity, but those who are accused of such offences are entitled to have their cases fairly and properly considered. The more serious the allegation and the more severe the penalty, the greater the obligation on us to act fairly. The noble Lord is facing suspension for nearly four years and his reputation has been destroyed.

12.45 pm

It does not take much imagination from noble Lords to contemplate how they would feel if they were now accused of such an offence, said to have been committed more than a decade ago, and then subjected to this procedure. If a report produced by this procedure were produced in the case of someone being suspended from his trade union, from the City of London, or from his golf club, I can tell noble Lords that I would have no difficulty whatever in overturning that report in the courts of this country. The noble Lord, Lord Lester, cannot go to court because of parliamentary privilege. It is therefore our obligation to apply at least equivalent standards in addressing these matters.

The procedure adopted by the Commissioner for Standards failed to meet the standards of natural justice and fairness. I hope that the House will agree that this matter needs to be remitted to the Committee for Privileges and Conduct so that it can be encouraged to begin the process, delayed for far too long, of devising a procedure ensuring that complaints of this nature are considered in a fair and effective manner, so that the injustice done to the noble Lord, Lord Lester, is not perpetrated. I beg to move.

Lord Thomas of Gresford (LD): My Lords, I agree wholeheartedly with the noble Lord, Lord Pannick, that the statement in the Code of Conduct requiring the commissioner to act in accordance with the principles of natural justice and fairness transcends any statement in the guidance to the code that limits the cross-examination of witnesses. In an appropriate case, the evidence requires to be tested—and I can think of no more appropriate case than this, where the international reputation of the noble Lord, Lord Lester, is threatened by an allegation more than 12 years old of harassment, which is a criminal offence. The consequences for him are immense.

There is a further aspect of these proceedings which concerns me. The code does not lay down any detailed process for the investigation of complaints. The proceedings are inquisitorial, which means that the commissioner acts as both investigator and judge. Ironically, the working party, which published its *Independent Complaints and Grievance Scheme Delivery Report* last July, recommends that the roles be separated: there should be an investigator to investigate and report and a decision-making body to receive the report and determine the complaint.

Without an explicit process to follow in this case, the commissioner made up her own. Her lack of forensic experience—although she is a very distinguished lawyer in other respects—and her lack of confidence are demonstrated by the need, as she saw it, to consult a friendly judge for guidance. She collected the evidence, interviewed such witnesses as she chose in informal interviews, some of them merely on the telephone, and ignored other witnesses suggested to her by the noble Lord, Lord Lester. She then came to a judgment on the facts and upheld the complaint. Her findings of fact under the code could not be reopened before the sub-committee on conduct, nor on the appeal before the full committee. The challenge on appeal of the noble Lord, Lord Lester, had to be as to the fairness of her investigation and the process by which she came to her conclusion. It was not and could not be a rehearing of the facts.

The commissioner made mistakes. For example, her approach to the evidence was in my view to reverse the burden of proof and to apply a standard of proof which did not reflect the severity of the consequences of her findings. I remind the House that the guidance at paragraph 128 states that in order to find against a Member,

"the Commissioner will require at least"—

at least—

"that the allegation is proved on the balance of probabilities".

That means that in appropriate cases, the standard of proof should be higher than a mere 51 to 49. There are other flaws of forensic analysis which I will not trouble your Lordships with.

The most extraordinary aspect of these proceedings, however, was that the commissioner made herself a party to the appeal process. Between pages 94 and 111 of the report, there is set out the commissioner's point-by-point refutation of the grounds of appeal of the noble Lord, Lord Lester. This is the first time that I have ever come across a judge making herself the respondent to an appeal against her own judgment.

So what submissions did she make to the appellate committee? First, she said that the noble Lord, Lord Lester, did not accept the legitimacy of her investigation. This is not surprising, since we are about to scrap it anyway when the report of the working party is received

[Lord Thomas of Gresford]
and put into effect. Secondly, she said that, as the noble Lord, Lord McFall, pointed out, the noble Lord had spoken in support of the procedures in 2009, when the question of the conduct of the four Peers who had been convicted by criminal processes was dealt with. The commissioner criticised the status of counsel's opinion—Mr Perry's opinion. She questioned the independence of his opinion of leading counsel, on the basis that he was instructed by the solicitors of the noble Lord, Lord Lester. In paragraph 30, she said that its status was,

"only an opinion, not an accepted decision made in an adversarial court".

There is an irony in that, is there not?

Paragraph 31 states:

"In a standard appeal the appellant (Lord Lester) and the respondent (me) would both put up legal arguments (opinions) as to why the appeal should, or should not be allowed. I do not have that option, as the processes set out in the Code do not permit this. However, what I can say is that, if I had that opportunity, I have no doubt that I would be able to obtain a reputable, eminent opinion that disagreed in many, if not all, respects from that of Mr Perry and Ms Davidson".

That is her view: she described herself as the respondent to the appeal. Nothing in the code suggests that the commissioner is entitled to such a role.

She then criticised the attempt by the noble Lord, Lord Lester, to introduce fresh evidence and submitted in paragraph 34:

"The Committee will be aware that it is not its role to reopen the investigation, but simply to 'use their judgment to decide whether, on the balance of probabilities, they endorse the conclusions of the Commissioner'".

She added:

"I do not believe the Committee should admit",

this fresh evidence,

"or use it to re-open the investigation".

These are submissions made by the judge, the finder of fact whose facts could not be challenged—and there she was, defending the process.

She continued to assert that the noble Lord, Lord Lester, was responsible for any inaccuracies in his grounds of appeal and alleges that he was guilty of unsatisfactory conduct during her investigations. In paragraphs 53 to 103 she sets out point by point her challenge to his grounds of appeal and her defence of her own conduct of the investigation. She—the judge against whom the appeal is being made—concludes in Paragraph 104:

"For the reasons set out in this paper and in the appendix to this paper I am confident in my findings and in the processes I applied throughout my investigation. I ask the Committee to dismiss Lord Lester's appeal against my findings".

I very much doubt that as a part-time judge in a mental health tribunal the commissioner has ever appeared in the Upper Tribunal to argue against an appellant appealing her own judgment and inviting the Upper Tribunal to dismiss the appeal.

So how did this travesty happen? Was she invited by the clerk or the chairman of the Committee for Privileges and Conduct to make these representations? Or did she jump into the arena of her own accord? Did the noble Lord, Lord Lester, consent to this? Was he asked whether she should make herself a respondent to the appeal?

The proceedings before the Committee for Privileges and Conduct were remarkable. Any Member who is brought before it on a charge of not acting on his or her personal honour should bear in mind that, however ancient the allegation, however old you are—the noble Lord, Lord Lester, is 82—however much you may have been touched by dementia like Lord Janner, whatever stress or illness you may be suffering—and the noble Lord, Lord Lester, was defending the potential ruin of a lifetime's reputation—you, every one of you, will be on your own. You cannot have anyone speak for you, much less present your case—and the noble Lord, Lord Pannick, was there ready to do it.

Baroness Falkner of Margravine (LD): While my noble friend is setting out a very cogent case as a lawyer, does he accept that the commissioner was appointed by this House and that he and the noble Lord, Lord Pannick, need to accept that the procedures are the procedures that were adopted by this House and that, whether they are fit for purpose or not, they are the procedures that we have today? They are the procedures that will affect all of us as we sit here in this House. It is our honour and our integrity, and my noble friend impugning the integrity of someone this House has appointed does not help the case of his and my noble friend Lord Lester.

Lord Thomas of Gresford: They may be here today, but they will be scrapped next week when the report of the committee is received. This is the only time that these procedures have been used in a sexual harassment case. That is why the commissioner was left on her own to invent the procedures.

My noble friend Lord Lester was entitled reasonably to expect that he could present his grounds of appeal to the committee without them being undermined beforehand by the submissions of the commissioner. Her submissions were before the committee in written form, but she was never required to present them in person to have them examined, questioned and tested. By contrast, as the report shows, my noble friend Lord Lester was given 30 minutes to make his oral submissions and, contrary to the traditions of the Judicial Committee of this House, of happy memory, he was heard in silence without the engagement, questioning, teasing out of points or discussion of any of the matters raised by the commissioner by way of refutation. He was not questioned at all.

Lest the commissioner or anyone else, including my noble friend, should suspect that I am acting as a mouthpiece of my noble friend Lord Lester, let me make it clear that although on many occasions I have worked with him in this House and many times deferred to his views in the field of human and women's rights, our paths have not crossed socially or professionally. I have had no discussion with him at any stage or with anyone else, including the noble Lord, Lord Pannick, about these allegations and was unaware of the progress of these proceedings until I read the report on Monday evening. The analysis of the report that I have set out is entirely mine, and I do not pretend to speak for my party in any way.

After 22 years in this House, I am distressed at the distance that I consider the House has fallen from fairness and natural justice. I am also shocked that, after all the attempts to protect the identity of the complainant and redact the report, she herself, on the day that this report was published, should have given an exclusive interview to the *Times* together with personal photographs. If anything goes to credibility, that does. It makes a mockery of our procedures, and I can only hope that a charity has fully benefited from her.

1 pm

Lord Hope of Craighead (CB): My Lords, I wonder if it would be of assistance to the House if I were to speak next. I should explain that one of my duties as Convenor of the Cross-Bench Peers is to sit upon the Committee for Privileges and Conduct. That is a responsibility that I bear on behalf of my colleagues on the Cross Benches, and I had the important duty of sitting on this particular committee. I shall explain succinctly why I felt unable to accept the contention of the noble Lord, Lord Lester, that the commissioner was at fault in the way that she carried out her investigation. I have of course listened with great care to what my noble friend Lord Pannick has said in presenting the amendment.

I shall concentrate on two matters: what the commissioner did and what she was required to do. The first thing that she did, as required by paragraph 119 of the guide, was to seek and obtain the agreement of the sub-committee, chaired by my noble and learned friend Lord Brown of Eaton-under-Heywood, to investigate. That is because the alleged incidents occurred more than four years before the complaint was made. She obtained that consent from the sub-committee and proceeded to receive the details of the complaint and then meet the noble Lord, Lord Lester, to provide him with the details that were contained in it.

The noble Lord then began a process of challenging the process being adopted by the commissioner. First, he asked for an alternative procedure by way of a dialogue to be adopted so that he and the complainant could meet together with the commissioner to discuss the incidents that she was complaining about. The commissioner was uncertain as to what she should do about that, so she went back to the sub-committee to find out what its advice was. In the meantime, the noble Lord, Lord Lester, had complained to the sub-committee about the fairness of the procedure. The important point to note is that the commissioner was told by the sub-committee that she was bound to investigate the complaint under the procedure laid down by the code and the guide to conduct. I emphasise that point because I think it should be realised that if there is any basic fault in the procedure, which is my noble friend's essential point, the sub-committee shares the responsibility for the way in which the case proceeded, as does the sub-committee that looked at the matter afterwards.

The instruction from the sub-committee was to follow the procedure laid down by the code and the guide. The Senior Deputy Speaker very helpfully set out a good deal of what is contained therein and I do not want to go over it, but there is a crucial passage at paragraph 124 that has to be understood and that has been in the guide for many years. It says:

"Proceedings are not adversarial, but inquisitorial in character".

That is a crucial passage in the guide, which is followed through in the following paragraphs that talk about no entitlement to cross-examination. The point is that an adversarial process is one where cross-examination is indeed resorted to and, as I think my noble friend was suggesting, one might well have counsel to assist in putting those questions. That is the nature of the adversarial process that all of us who have sat as judges, and indeed who have appeared in courts as lawyers, are familiar with, but this was an inquisitorial process where the conduct of the inquiry was in the hands of the commissioner, appointed, as has been pointed out, by the House to conduct this process as an independent and impartial investigator.

One has to understand that because, when one comes to the phrase, which has also been quoted, that the commissioner,

"shall act in accordance with the principles of natural justice and fairness",

one has to understand what that phrase means. The principles of natural justice have been established in our common law for many years. There are two of them, assuming of course that the investigator is impartial. Principle number one is that the person complained against shall have fair notice of the case being made against him. Principle number two is that the person complained against shall have a fair opportunity to answer to the complaint. Those are the principles of natural justice that are universal and which are referred to in that paragraph in the guide. Cross-examination is the essence of an adversarial process, and one must assume that when the House approved the guide in this form it understood very well that this was the nature of the process that it wished to adopt. One might say that the important point was to keep the adversarial element—counsel and all the rest of it—out of it and put it in the hands of the commissioner so that she could conduct the inquiry as best she could.

If one follows through what the commissioner actually did—I do this not to reopen her inquiry, which we are not allowed to do, but to test the coherence of what she did—one sees that she interviewed the noble Lord, Lord Lester, to discuss aspects of his statement. She said she gave him the opportunity to tell her anything else that he thought was relevant, applying the principle of natural justice. Significantly, his response was to deny the allegations in every particular. As she said, his case was not that it was a misunderstanding or a misinterpretation, so either the complainant or the noble Lord was not telling the truth, and she had to decide that issue.

As we know from the report, she then contacted witnesses, and she used her discretion as to how best to do that. She provided the noble Lord, Lord Lester, with copies of the statements by these witnesses. She then considered no fewer than 12 challenges that the noble Lord made to the progress of the investigation so far. Here your Lordships see the second principle, the opportunity to reply, being applied. She then showed him her draft report. He made 10 more representations,

[LORD HOPE OF CRAIGHEAD]
each of which she considered and dealt with before the report was finalised. So if one works through the report, one finds that she conducted the process in accordance with fairness and the principles of natural justice.

She noted that there were discrepancies between the complainant's statement and those of the witnesses but, as she pointed out, that was not altogether surprising in view of the lapse of time. Indeed, on the contrary, if they had been exactly fitting with each other, that might suggest collusion, which, in her judgment, was absent in this case. She accepted that the witnesses were telling the truth as best they could.

She said she did not need to examine each of the allegations in great detail, the reason being that the complaint was not said to arise from a misunderstanding or misinterpretation and she was not provided by the noble Lord, Lord Lester, with material to conduct a penetrating investigation of the kind where one might put to the complainant alternative explanations for what might have happened. I think she was saying to us in the report that it was not for her to construct the noble Lord's excuse if he did not provide that excuse to her himself.

I have two final points. She said that when she was dealing, as so often with these very difficult cases of sexual misdemeanours, with competing positions of the two people involved, on the whole she might have regarded this as a 50/50 case where the balance was not tipped against the noble Lord, Lord Lester. That was why she had regard to the witnesses to see if she could test, by some independent evidence, whether there was a cogent reason for preferring the complainant's account of what had occurred. All that is perfectly orthodox, coherent and understandable.

The last and most important point is one that every judge who sits in an appeal has to appreciate and I suggest to your Lordships that we should grasp it too: the commissioner had the great advantage of seeing, interviewing and assessing the complainant herself. We do not have that advantage. The commissioner's advantage is one that she alone had, and it was her assessment of credibility that was crucial to the determination of this case.

There has been a lot of criticism of the commissioner's conduct. I respectfully suggest that she conducted the process to the best of her ability and in accordance with the rules provided for her by the House, which the House looked at in 2010, for example, and has not sought leave to change. I do not think the process could be said to have been at fault if tested by the principles of natural justice and fairness, and I respectfully submit to your Lordships that the amendment should not be agreed to.

Lord Warner (CB): My Lords, as a non-lawyer, I support the amendment of my noble friend Lord Pannick and agree with everything he said. In doing so, I recognise that I am raising serious doubts about the fairness of our procedures in cases such as this involving sexual abuse and harassment. I also recognise that my actions could be interpreted by people outside the House as special pleading for one of our own. This latter point is in no way my intention, and I claim in no way whatever that the noble Lord, Lord Lester, is innocent. I simply do not know. I am not a personal friend of the noble Lord, although I have known him for more than 20 years, and I do not know him socially.

My only concern is the same as that of my noble friend Lord Pannick: that we are operating a flawed system that can unfairly totally damage a distinguished person's life and reputation. As I said, I am not a lawyer, but I have been involved in a case where I was cross-examined in a tribunal when I sacked a black manager for sexually abusing a child in care. I accepted that cross-examination because I had taken a serious action that would damage that individual and their livelihood. I was cross-examined for more than an hour about my actions and the evidence I had for taking those actions. So I have had the experience of being cross-examined and having my judgments tested in, in effect, a court.

At the heart of my concern is whether our procedures are fit for purpose to deal with allegations of historic sexual abuse or harassment. That is the issue. These are notoriously difficult issues to address fairly, as other jurisdictions have found. I accept that we do not wish to prevent complainants—very often women—coming forward, often after a long period after inappropriate conduct has occurred. Equally, we now have enough experience of false claims to know that evidence must be properly tested before people's reputations—usually men's—are trashed unfairly. This balance can be difficult to achieve to everyone's satisfaction, particularly given the historical discrimination against women.

In this case, my reservations about accepting this report as it stands turn on whether the noble Lord, Lord Lester, was given an adequate opportunity to legally and forensically test the credibility of the complainant's evidence before adjudication was made. I do not think, on the evidence available to me in the report, that he has. That therefore could lead to a possible unfair adjudication that destroys his reputation.

Given the serious consequences of the report for the noble Lord, Lord Lester, I feel extremely uncomfortable about simply nodding it through because it conforms with flawed guidance that we have given the commissioner. I can also foresee that if we do not examine our procedures more carefully now, we could mishandle many further cases that come forward. You would have to be a great optimist to think that there will never be further cases. For those reasons, if my noble friend Lord Pannick wishes to test the opinion of the House, I will support him.

1.15 pm

Baroness McIntosh of Hudnall (Lab): My Lords, I, too, am not a lawyer and I venture into this space with great trepidation, having heard the speeches that have gone before, but the noble Lord, Lord Pannick, for whom I have the greatest respect—I mean that very sincerely—has moved an amendment which we are now discussing. The amendment tells us that it is his view that the commissioner failed in her duty. That is not the same as suggesting that our procedures are flawed. Our procedures may well be flawed, but that is not what we are debating.

What has occurred this morning and in the lead-up to this debate—the comment in the press and elsewhere—is that the commissioner is being traduced. What is being said of her is that either she is incompetent or she acted in bad faith. Both of those are very serious allegations—

Noble Lords: Oh!

Baroness McIntosh of Hudnall: Well, my Lords, I say that for this reason. It has not been put to us in the amendment that the Code of Conduct and the guidance that goes with it is flawed. That has been said by other speakers, but it is not in the amendment. The amendment says that the commissioner has failed to apply the Code of Conduct and the guidance that goes with it effectively and in accordance with the principles of natural justice and fairness.

If it is not said that the Code of Conduct is in itself flawed and therefore cannot be applied in that way, the fault appears to be hers and it therefore must be—must it not?—that she has applied it either because she is incompetent or knowing that she was applying it unfairly. That is a grave allegation to make against someone who this House has appointed to carry out its wishes in respect of a Code of Conduct which, we are now being told, is or may be flawed and is or may be in the process of being discarded. She could only apply the Code of Conduct before her at the time of the investigation.

Whatever the rights and wrongs of the case that she considered—like everyone else here, I am in no position, nor would I wish, to make any comment on that at all—it is, and I shall choose my words carefully here, perhaps regrettable that Members of the House have chosen to attack a public servant who is acting on its behalf when there is apparently no evidence that she acted either incompetently or in bad faith. For that reason, I must say that I cannot support the amendment of the noble Lord, Lord Pannick.

Lord Eames (CB): My Lords, it is with degrees of trepidation that I take part in this debate, particularly as it is dominated by wonderful legal brains. My reason for speaking is that many years back now, I was asked by the then Leader of the House to lead the group that was to set up the Code of Conduct. In November 2009, our recommendations for the Code of Conduct were unanimously accepted by this House. Since then, with some technical adjustments, that code has remained in place and we have all lived with it, under it and, in a sense, for it. It is on a sad day—I use those words explicitly—such as this that we have to re-examine what we have accepted for many years. I am therefore in no way questioning what has been said in the amendment by my noble friend Lord Pannick, nor what has been argued by other lawyers. I want briefly to appeal to the House to remember that in the early stages of our current Code of Conduct, there was real anxiety on the part of the House that it should not become a lawyer's charter and that we should avoid the adversarial approach to cases that were brought before us.

The background to that early production of a code was the self-regulation philosophy of your Lordships' House. We have protected that and argued for it over the years, and it is something that we should be proud of and protect to the end as being one of the strengths of your Lordships' House. So it was in those early days, when people argued that there would be occasions such as this when a case would be raised which would have something to do with the wording of the code, that we had to have some form in which we could avoid that adversarial approach or, I say again, the lawyer's charter.

We came up with a phrase which has now endured all those years. It is simply put: personal honour. If you examine the wording of the report which we produced, and which still stands on page 4 of the Code of Conduct, you will see that we tried to analyse what personal honour means. We did so in ways and in words that I believe envelop individual cases, not least the case of the noble Lord, Lord Lester. In the list of the words that we have put in our report, we have covered virtually every incidence that could come before the Privileges Committee and then to this House; for example, selflessness, integrity, objectivity, accountability, openness and honesty are some of the words that we suggested. I am not referring to the individual facts of this case, but I am defending the Code of Conduct and our method of investigating issues such as this case, and appealing to the House to remember that the spirit of this House demands the degrees of honesty and consistency, which I submit is present in the way in which we operate the Code of Conduct in this House.

Lord Woolf (CB): I have listened to the speeches that have already been made, and I start off by declaring my interest. I am afraid that, in relation to issues before us, I have more than one interest to declare to the House. The first is that I have known the noble Lord, Lord Lester, for many years, and my family and his family are friends. I emphasise that I am not acting on his behalf; I was never approached to act on his behalf in submitting to this House my view on the issues before us. Secondly, I emphasise my professional career as it appears in the register, which I do not need to elaborate on because I know it is before the House and, I respectfully say, speaks for itself.

I should disclose that I have conducted a number of investigations. I have been fortunate in that I have been entrusted by Governments, not only in this country but in others, to conduct those investigations and advise. I disclose that I am the editor of one of the leading textbooks, now in its eighth edition, which deals fully with the question of natural justice. I refer to that because natural justice is central to the issues before us. Although the noble and right reverend Lord, Lord Eames, is absolutely right about the problems of getting involved with court procedures—to use a euphemism for what he was seeking to describe—the fact is that whether you are deterred by that or anything else, anyone whose life's work and reputation, acquired during his working life, are challenged is entitled to natural justice as a minimum, basic element of any form of investigation. Knowing what natural justice is, and being conscious that we are at the 20th anniversary of the Human Rights Act, I emphasise that that is particularly important when a person is put in a position such as that of the noble Lord, Lord Lester.

[LORD WOOLF]

The word adversarial is one that nearly always involves cross-examination. But the word inquisitorial does not mean that you cannot have cross-examination. That is contrary to the sense of the word, and the ignorance about that is very worrying to me. For a time, I was chairman—as the noble and learned Lord, Lord Brown, is now—of the sub-committee which dealt with these matters as they then were. Having done that job for a time, I decided that the provisions were wholly unsuited to the purpose they were meant to cover. I was deeply uncomfortable that they were not fit for purpose, and I made that clear to the authorities of the House. That is based on my experience, to which I made reference.

With that background, I come to look at the code as it is now. There is nothing that I would object to in it. There is nothing I would object to in many cases—not allowing lawyers to come anywhere near the process—but I emphasise that that is on the basis of looking at the issues that have to be determined and deciding what procedure is appropriate. The ones we are dealing with—what the commission had to deal with and two committees had to consider, as well as the commissioner—were peculiarly difficult to resolve in some cases. They are peculiarly difficult especially when there is a sexual connotation, which is what is complained of here.

I go back a long way as a judge and barrister, and remember when it was required in common law that when an allegation is made, corroboration is required. In addition, it was the duty of judges to warn a jury that it was dangerous to convict unless there was corroboration. It was also well-established that complaints made at the time are not corroboration. I say that only because—I do not blame the commissioner—the position in law today is much more flexible. A complaint is not corroboration but it is very easy to see it as such, and the commissioner in this case saw it as corroboration. She was saying that because of the complaint, there was no need to investigate other things. She was wrong on that because unfortunately, the common law acknowledged what we have to acknowledge today: that there are sometimes motives for making false allegations in cases involving sexual conduct which disguise the reality of the situation.

It is all too easy to say that, because a complaint is made, the matter is proved, because you think that the person who gives evidence of the complaint is speaking the truth. They may be, but that does not avoid the need to answer the question whether the person making the complaint is telling the truth when she makes it. This is just the basic experience of lawyers such as myself who have had to try these cases.

1.30 pm

When you read the commissioner's report—I do not criticise her in any way—you realise she had a very difficult task. I believe that any one of the lawyers in this House would say that if they were given the task she had of determining whether this matter was proved or not, they would conclude that if they were not allowed to have cross-examination—were not at least allowed to confront the complainant by the person complained against—it would be difficult, if not impossible. They would feel uncomfortable about coming to a view that one person was guilty or innocent with regard to the critical issue of where the truth lies. I do not know where the truth lies here, but I do not think the commissioner had the opportunity to determine that issue.

On the complaints made about the guidance as opposed to the Code of Conduct, the first point has already been made that the guidance is subsidiary to the code. However, if you read the guidance very carefully, it does a fairly good job. First, it says that the process in the normal way has to be not adversarial, but inquisitorial. As I have indicated, that does not mean—although I think that the commissioner believed it meant—that she did not have any discretion. The code, like the guidance, said in terms that natural justice had to be observed. That meant that there would be some cases where there should be a different procedure to see that justice was done. However, neither of the committees that oversaw the commissioner pointed that out to her. With the greatest respect to them, and without seeking to undermine those very important committees, I think they should have done. Again, in my view, she did not apply the right burden of proof, which goes right to the essence of this matter.

The noble Lord, Lord Pannick, has already drawn attention to the critical words "at least" in respect of the balance of probabilities. This is a case where that balance cannot be decided on just 51%, as the noble Lord has pointed out. It has to be adjusted to the seriousness of what is alleged. This is the course that all courts, civil and criminal, take. If they want to deal with balance of probabilities, they recognise that the balance can fluctuate according to the seriousness and gravity of the issue at stake.

Again, I do not criticise the commissioner in any way. I believe that she did everything she possibly could to try to resolve the matter. However, it was not clear to her in some respects and I suggest that that is worrying. She should not have been asked to deal with this matter without assistance. If it was thought that the parties should not have legal advice, she should at least have had an experienced tribunals assistant and assessors with her who could have assisted in these matters.

I have taken up quite a bit of the House's time and ask noble Lords to forgive me for doing so. However, I think the House has a very serious task today. I do not think—and I am quite satisfied about this—that it can be shown that the noble Lord, Lord Lester, had a fair crack of the whip, and a famous judge described natural justice as requiring a fair crack of the whip. It was unfair because, as anybody who shares my experience of such procedure would know, with the best of intentions it has gone wrong at all three stages. We cannot leave the matter in that way. We have to show that we believe in natural justice as well as the code and the guidance. When it is clear that there has not been natural justice, we must do the right thing and send the matter back so that it can be clarified.

You heard from the noble Lord, Lord Pannick, that a distinguished judge—a contemporary of mine, Lord Nicholls, whom we all respect—recommended that

what I have just been saying should have happened. That part of his report was not implemented, and it should have been. I am afraid that the truth of the matter is that the House has become over-protective. When I was chairman of this sub-committee, I felt it wanted to underrate the responsibilities involved and that the matter had not been given the attention that it should. Since that day, greater attention has been paid and a real attempt has been made to improve the position. It is much better than it was, but that does not mean that there cannot be occasions when, although the offence alleged is very serious—or, as I would say, because it is very serious—special steps should be allowed to be taken so that justice can be done.

The reputation of this country for justice depends on the leadership this House gives. This House cannot and must not send out a message that it is not really interested in natural justice. If people are worried that this might deter from doing so others who are in a position to complain properly, that is worrying and we should be concerned about it. However, our concerns for them must not enable us to overlook apparent injustice, and that is what has happened here.

Lord McNally (LD): My Lords, I asked to speak because I was leader of the Liberal Democrats for nine years from 2004 to 2013 and this case happened on my watch. I understand the difficult task of getting the balance right in the system. There is a worrying development, as the noble and learned Lord, Lord Woolf, has rightly said. We have to get the right decision in terms of fairness and natural justice. Simply getting behind the commissioner because we have appointed her or because this committee, or that committee, or the Senior Deputy Speaker has put his name to it, misses the point.

The report has been put before the House for debate and, I hope, for the Senior Deputy Speaker to listen to what has been said. If we just follow the book, if we just make it that the rules are the rules, we are in grave danger of a great miscarriage of justice. I have two hopes: first, that the Front Bench, which I see is getting very restless, realises that this goes to the very heart of what this House is about and that those who want to speak in this debate should be heard, because it is very important; and, secondly, that in listening to the debate, the Senior Deputy Speaker will realise that some very valid points have been made and need to be addressed.

Benjamin Franklin said:

"It takes many good deeds to build a good reputation, and only one bad one to lose it".

We know how easily a reputation can be destroyed and how difficult historical cases are. We have only just come through the passage of suffering that had to be faced by Lord Guthrie and the family of Lord Brittan before their historic cases were dealt with. In destroying a reputation we have to be very careful that the accused has protections as well. Certainly in the case of the noble Lord, Lord Lester—Anthony—the report makes it very clear what is at stake in paragraph 11:

"for decades past the respondent has been one of the most widely known, effective and admired of those campaigning for racial and sexual equality in this country, a renowned supporter of human rights and freedoms across the board".

What has been on trial is that reputation, which is not something that should be destroyed by a flawed process on the balance of probabilities.

I said in opening that I had been leader of the Lib Dems; I have also known the noble Lord, Lord Lester for over 40 years. Given that one of the "public interest" reasons given in paragraph 42 by the commissioner for initiating her inquiry was:

"Those who behave in the way alleged sometimes do so repeatedly",

let me put it on record that, until the matter came to light, I had never heard any such accusation being made against the noble Lord. It is interesting that we have not seen any evidence that the complaint was part of a "pattern of behaviour" that the commissioner was seeking.

I have acknowledged the difficulty of getting the balance right between complainant and accused. This is doubly difficult in dealing with historic cases, and even more so when what was in operation was not a tried and tested process but one created ad hoc because the code, as it existed, did not cover sexual harassment. I was in fact on the committee—with the noble and right reverend Lord, whom I still refer to as the Bishop—when we put together that code. What happened, as we know, was instigated by a journalist who was known to the complainant and who set up the ground rules for what became the complaint by questions in a letter set out in paragraph 34. They raised no specific case but produced the reply set out in paragraph 35. The ad hoc nature of those ground rules is conceded in the final sentence of paragraph 35:

"It would be open to the House in the future to amend the Code of Conduct to require members to abide by an anti-harassment policy".

So this is a work in progress. Nobody has ever been tried for sexual harassment under that code. We are in grave danger of finding, through this debate and rigorous examination by this House, the flaws in the code, but of leaving the noble Lord, Lord Lester, stranded on the sandbank of rectitude because we have to back the commissioner and the recommendations before us. That is not what this House is about. That is not why this report is on the Order Paper—it is so that this House can give it rigorous examination and, if it has failings, for those in charge to have the courage to say that they will take it back and look at whether those grounds are sustainable.

I am not a lawyer so I will not go into the matter of the cross-examination, although I think that, for those who have not gone through all the report, the constant use of the term "witnesses" is misleading. There were no witnesses to this event, other than the complainant and the noble Lord. The nearest that there was to a witness was Lady Lester. We must not bandy about that the complainant had six witnesses in her support; she had six people who heard her account of what had happened. The case is about the relations, the things between them after the event, but I notice even today that in her book *Shame Travels*, published in 2011, her publishers quote the noble Lord, Lord Lester, making a complimentary comment about the book. It seems strange, but never mind.

[Lord McNally]

It was also in the report that somehow the complainant was overawed by the power of the House of Lords. But as the noble Lord points out in paragraph 121—and as we now know because she published her name herself—the lady in question was in her forties and a "confident and determined campaigner". She is more than that: she is a very successful woman who, at the time we are discussing, was in her mid-forties and had been rightly recognised, both nationally and internationally, for her courage in standing up for women, including powerful and life-threatening prejudices within her own community. Likewise, the idea of her being promised a peerage in exchange for sexual favours is I think given far too much credibility in the report. Surely the noble Lord, Lord Lester, is right in paragraph 56 when he says:

"I have no power to make such offers or threats in respect of peerages".

Yet it is the accusation of "peerage for sex" that seems to have tipped the balance towards bringing the case within the remit of the code of conduct—and of course given it extra media appeal.

In many ways, the noble Lord, Lord Lester, lost his reputation at the outset of the investigation, when reports appeared in the *Times* and, a little later, the *Sun*—the two papers to which the complainant also revealed her identity immediately after the report was published. Yet the commissioner can only say about the initial flagrant breach of confidentiality:

"I have no evidence as to the source of the press reports".

I notice that the Senior Deputy Speaker did not even refer to what I think was the most serious breach of confidentiality during the process, which was that leak to the press.

When we get to the issue of exceptional circumstances, which caused the commissioner to waive the four-year rule to let in a complaint over 10 years old, the first two reasons given in paragraph 41 have nothing to do with the merits of the case. They refer to,

"the current concern of Parliament to deal with sexual misconduct by its members",

and,

"the publicity given to endemic sexual misconduct and abuse of power in many fields of work, which encouraged the complainant to come forward".

We must not be intimidated by the present atmosphere about sexual harassment to make the wrong decision in this case just because of that current climate.

Finally, I come to the draconian sentence of four years for a man of 82, which was changed from complete expulsion only because of a technicality. I in no way belittle the seriousness of the complaint, but the noble Lord, Lord Warner, is quite right: this will not be the last case of sexual harassment that we get, and given that my noble friend Lord Lester was accused of an indecent proposition, I wonder what the committee will recommend for more serious cases of sexual harassment. By deciding on expulsion, it seems to have gone for bust in the very first case.

If the noble Lord, Lord Pannick, decides to divide the House, I will be in the Lobby with him. But I sincerely hope that what was said and will be said in this debate is that the House should be doing its proper duty in this process. That proper duty is not to rubber stamp, tick a box, or to give votes of confidence to this or that chairman, but to get the right decision about the person we are dealing with at this time.

This case did not merit breaking the four-year rule, with all the dangers of historic cases. The process is flawed—the committee has conceded that it is looking for a major review. But most of all, a lifetime's reputation should not be destroyed on a "balance of probabilities". For those cogent reasons, we have got this wrong and we should have the courage to say so.

Lord Tugendhat (Con): I have known the noble Lord, Lord Lester, for 60 years and declare at the outset that I should be very surprised if he were guilty of the offences alleged, but that is immaterial; I cannot know what happened, neither can any of us know what happened. My concern is entirely with the process by which the conclusion in this report has been reached. We have had a number of weighty and wise speeches, so I can be very brief.

I was worried as the debate began that the speeches of some contributors seemed more about whether we should support the process or whether we should be more concerned about whether the noble Lord, Lord Lester, had received a fair crack of the whip, as the noble and learned Lord, Lord Woolf, put it. Our priority must be to ensure that these allegations are properly investigated and tested and that both the complainant and the noble Lord, Lord Lester, are subjected to the most intense examination so that a view can be formed.

Whether or not our processes are fit for purpose is another matter. On the basis of the debate so far, I have come to the conclusion that, in matters of this kind, our processes are not fit for purpose. They may well be fit for purpose in allegations regarding expenses and things of that sort, but this is a very different sort of situation. We should have the courage to recognise that a process that is satisfactory in one set of circumstances is not satisfactory in this set of circumstances. I hope very much that, either as a result of the noble Lord, Lord Pannick, dividing the House, or as a result of the Senior Deputy Speaker withdrawing his Motion, it will be possible for a second look to be taken.

So far as the case against the noble Lord, Lord Lester, is concerned, it really does seem to me incredible—and I am not a lawyer—that such a serious matter can be concluded on the basis of a balance of probabilities and, as is said in paragraph 18, of the commissioner considering that,

"she was more likely than not to have been telling the truth".

"More likely than not" and "balance of probabilities" seem wholly inadequate in a situation of this sort. We should, as far as possible, get beyond all reasonable doubt.

I also refer to the speech of the noble Lord, Lord Warner, who talked about his experience of cross-examination, and I should like to do the same. I remember vividly an occasion when I appeared before a Board of Trade inquiry—it was investigating not me but someone else—and gave evidence on oath. I was absolutely convinced that what I was saying was right;

all the events had occurred many years before but I was convinced that my memory was serving me correctly. I remembered where the individuals had sat at the board meeting in question and what people had said. Under cross-examination, however, it was borne in upon me that, although almost all my recollections were correct, I had the date of the meeting wrong. I had no interest in giving false evidence. I was trying to help the inquiry. I got almost everything I remembered right, but I got the date wrong, and the date was a very material point. That is why it is simply not good enough for the commissioner to say:

"I considered that she was more likely than not to have been telling the truth".

I am sure that the witness, or whatever the appropriate word is, was telling the truth, but that does not mean that she was right. That can be determined only as a result of cross-examination.

I will not delay the House any longer. The noble and learned Lord, Lord Woolf, said almost everything that could possibly have been said, in the most convincing fashion, and the noble Lord, Lord McNally, made a very powerful speech. I was certainly impressed by what the noble Lord, Lord Pannick, had to say. In this case, justice is not being done. That is not a judgment on whether the noble Lord, Lord Lester, is guilty or not, or on whether he or the complainant is telling the truth. My judgment is based on the fact that the noble Lord, Lord Lester, has not been given a fair crack of the whip. We owe it to the honour of this House and the honour of the noble Lord, Lord Lester, to ensure that he is given one.

Finally, in recent years a number of institutions, when dealing with questions of sexual harassment and other matters, have put the interests of the institution and its rules ahead of justice towards the individuals. There is a great danger that we are going to become too bound up in our own rules and too little concerned with the fate of the man at the centre of the allegations.

Baroness Butler-Sloss (CB): My Lords, I feel impelled to add something because of the importance of this debate, although I appreciate that many other noble Lords have already spoken. I declare a number of interests. First, I have known the noble Lord, Lord Lester, for many years; he used to appear before me, and he is in fact a friend. I also know Jasvinder Sanghera quite well. She is a member of a commission on forced marriage which I chair, and I greatly admire the work that she has done with Karma Nirvana to move forward the work on behalf of women who are victims of forced marriage. As it happens, I also know the commissioner well, because she and I were fellow members of a panel appointing Queen's Counsel which I briefly chaired. I have the greatest possible respect and admiration for her. I thought it was important to say that because they are basically the three important people about whom we are speaking.

For me, the issue here is not the guilt or innocence of the noble Lord, Lord Lester. That is why we are here, but this is a matter of principle and a matter of enormous importance, as a number of other speakers have said. The wider issue for this House is how it should arrange for allegations of serious misconduct attaching to the personal honour of a Peer, particularly in the contexts of not only sexual abuse but abuse of power, because that is the most important allegation—that he offered her the prospect of becoming a Peer. However, much more importantly, he is alleged to have said that if she did not sleep with him she would never become a Peer because he would stop that happening. If that is true, it is a very serious abuse of power and it affects this House.

2 pm

I listened with great interest to my noble and learned friend Lord Woolf, whom I have followed over many years in the courts as one of his judges. Interestingly, he said that he saw nothing wrong with the code or the guidance, so what we are talking about here is the application of the code and the guidance to the way in which the commissioner was asked to deal with these very serious allegations, which, if found proved, breach our rules of conduct and personal honour.

I was a judge for 35 years in various positions and I was taught from an early age about the importance of the rule of law, natural justice and due process. I say that with the greatest diffidence compared with my noble and learned friend, Lord Woolf, who has written a marvellous book on the subject. Natural justice and the rule of law, in this House as everywhere else, require due process. Consequently, serious allegations require greater consideration than allegations of less importance.

The financial misconduct matters that came before this House were very serious but, as far as I can remember, there had already been criminal convictions, so it was not very difficult for the process of this House to take its course. This is a very different situation because we are looking at the credibility of competing evidence. Everything that the complainant says, the noble Lord, Lord Lester, disputes. The real problem is how on earth the commissioner is to assess credibility without having the opportunity for the evidence of each to be tested, one against the other.

It appears that the commissioner was not well advised about how to conduct the case, and I have nothing but sympathy for her in the way in which she did it. It appears that, having consulted within the very tight constraints of the rules that she was told existed, she did not allow cross-examination and she did not test the evidence with a view to arriving at the sort of decision on credibility that we would have decided. However, I do not believe that she should be criticised for that, because she did her conscientious best with what lay before her.

It was very difficult for the Privileges and Conduct Committee, on appeal, to do anything other than what an appeal court would have done. However, as has already been said, particularly by my noble and learned friend Lord Woolf, it should have picked up on the fact that there was no proper testing of the credibility of the two main witnesses. Consequently, we have this very unhappy situation. We really cannot allow this House, in 2018, to continue with an inquisitorial system—which is not to be criticised—without the sufficient amount of testing that is required according to the seriousness of the offences.

[Baroness Butler-Sloss]

I want to make a final important point. There has been a suggestion about what the standard of proof should be. There is nothing wrong with the balance of probabilities if one applies the rule set down by the noble and learned Lord, Lord Nicholls of Birkenhead. I was involved at an earlier court in the case in question, so I remember it well. He pointed out with great care that the more serious the allegation, the more cogent the evidence has to be. That is not saying that there is a sliding scale for the standard of proof that goes from being satisfied so as to be sure before a jury to the minimum balance of probabilities being 51% rather than 49%—we are not talking about Brexit now. It is saying that what really matters is whether there is sufficient evidence to meet the seriousness of the allegations. The one criticism that I would make of the commissioner is that she preferred to adopt a later decision to that of the noble and learned Lord, Lord Nicholls, whose rule was to use the balance of probabilities but with sufficiently cogent evidence appropriate to the case.

Therefore, I ask the Privileges and Conduct Committee not to press this matter to a vote but to say at the end of this debate, "Perhaps we should think again. We think that perhaps Lord Lester should have another crack of the whip", as my noble and learned friend Lord Woolf called it, "and that this case should be properly tried by whatever the process is but with the credibility of the witnesses properly tested". Not to do so would send a message to the whole country and the whole world that we do not treat the rule of law sufficiently seriously.

Baroness Hussein-Ece (LD): My Lords, I rise to speak as a minority in this debate. First, I am a woman; secondly, I am not a lawyer; and thirdly, I am not a friend of the noble Lord, Lord Lester. Having said that, I am very friendly with him—he is a colleague and I respect him enormously for the work he has done over his very long and distinguished career. Also, I have helped and supported women and girls who have faced unwanted sexual harassment in the workplace. Over 20 years ago in my career in local government and as a trade unionist, I sat on many disciplinary hearings of harassment in the workplace at which decisions had to be taken on whether the accused or the accuser was telling the truth. It was not a court of law but an internal disciplinary hearing and decisions had to be taken.

I myself was subjected to harassment when I was younger. I did not feel that I could complain about the individual, who was much more powerful than me—I was a very junior member of staff. I certainly do not think that I would have the courage to do what Ms Sanghera has done in this instance: make a complaint about someone who is obviously well connected and powerful. When looking at balancing this debate, we need to bear in mind how we are perceived outside our bubble here. Towards the end of his contribution, the noble and learned Lord, Lord Woolf, said that he would be concerned if, as a result of these sorts of cases, women were reluctant to come forward. If you think about it, why would they? There is adverse publicity and stress, and the effect on their family and friends is enormous.

I am disappointed that some contributions have strayed into discussing Miss Sanghera as an individual, cherry picking from the report about what she did and did not do, her age, her conduct and what she may have achieved as a well-known woman in public life. When she came forward—I read what she said—she felt that she was a woman who for many decades had been encouraging other women to come forward, particularly from her and other minority communities. We in this Chamber express a lot of concern that these women do not have a voice. We care that in their own communities they may be repressed and not encouraged to go out into the workplace. She has done a lot of work encouraging girls and women to come forward—for example, those who might be subjected to forced marriage or FGM, or child brides. She has done a lot of work on that.

Because of what she alleges happened to her, she felt it would be hypocritical to advocate other girls coming forward if she herself could not come forward. That is a very logical explanation, and I accept that that is why she felt the need to do it after so many years, with the benefit of hindsight. She has been criticised, as have other women who have been victims of historical sexual abuse, rape or assault, for not coming forward at the time. I heard a Member of this House this morning on the radio saying that women should come forward straightaway. If they do not go straight to the police—she did not say this, but it was implied—somehow they should not be believed. That is such a dangerous thing to say. What about those who have experienced historical child abuse? How is that going to be proved? How brave must those men and women be to come forward after decades when they suffered in the past? We have to be very balanced and cautious in this debate. I am not going to stray into the legalities—I am not a lawyer—but I know about natural justice. I know what women go through and how difficult it is. I have some personal experience. My daughters have had personal experience. Most women have had personal experience of this.

Look at the report produced in the other place, in Parliament, on sexual harassment and bullying. The sheer numbers of staff being sexually harassed and bullied in the workplace by MPs was staggering. The argument could have been that maybe this is a new phenomenon. It is not, is it? The new phenomenon is that, thank God, we live in a society where women and girls can speak out. This is not acceptable behaviour. That we have not heard of it before does not excuse it. It is a good thing to shine a light on this sort of behaviour and, as lawmakers, stand up to ensure that it is unacceptable. We do not want this in a modern society. Why should women and girls be harassed sexually or made to feel uncomfortable in their workplace, and that they cannot complain because they may lose their jobs? This is totally wrong. I have been very uncomfortable. I know I am in a minority on my Benches, but I do not think I am in a minority with women outside this House. I believe that the tide has changed now, and we need to catch up with it. The fact that this is the first time these procedures were used for a case like this, and that there was never a procedure for sexual harassment before, makes the case that it

was perceived that it could never happen. We know it does take place. We do not know the numbers or all the cases, but we know it happens.

I put it to those here who are better placed to put together a new set of procedures that we need procedures, if these are not fit for purpose, for this situation. I note that our procedures were never challenged before, with other Members who were judged and suspended from this House, or had sanctions against them. Why were they never challenged before if they are not fit for purpose? It seems strange that now they are being judged as not fit for purpose.

I urge that, if this motion is not supported today, we do not send out a message that women are not to be believed or that, because they delayed coming forward, somehow they—or the process we have chosen and used, the commissioner we voted for—should be criticised. We thought it was fine—why would we vote for this? With respect to many of the noble and learned Lords here, why did they never before flag up that this was not fit for purpose? Why did we not hear about that? I am sure we should have. With the benefit of hindsight, perhaps we need better procedures. More cases may well come forward. I have huge respect for my noble friend Lord McNally, but I just heard that he had never heard a whisper before.

Lord McNally: My Lords—

Baroness Hussein-Ece: No. You said about the noble Lord, Lord Lester, that, because he was a friend, you had never heard—

Lord McNally: I never said that.

2.15 pm

Baroness Hussein-Ece: You did.

In the #MeToo movement, it takes one brave person to come forward. I have already heard rumours of others. Other women—it is usually women—think "I can come forward too now", because there is a precedent. It was the same with the child abuse scandals. It took decades before those who were abused terribly as children had the courage to come forward. I am sure that is the case with many women as well. I am sure there will be other women—I am not speaking here about the noble Lord, Lord Lester. It has happened with MPs. We must not judge that women who come forward years or even decades later are somehow not telling the truth. Mentioning their age is irrelevant. It could be anybody. I admire what the noble Lord, Lord Lester, has done over the years; we all admire him. But I saw this written somewhere and I thought it very apt: human rights have been enshrined in laws, but we must begin at home. How do we treat people who are not powerful, who do not have powerful friends or friends sitting in your Lordships' House who can speak and advocate on their behalf? We must begin at home and remember why human rights have been enshrined in our laws. It is to protect the little person as well.

Lord Mackay of Clashfern (Con): My Lords, the most severe burden that anyone has to carry is adjudicating upon the conduct of our fellow citizens. Many of us have done that as judges and even more as magistrates. It is a very heavy burden indeed, and one which, in this situation, we have to shoulder in respect of a colleague in this House. The responsibility has been put on the Committee for Privileges and Conduct to refer the result of an inquiry to the House. That is what we have done. The committee is composed of the leaders and Chief Whips of all the parties and the Convenor of the Cross Benches. There are also one or two others in it, of whom I happen to be a member. I have been a member for a long time.

I certainly find it a heavy responsibility, because two parties are involved: the complainer and the person against whom the complaint is made. When the complainer decides to come forward with a complaint, they have before them the rules that are to govern the procedure. Therefore, I do not think it is open to this House, if it is to be fair, to alter the rules as they apply to this case. We are bound to apply the rules as they were to this case. As the noble and right reverend Lord, Lord Eames, has pointed out, these rules, in substance, have been approved by the House for a long time. Certainly, my noble and learned friend Lord Woolf says he gave up because he thought it was not fit for purpose. I never heard that complaint and, as far as I know—I am subject to correction and, like many of my friends, I am not at all infallible—it has not been put by any Motion on the Floor of the House. That is my recollection.

The procedure has been laid down in considerable detail in the code of conduct, which says that the procedure to be used is that which is set down in the guide. Therefore, the commissioner and all the committees that dealt with this were bound by the rules that presently exist. It would be extraordinary to try to alter these rules while a case is being considered and after the complainant has put in her complaint. The commissioner is directed as to what to do if there is a conflict. She has to consider both sides and make sure that the person complained against has the opportunity to object. She put all the evidence she had before the noble Lord, Lord Lester, and he had full opportunity to comment on it.

Cross-examination has been referred to. It is, for example, an important part of our criminal procedure. But look for a moment at the opinion that the noble Lord, Lord Lester, obtained. On page 75 of the report, there is a quotation from the High Court of Australia, and it is interesting to see how it puts it—I had better put my glasses on so that I can read it properly. It states:

> "Confrontation and the opportunity for cross-examination is of central significance to the common law adversarial system of trial".

That is the adversarial system. The system applied by the rules that this House has approved for almost 10 years—it is nine years, I think—is the inquisitorial procedure. Therefore, it is left to the commissioner to assess the credibility of the people involved by conversing with them in detail, as she has done with both the complainant and the noble Lord, Lord Lester.

I have to say that I have known the noble Lord, Lord Lester, for a long time. He knows that I have very high confidence in him, for reasons that I do not need

[Lord Mackay of Clashfern]
to go into. However, we now have two people before this House: the complainer, who came to the House on the basis of the current rules, and the noble Lord, Lord Lester, who has sat under these rules for nine years without, as far as I know, bringing forward any complaint or amendment. In that situation, the Committee for Privileges is bound to consider the report of the commissioner and come to a conclusion, one way or the other, but it is not entitled to reopen the proceedings. The commissioner is given the responsibility of deciding where the truth lies.

The commissioner applied the balance of probabilities, which is required by our rules, but she said that, in the particular case she was dealing with, the consequences were serious and therefore she felt that—as the conclusion makes clear—there was cogent evidence from the complainer and her witnesses that this was proved. Therefore, she applied the balance of probabilities in the light of judgments such as that of Lord Nicholls. In that situation, I find it very difficult to see how we can modify the procedures that the complainant expected to confront when she launched her complaint.

2.30 pm

Lord Thomas of Gresford: My Lords, will the noble and learned Lord explain which rules permitted the commissioner to make submissions on the appeal, refuting the grounds of appeal, at the end of which she suggested that the appeal should be dismissed?

Lord Mackay of Clashfern: She was the investigator and complaints were made about the nature of the investigation. She submitted to the Committee for Privileges a document containing that information. That was submitted to the noble Lord, Lord Lester, for his consideration—the committee was not going to take one side or the other. He then submitted a supplementary comment on that also. The last person we heard speak on this was the noble Lord, Lord Lester. The commissioner was not asked to speak after that. We were firmly of the opinion that the commissioner's report had to be taken on the basis of what she said, and the committee had the duty of deciding, on the balance of probabilities, whether that was a reasonable decision in the circumstances or to reject it. We also had the knowledge that, if we rejected the commissioner's report, we were in fact saying that the complainant's account of the matter was a complete lie. The evidence she submitted on paper was detailed and circumstantial, and the commissioner went over it with her.

Lord Butler of Brockwell (CB): My Lords, the noble and learned Lord will know that I intervene with great reluctance. Is he saying that, if the feeling of the House is that, for whatever reason, the process was unfair, nevertheless we are compelled by the rules to do an injustice to an individual?

Lord Mackay of Clashfern: Not at all. I am saying that the process is perfectly fair. The commissioner gave the noble Lord, Lord Lester, and the complainant exactly the same balance. I do not accept for a moment that this House has approved unfair rules and only discovered that today. These rules have been in position for a long time, and you have to bear in mind that the complainant made a complaint on the basis of these rules. As far as I can see, there is nothing unfair about the rules, so long as both sides get the full account of what the other side has said. In my opinion, that is natural justice: that you have the full account before you. Natural justice would not allow, for example, supplementary evidence to be taken by the commissioner without it being shown to the noble Lord, Lord Lester. As far as I know, there is no complaint to suggest that he was not shown every piece of paper that the commissioner had. He was given his opportunity to explain.

The process then requires the commissioner to make up her mind and submit her report to the Committee for Privileges. The committee's only responsibility is to decide whether it accepts the report. As far as I can see, nothing has been suggested about the facts of the matter on which she reported which can be shown to be wrong. In the recondite speeches we have heard on the subject of procedure—

Baroness D'Souza (CB): My Lords, I intervene briefly to ask the noble and learned Lord to tell us whether the committee was obliged to hear this case, even though it occurred 11 years earlier. Was that a choice it had, or was it obliged to?

Lord Mackay of Clashfern: I said it was obliged to obey the rules laid down by this House for the conduct of these proceedings. It was 11 years ago, but the rules have been subject to review by the sub-committee ever since. They are still the rules, and they were the rules when the lady came along. We must give that fact a fair hearing on the side of the lady. She came to this place complaining on the basis of the procedure laid down in our rules, and these rules were completely obeyed. No one has submitted that the commissioner did not know what she was doing or had not obeyed the rules: she obeyed the rules as she had them. The idea that she could have employed someone to cross-examine the complainant does not have any support in the rules whatever. She had no authority under the rules to ask someone to cross-examine the complainant.

Lord Thomas of Gresford: Perhaps I may ask the noble and learned Lord if there is anything in the rules about her becoming respondent to the appeal. There is nothing in the rules.

Lord Mackay of Clashfern: We accepted what she has put in. It was just an elaboration of what she had said already. As I say, we gave the noble Lord, Lord Lester, a full opportunity to comment on what she had said, and he did so. That was the last part of the proceedings.

In my view, we were as fair as we could possibly be. I take this responsibility very heavily and no one in the Privileges Committee considered this matter lightly. We considered that the matter had been given a fair hearing according to the rules—to both sides—and the commissioner decided the matter.

The Senior Deputy Speaker: Perhaps I might point out to the noble and learned Lord, Lord Mackay, that the *Guide to the Code of Conduct* states specifically in paragraph 143:

"A meeting will be scheduled to hear the appeal and the member will be given an opportunity to appear in person, if he or she so wishes. The Committee may also take evidence from the Commissioner".

So that is the basis for the commissioner giving evidence. On the day, the Privileges and Conduct Committee did not hear from the commissioner but, because later appeals were put in, we ensured that the noble Lord, Lord Lester, had the last word, and he was brought in for that.

Lord Davies of Stamford (Lab): My Lords, of course we cannot change our procedures and rules once a case has started, but if we discover that there has been a breach of natural justice it would be right for the committee not to impose any penalty, and thereafter we would need to look at those rules and make sure that we got them right.

Four important issues have arisen from the debate on which the House should focus, because all of us feel uncomfortable about the present state of uncertainty on these matters. The first point is that it is quite clear from this case—if it was not clear already—that conviction under this procedure has the effect of being totally destructive of both the personal and professional reputations of the accused. It is analogous in that respect to a conviction in a criminal case. It is therefore right that the burden of proof should be the one that is applied in a criminal case and not the one applied in a civil case, where simply losing a civil dispute is not at all the same thing. That change ought to be made as soon as possible.

The second point which has arisen from the debate—and which is a matter of concern to a great many of us—is the issue of cross-examination. It is inherent in these cases that there is rarely any forensic evidence and the whole case turns on statements that are inconsistent with each other and facts which are disputed between the various parties. In those circumstances, it is right and essential that we are entirely clear that there must be a way of dealing with these disputes and this uncertainty. In the history of law no one has found a better solution than cross-examination, and so it should be introduced. As has already been said, cross-examination does not necessarily mean that we should give up our inquisitorial approach. It would require the commissioner or somebody on her behalf—a counsel or, indeed, the committee itself—to undertake the cross-examinations required.

I do not know when the rules were changed but I remember, shortly after I entered this House, reading with great admiration the deadly cross-examination carried out by my noble and learned friend Lord Irvine of a Member of this House who had been accused of a serious offence of a different type. There is no reason why we should not have cross-examinations carried out by the committee itself in those circumstances.

There should be a way of looking through the statements—many of which may be inconsistent and not entirely credible—to get at the truth. That has not been done in a rigorous way in the present situation. I was surprised and alarmed at the casualness of the way in which the commissioner dealt with the various witnesses. Some were contacted by email, some by telephone and some were apparently uncontactable. But it is not clear why they were uncontactable or what efforts were made to contact them—and there were no transcripts of any of the conversations between the commissioner and the complainant, the commissioner and the accused or the commissioner and the various witnesses. That is a thoroughly unsatisfactory situation.

Another thing that has not been mentioned and which emerges clearly from this case is that there are obviously great dangers and risks to justice when there is a long interval between an alleged offence being committed and the complaint about it being made. That is an undesirable situation. We all know that memories fade and erode over time and that after some years people can get muddled about conversations and events that took place. It is difficult to see through that and establish what the facts were.

Furthermore, such a situation works to the disadvantage of the accused. The accused might have the ability to produce an irrefutable alibi if he or she has the opportunity to do so within a few weeks or months of the events complained about taking place, but it would be impossible in most cases to produce that alibi if there is an interval of 10 or 12 years between the two events. This works to the disadvantage of the accused in a way that is worrying.

The committee has taken note of this danger and it has tried to produce a remedy—a rather extraordinary remedy—which, if I understand it correctly, is as follows: complaints will not be entertained more than four years after the events complained about took place, except that the commissioner may, if she wishes, override that and simply accept complaints that are older than that. The sub-committee would have the right to veto that decision by the commissioner.

This procedure is wrong in many respects. First, the commissioner should not be in the position of deciding on the rules of procedure, not on the basis of objective criteria but on the basis of her feelings about a particular case—ad hoc, ad hominem and ad feminam. That is not the way in which due process works. I am concerned about that. We should have a full statute of limitations—we have a half-statute of limitations here—and it should be quite clear that complaints that are made, let us say after four years, because that is the figure that already exists, will not be entertained on any basis.

The thing that concerns me most is that, although there are no objective criteria for deciding when you can accept a complaint after the four-year deadline, the commissioner in this case set out the reasons why she felt she should override the four-year limit which normally applies and accept the complaint, as she has done. The reasons she gave are on page 19 of the document before us. The relevant part, which is of great concern, states:

"There are exceptional circumstances that justify an investigation being conducted in accordance with paragraphs 119 and 120".

That is the paragraph which provides for the possibility of overriding the four-year limit. It continues by referring to,

[Lord Davies of Stamford]

"the current concern of Parliament to deal with sexual misconduct by its members … the publicity given to endemic sexual misconduct and abuse of power in many fields of work".

The report goes on in that respect. This is of deep concern to me because the duty of the commissioner and the committee in a case like this is a single one. It is for them to do their best to establish the guilt or innocence of the accused and to set out the reasons for coming to their conclusions so that the House and the wider world can understand them. Other extraneous considerations—public policy, public opinion, current fashion and the agitations of the press—are all completely irrelevant. They should not begin to come into any of these considerations at all—and I am very worried indeed that in this case they did.

Baroness Meacher (CB): My Lords, I add my support—

Lord Taverne (LD): My Lords—

Noble Lords: The Cross Benches!

Lord Taverne: My Lords, I practised at the Bar for 11 years a long time ago, but I have no experience of criminal law and I do not claim to have any special expertise. I think that noble Lords should look at this case from the point of view which has been put by the noble and learned Lord, Lord Woolf: has the person complained about had a fair crack of the whip?

There were some cases recently where a court said that statements made by someone bringing forward the accusation of rape were completely contradictory to the accusation—not only the statements but also the behaviour of the person making the accusation were quite inconsistent with her original charge. This was clearly an instance where the cross-examination of the person making the charge was essential. Looking at it from the point of view of whether my noble friend Lord Lester had a fair crack of the whip, can anyone doubt that there should have been a cross-examination, in this case of the accuser, of her reaction to the production of the books, how much she admired him, how on another occasion she asked after his health and had sent "love and kisses". According to one witness, she behaved in a manner that suggested great friendliness for the accused some time later.

Baroness Hussein-Ece: Excuse me. This is very inappropriate.

Baroness Jones of Moulsecoomb (GP): It is inappropriate.

Baroness Hussein-Ece: You are going through the case but you were not there.

Lord Taverne: It is highly appropriate. In those cases there was a complete inconsistency between the behaviour and statements after the event which conflicted with the accusation made. The convictions were quashed. Can anyone really argue that if there had been the possibility of cross-examination of the witness about the kind of examples which the noble Lord, Lord Pannick, gave in his original speech—the confessions of a very close relationship with the defendant—that sufficient doubts would have been raised for the charge to be dismissed?

Baroness Hussein-Ece: You are trying the case. Shame on you.

Baroness Jones of Moulsecoomb: Yes. Shame on you.

Baroness Meacher: I add my support to the amendment in the name of my noble friend Lord Pannick. Having spent nine years investigating allegations against police officers, including allegations of serious sexual harassment by chief constables, I am very aware that process is absolutely everything. I remember that time and again I would be completely persuaded by allegations that would appear on my desk. They were obviously true, were they not? However, further down the line, under cross-examination, those very persuasive allegations crumbled to sand.

Our process is either faulty or it is open to misinterpretation; my inclination is to think that it is open to misinterpretation. That is because cross-examination is clearly appropriate where serious allegations are being made with very serious consequences for the person complained against. I hope therefore that my noble friend Lord Pannick will test the opinion of the House. I hope too that noble Lords will support the amendment in order to make it clear that this House stands for the highest possible standards of fairness and justice.

2.45 pm

Lord Hodgson of Astley Abbotts (Con): My Lords, the debate has gone on for a long time and I promise to detain the House for no longer than two minutes.

Lord Foulkes of Cumnock (Lab): Many of us do not live in London and we have to get to other parts of the United Kingdom. We are hearing the same arguments again and again. Surely it is about time that we went to the vote.

The Earl of Courtown (Con): My Lords, for the convenience of the House, I suggest that we hear from my noble friends Lord Hodgson and Lady Shackleton, and then we move on to the noble Lord, Lord McFall.

Lord Hodgson of Astley Abbotts: I want to draw the attention of the House to my experiences as a director of a major self-regulatory authority, the Securities and Futures Authority, which used to regulate a major part of the financial community of the City of London. When you are investigating things like the collapse of Barings Bank, issues of money and reputation rank very high indeed. There are some lessons which can be read across to the difficult, problematic and painful case that we are discussing today.

I should make it clear that I am not a lawyer and I do not know the noble Lord, Lord Lester of Herne Hill, although obviously I have seen him in action in your Lordships' House. I know of his reputation both here and in the wider judicial field. I have played no part in any of the committees that have looked into this case. I want to focus on the process and, following up on the point made by the noble Baroness, Lady Meacher,

draw on the experience of the Securities and Futures Authority when it was trying to regulate the City of London. Before the Financial Services and Markets Act 2000 was passed and we got the statutory framework that we now have, there was a self-regulatory framework in which practitioners made up the governing body. Given that, we felt particular stresses and strains, some of which we are seeing reflected in the contributions to this debate in your Lordships' House.

As a body, we always struggled with the accusation that we were too close to the people we regulated. As newspapers would put it very disobligingly, we let our friends off over lunch. To fend off those accusations, we ensured that independent individuals with no links to the financial services community formed part of our panels and our body. One of them was the noble Lord, Lord Eatwell, a distinguished Member of your Lordships' House on the Benches opposite, but he is not in his place today.

The issue that was always put to us by our legal advisers was that in a disciplinary case, we could never change the rules. The rules were the rules. They might have needed updating and they might even have been inadequate, but they could not and must not be changed in midstream because of course the authority, which made its own rules, would inevitably suffer a stupendous loss of public confidence if an "unpopular" decision was being reached and the rules were subsequently changed, perhaps to achieve a different result.

My question for the noble Lord, Lord McFall, when he comes to wind up the debate, is this. Can he assure the House that the rules now in play were followed to the letter and that no potential avenue which might have advantaged the case for the noble Lord, Lord Lester, was denied to him? If he can give that undertaking, I will have to say to the noble Lord, Lord Pannick, that while I understand his case for change and I have read his article in the *Times*, and I acknowledge how powerfully he and others have argued their case in this debate, that surely must be a discussion for another day. If we were to accept the amendment and therefore put aside our rules in this case, it is all too easy to see the accusation that we, too, are letting off our friends over lunch.

Baroness Shackleton of Belgravia (Con): To accommodate the noble Lord, Lord Foulkes, I shall be very brief indeed. I have read the report from beginning to end and I am extremely uneasy about convicting a fellow Peer for misconduct with that standard of investigation.

Noble Lords: Hear, hear!

Baroness Shackleton of Belgravia: I am not against women coming forward—indeed, I encourage it—but to be balanced, the accused person must be given the right to answer fairly and be investigated. That is justice. I fear that if we do not support the amendment of the noble Lord, Lord Pannick, the noble Lord, Lord Lester, will be expelled from this House without having had the opportunity to have the accuser's evidence forensically tested. In the practice in which I operate, which is not a criminal practice, written statements are put in the bin unless the person who wrote them goes in the witness box to stand for them and be cross-examined on them. This is a very serious allegation. We should rethink whether we are proud of the way it has been handled and whether it really is justice.

The Senior Deputy Speaker: My Lords, I thank noble Lords for their 18 contributions. Some of them made points that we consider absolutely valid; I think the noble Lord, Lord McNally, made that very point.

My noble friend Lord Hodgson of Astley Abbotts made the point that rules are rules. I can say definitively that the rules are the rules and that we and the commissioner adhere to them. Noble Lords will see that the first page of our code of conduct states:

"The following Code of Conduct for members of the House of Lords was adopted by resolution on 30 November 2009 and amended on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017 and 3 April 2017".

No one who suggested that the rules are flawed came here with any suggestions to change them. We in the sub-committee and the committee observed the rules faithfully.

A point was made about the commissioner freelancing. The commissioner went to the sub-committee and specifically asked to investigate this case. That sub-committee is chaired by an eminent judge, the noble and learned Lord, Lord Brown of Eaton-under-Heywood. The noble and learned Lord, Lord Irvine of Lairg, was on that committee. Permission was given to the commissioner, so she followed every rule of this House.

Lord Warner: I am sorry to interrupt my noble friend. Can he say how many cases of historical sexual abuse and harassment have been considered under these rules since they were formed?

The Senior Deputy Speaker: I have been the chairman for two years and this is the first case I have had; I undertake faithfully to write my noble friend on that question. That is not a problem.

My noble friend Lady Shackleton and the noble and learned Baroness, Lady Butler-Sloss, made a point about testing the evidence. The commissioner covered that point in the committee's report, saying:

"I am not entirely sure what Lord Lester means by cross-examination … but if he means testing the evidence where there is a challenge or a good reason to do so, then the report shows that I did this, throughout the process, and where I did not, I gave my reasons".

She refers to paragraphs 156 and 93 to 152 of her report. The evidence was tested very carefully.

The noble and learned Lord, Lord Woolf, said that the rules are not fit for purpose. Following his chairmanship, the noble and right reverend Lord, Lord Eames, looked at that point in the leader's report and used the experience of the noble and learned Lord, Lord Woolf, so that they could take account of the problems. They did that by establishing an independent commissioner.

Other points have been made about the process being reviewed next week when the committee will meet, following the Cox report in the House of Commons. We will look at bullying and harassment. We want to ensure that the system is more accessible to complainants

[The Senior Deputy Speaker]
but there is no current suggestion to adopt a procedure involving cross-examination. If any Member wishes to put that to the committee for consideration, we are here to listen to all the evidence.

Lord Lucas (Con): My Lords, in what sense is cross-examination not part of an inquisitorial system? It is perfectly possible under such a system. We are looking at precedents in the United States where a lot of students are being accused of sexual misconduct in universities and university tribunals have been taken to court for their procedures. It is quite clear that the American courts expect an inquisitorial procedure under which the fact-finder questions the evidence.

The Senior Deputy Speaker: We could be dancing on a pinhead here in that sense. The main issue, as outlined, is the testing of evidence. I take comfort from the fact that the sub-committee included eminent legal people such as the noble and learned Lords, Lord Brown of Eaton-under-Heywood and Lord Irvine of Lairg. They are as distinguished as they come. I take great comfort from the fact that of the 14 members of the Privileges and Conduct Committee last week, both the noble and learned Lords, Lord Hope and Lord Mackay of Clashfern, gave evidence. If I were looking for legal representatives, those four would always be in my first team; they would never be on the subs bench. I have every confidence in them.

Lord Campbell-Savours (Lab): Does the noble Lord accept that under cross-examination, it may have been established that the noble Lord, Lord Lester, was innocent?

The Senior Deputy Speaker: I listened to the noble and learned Lords on that issue. They were satisfied that the evidence was tested thoroughly, which is as good as anything. I took comfort from what they said. Having listened to the points that have been made, I hope that Members will uphold the internal disciplinary procedures relating to the code agreed by this House way back in 2009. Those processes have been in place for many years; we have used them many times for the investigation of allegations. The Members who spoke in favour of the amendment of the noble Lord, Lord Pannick, have not previously criticised or sought to change those processes even though they were used to investigate other serious allegations that led to suspensions for four Members in 2009, as I mentioned in my opening speech. As other members of the committee have said, we cannot criticise the independent commissioner for her processes.

Baroness Nicholson of Winterbourne (Con): My Lords, I understand that if the verdict is passed that the Motion in the name of the noble Lord, Lord Pannick, should go through, the noble Lord, Lord Lester, could not appeal to the UK courts. Could he appeal to the Strasbourg court instead or would he be denied justice everywhere?

The Senior Deputy Speaker: I am being told that I could give an answer but I am advised that it is not a matter for me to refer to. In his comments on 20 May 2009, the noble Lord, Lord Lester, took the issue of the European courts into consideration in looking at the case and appeals of the four Members accused of taking money from the *Sunday Times*. It is good to look at that.

As I mentioned, other committee members said that we cannot criticise the independent commissioner. She followed the procedures set down by this House and kept under review by the committees of this House, not least the sub-committees. I invite the House to reflect on why we have an independent commissioner. We have one to build public trust in the House as an institution and because one of the principles of natural justice is having an impartial decision-maker. The House deliberately delegated active investigation and assessment to an independent commissioner; it would be wholly wrong for the House to seek now to substitute the commissioner's conclusions with its own.

Lord Butler of Brockwell (CB): My Lords, is that not the whole purpose of this debate? We are here to reach a judgment on the commissioner's report.

3 pm

The Senior Deputy Speaker: We are here to listen to Members' views, which I said I would take in. The sub-committee made its declaration. By the way, we used our judgment as a committee, because the sub-committee recommended expelling the noble Lord, Lord Lester. We modified that and made it a suspension. Those judgments were made by the sub-committee and the Privileges and Conduct Committee. We are here to listen to points of view. I shall take forward in the committee next week the comments that have been made today so that we can add to and refine our processes. That is the essence of this.

My final remark is that we must not forget the complainant in all this, as the noble Baroness, Lady Hussein-Ece, said. This is a woman who reported a series of highly distressing events that have gone largely unmentioned, other than by the noble Baroness, today. She has been criticised in some parts of the media.

Lord Harries of Pentregarth (CB): Some of us have been trying to get in for two and a half hours to support the point made by the noble Baroness, Lady Hussein-Ece, but, with due respect to some noble Lords, they go on so long that it can be impossible to get in.

The Senior Deputy Speaker: I thank the noble and right reverend Lord. I do not know whether I agree enthusiastically with him, but I shall nod to that comment. The points made by the noble Baroness, Lady Hussein-Ece, were highly relevant in that regard. The complainant has been criticised in some parts of the media for not formally reporting what happened at the time. She did not report what happened in 2007 to this House, but she told six people of considerable standing. We should remember that, at that time, she would have had to report the incident directly to Members of this House. We had no independent commissioner or other mechanism for reporting at that time. I should also point out that it was not the commissioner who unilaterally decided that it was

appropriate to investigate; she sought the permission of the sub-committee, which unanimously decided that the case should be investigated fully under our current procedures. With that, I invite the House to approve the Motion in my name and to agree to the report of the Privileges and Conduct Committee. I invite the noble Lord, Lord Pannick, to withdraw his amendment.

Lord Pannick: I thank the Senior Deputy Speaker. It is one of my remaining ambitions in life to get into his first 11 of lawyers.

I thank all those who have contributed to this important debate. It is striking that no one who has done so has disputed that in all other regulatory, disciplinary or employment areas in this country—in the City as well—if you are accused of a serious disciplinary offence that turns on credibility and have your reputation destroyed, you are entitled to cross-examine, or have cross-examination conducted of, the person who accuses you. It is not a question of "special pleading"—the noble Lord, Lord Warner, used that phrase—for Members of this House; I am asking for the protection accorded to everyone outside this House who faces accusations of similar conduct. It is simply unacceptable for us to apply lower standards.

Perhaps I may briefly respond to the main arguments that I understand to have been advanced. The first is that these are our rules; we are stuck with them. I have to tell noble Lords that if I were appearing in a judicial review for any public body accused of adopting an unfair procedure and I were to say to the court, "Well, those are the rules", the judge would not for a moment tolerate such an argument. The court would say, "This is not fair", and it would set aside the decision. In any event, the code, which is the governing instrument, at paragraph 21 requires compliance with,

"the principles of natural justice and fairness".

There is nothing in the rules which prevents the commissioner in the exercise of her discretion allowing cross-examination in an appropriate case.

Lord Hodgson of Astley Abbotts: The noble Lord is talking about a judge applying the law made a by third party. The difference here is that we are talking about us applying rules that we have made ourselves. It is a distinctly different matter. A judge is applying the law of the land; we are applying rules that we have created ourselves.

Lord Pannick: We are the High Court of Parliament. One cannot go to court to challenge the fairness of this procedure. This House is obliged to ask whether what has been done in this case is fair. The argument seems to be, "Well, the current rules might be unfair. We don't accept that they are, but in the future we'll consider doing something about them". This is no comfort to the noble Lord, Lord Lester, and it should be no comfort to your Lordships in considering this case. He is entitled to a fair procedure.

The point was then made by the noble and learned Lords, Lord Hope and Lord Mackay of Clashfern, that these are inquisitorial, and not adversarial, proceedings, but we cannot inquire into a matter of this sort and reach a fair conclusion without a process of cross-examination for all the reasons that the noble Baroness, Lady Meacher, eloquently explained.

Lord Falconer of Thoroton (Lab): Would the noble Lord not be content with the inquisitor asking the questions, as she said she did?

Lord Pannick: She did not conduct a cross-examination, and it is very difficult for the person making the decision to enter into the arena to do so. The experience of all distinguished inquiry chairmen, of whom there are many in the House—particularly the noble and learned Lord, Lord Woolf—is that when they are making a judgment in an inquisitorial inquiry on a question of fact which depends on credibility, they either allow the parties to cross-examine or they appoint counsel to the inquiry to conduct that process, which would also be entirely acceptable.

Lord Mackay of Clashfern: Is the noble Lord, Lord Pannick, suggesting that this lady, appointed by the House as a commissioner, did not have the necessary skills to probe the evidence on both sides? According to her, that is what she did and she had to form a view about it which she presented to the committee. I have no reason to suppose that she did not reach the correct conclusion.

Lord Pannick: I have no quarrel with the good faith of the commissioner. She did not conduct a cross-examination; she did not appoint someone to do it; nor did she allow the noble Lord, Lord Lester, through his counsel or his solicitor to do so. If the noble and learned Lord were to look in the *Times* today and see the letter from the solicitor to Ms Sanghera, he would see that he does not suggest that a cross-examination was carried out; his argument is that it was not necessary and fairness did not require it.

The noble Baroness, Lady Hussein-Ece, expressed concern about how we are perceived outside this House and said that we must be careful not to deter complaints. I do not accept that for us to follow a fair procedure that applies in all other contexts would either deter genuine complainants or damage our public reputation. On the contrary, we would be recognising and applying standards of fairness that are universally recognised in all other contexts.

Baroness Hussein-Ece: Of course I am concerned about that. The noble Lord seems to suggest that the procedures that we have adopted are not fit for purpose, but he has not said why his friend, the noble Lord, Lord Lester, went along with it. If it was so unfair, as someone as eminent as him would know, why on earth did he go along with that procedure and why was nothing said before?

Lord Pannick: I am sorry to say to the noble Baroness that that really is a very bad point. The noble Lord, Lord Lester, faces a disciplinary inquiry by this House: he either plays no part in it or he does the best he can. It really is no answer to the complaint that the commissioner applied an unfair procedure that the

[LORD PANNICK]
noble Lord, Lord Lester, did the best he could in order to satisfy the commissioner that the allegations were unfounded.

I have had the privilege of being a Member of this House for 10 years and I have always regarded the House as a very fair-minded place. We listen to the arguments and try to take a fair decision. We do not proceed, as the noble Lord, Lord McNally, pointed out, on the basis that we have to get behind the commissioner, the sub-committee and the Committee for Privileges, for all of whom, on a personal level, I have a very high regard. The question is whether the procedure applied to the noble Lord, Lord Lester, accorded with paragraph 21: was it in accordance with fairness and natural justice? I am very disappointed that the Senior Deputy Speaker did not think, in light of this debate, that the appropriate response would be to say to the House that he would withdraw his Motion and take it back to the Committee for Privileges and Conduct for further consideration. He has not adopted that approach. As your Lordships know, very strong feelings are felt on both sides of this debate, so I would like to test the opinion of the House.

3.10 pm

Division on Lord Pannick's amendment to the Motion.

Contents 101; Not-Contents 78.

Lord Pannick's amendment to the Motion agreed.

Division No. 1

CONTENTS

Aberdare, L.
Adonis, L.
Altmann, B.
Attlee, E.
Beith, L.
Berkeley, L.
Bilimoria, L.
Boothroyd, B.
Bowles of Berkhamsted, B.
Bragg, L.
Browning, B.
Burnett, L.
Butler of Brockwell, L. [Teller]
Butler-Sloss, B. [Teller]
Callanan, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Cashman, L.
Chalker of Wallasey, B.
Clancarty, E.
Cork and Orrery, E.
Cormack, L.
Coussins, B.
Craig of Radley, L.
Davies of Stamford, L.
Deech, B.
Desai, L.
Donoughue, L.
Drake, B.
D'Souza, B.
Elder, L.
Elton, L.
Falkland, V.
Fellowes, L.
Flather, B.
Foulkes of Cumnock, L.
Gardner of Parkes, B.
Garnier, L.
Golding, B.
Greengross, B.
Hamilton of Epsom, L.
Hamwee, B.
Harries of Pentregarth, L.
Haskel, L.
Haworth, L.
Healy of Primrose Hill, B.
Higgins, L.
Hollick, L.
Holmes of Richmond, L.
Hooper, B.
Houghton of Richmond, L.
Howell of Guildford, L.
James of Blackheath, L.
Judd, L.
Lamont of Lerwick, L.
Lea of Crondall, L.
Lexden, L.
Low of Dalston, L.
Lucas, L.
Luce, L.
Maginnis of Drumglass, L.
Massey of Darwen, B.
McIntosh of Pickering, B.
McNally, L.
Meacher, B.
Neuberger of Abbotsbury, L.
Neuberger, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northover, B.
Pannick, L.
Parekh, L.
Pendry, L.
Prior of Brampton, L.
Ramsay of Cartvale, B.
Robertson of Port Ellen, L.
Rooker, L.
Sandwich, E.
Saville of Newdigate, L.
Shackleton of Belgravia, B.
Sharkey, L.
Shutt of Greetland, L.
Skidelsky, L.
Somerset, D.
Stephen, L.
Stone of Blackheath, L.
Symons of Vernham Dean, B.
Taverne, L.
Taylor of Goss Moor, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Tomlinson, L.
Trevethin and Oaksey, L.
Tugendhat, L.
Warner, L.
Wasserman, L.
Wellington, D.
Whitaker, B.
Williams of Elvel, L.
Wilson of Tillyorn, L.
Woolf, L.

NOT CONTENTS

Armstrong of Hill Top, B.
Armstrong of Ilminster, L.
Astor of Hever, L.
Bethell, L.
Borwick, L.
Brabazon of Tara, L.
Brooke of Alverthorpe, L.
Brown of Cambridge, B.
Brown of Eaton-under-Heywood, L.
Bryan of Partick, B.
Cathcart, E. [Teller]
Chisholm of Owlpen, B.
Cohen of Pimlico, B.
Colgrain, L.
Cope of Berkeley, L.
Courtown, E.
Cox, B.
Craigavon, V.
Crathorne, L.
Dannatt, L.
Donaghy, B.
Dykes, L.
Eames, L.
Falconer of Thoroton, L.
Falkner of Margravine, B.
Faulkner of Worcester, L. [Teller]
Fookes, B.
Gardiner of Kimble, L.
Garel-Jones, L.
Goldie, B.
Goschen, V.
Hannay of Chiswick, L.
Harris of Haringey, L.
Helic, B.
Hodgson of Astley Abbotts, L.
Hogan-Howe, L.
Hope of Craighead, L.
Howells of St Davids, B.
Hughes of Woodside, L.
Hunt of Wirral, L.
Hussein-Ece, B.
Jenkin of Kennington, B.
Jones of Moulsecoomb, B.
Jordan, L.
Kinnoull, E.
Lindsay, E.
Lipsey, L.
Mackay of Clashfern, L.
MacKenzie of Culkein, L.
Marlesford, L.
Mawson, L.
McAvoy, L.
McFall of Alcluith, L.
McIntosh of Hudnall, B.
McNicol of West Kilbride, L.
Meyer, B.
Monks, L.
Newby, L.
Parminter, B.
Pickles, L.
Ponsonby of Shulbrede, L.
Powell of Bayswater, L.
Redfern, B.
Robathan, L.
Sherbourne of Didsbury, L.
Simon, V.
Stedman-Scott, B.
Stowell of Beeston, B.
Strathclyde, L.
Taylor of Holbeach, L.
Teverson, L.
True, L.
Vere of Norbiton, B.
Vinson, L.
Walker of Aldringham, L.
Wilcox, B.
Young of Cookham, L.
Younger of Leckie, V.

Arrangement of Business

Announcement

3.22 pm

Lord Taylor of Holbeach (Con): My Lords, we now move on to debates. It may be for the convenience of the House if I explain that we have decided that the last debate tabled for today, in the name of the noble Baroness, Lady Neville-Rolfe, will be postponed to a more suitable occasion so that there is time to have proper debate on the other subjects available to the House.

Veterans Strategy

Motion to Take Note

3.23 pm

Moved by ***Earl Attlee***

That this House takes note of Her Majesty's Government's Veterans Strategy.

Earl Attlee (Con): My Lords, it is always a great honour to initiate a debate, especially when it turns out to be so timely, with yesterday's publication of the Government's *Strategy for Our Veterans* and the centenary of the end of the First World War.

In the UK, for a very long time we have had a proud tradition of recognising the unique contribution made to national life by our military veterans. Members of the Armed Forces are almost unique in that they are willing to undertake a mission when they cannot expect all their comrades to come home, or at least not without some life-changing injuries. But we should also remember that it is all too easy to fall into the trap of concentrating on combat operations while overlooking casualties incurred during exercises or training, which nevertheless provide and demonstrate military capability and thus deter and prevent conflict from taking place.

I must declare an interest because, in my own humble way, I am a veteran. There have been some very minor negative effects, but overall my service as a volunteer has been hugely beneficial to me, both for my career and for my standing in society. Exactly the same would apply to the clear majority of veterans. They will have had a great career in the regular Armed Forces, or possibly in the reserves, and then transitioned smoothly into civilian life without difficulty and having taken full and proper advantages of the resettlement facilities on offer. Sadly, for some their career in the forces might not have been so successful. They might have had to leave at a time not of their own choosing; transition might have been difficult; or perhaps problems arose later in civilian life. Any strategy needs to meet the needs of the majority while ensuring that no one is left behind or falls through the cracks in the floorboards. I believe that the strategy goes a long way to achieving this.

The strategy starts with the vision and principles, which I will not rehearse. There are then five cross-cutting factors and six key themes. The first cross-cutting factor is collaboration to provide coherent support. The strategy recognises that the UK enjoys a strong and vibrant Armed Forces charitable sector. I will not weary your Lordships with describing its role, as it is well understood, but sometimes I worry that small charities are being set up to meet a relatively discrete perceived need by a well-meaning team. However, I wonder whether the funding, horsepower and necessary governance might be better used as part of a larger and more efficiently resourced charity. Furthermore, the strategy recognises that there is an inconvenience to veterans of having to repeat their circumstances to a variety of organisations. That is not to say that big charities are problem free, so does my noble friend the Minister have any concerns about the governance of any of the big service charities? If he does, what, if anything, can he do about it?

Closely allied to collaboration between organisations is the cross-cutting factor of co-ordination of veterans' services. SSAFA has reported to me that, in the past, a veteran might have one difficulty where help was required. Nowadays, that association finds that if something goes wrong with a veteran, it goes spectacularly wrong with help required from several agencies. This is why co-ordination was so important. What I and many others do not fully understand is which part of the Government and which Minister would step in if and when there was a co-ordination problem with other government departments. I hope that my noble friend the Minister can explain how this will work.

One of the most important cross-cutting factors is data on the veteran community. Given that the clear majority successfully transition from service to civilian life within existing resources, it is clearly vital that we can identify those with problems. For instance, an obvious indicator available to government would be employers' national insurance contributions because if they cease for a particular veteran before the normal retirement age, this may indicate that something is amiss. It could be a precursor for even more serious problems, such as marriage breakdown and homelessness. My fear is that rules about data transfer between government departments may make it so hard to utilise available data that we simply do not do so.

Another controversy is on the statistics. Do we have enough, are we measuring the correct issues and are the questions the right ones? I am hoping that the noble and gallant Lord, Lord Walker, will say something about the controversial issue of the suicide rate among veterans. Surely whether a suicide victim has a service background should be determined in every inquest and, if positive, reported for data capture.

I think we need to be careful about what we ask and how we interpret the answer. For instance, if I was asked whether I had occasional unpleasant dreams that I could honestly attribute to my military service, the answer would be yes. But the detail of my recurring dream is that I am in uniformed service, the sleeping area is wet and uncomfortable and the food is insufficient or horrible—and your Lordships can imagine what the toilet facilities are like. However, importantly I never dream about death, destruction or anyone being unpleasant to me. Sadly, that is not the case with many veterans who have been engaged in combat. My understanding is that, as one gets older, the ability of the mind to supress and forget unpleasant events gets weaker. SSAFA has told me that it is very concerned that Falkland veterans are starting to present in increasing numbers. Sadly, we can expect even worse problems arising from operations in Afghanistan and Iraq but a long time into the future.

I think another issue with statistics is that it is relatively easy to measure negative outcomes, so we think we know the percentage of the prison population and rough sleepers who have a service background. What is very hard to measure is the number of veterans who have experienced a poor start to life with all the classic negative indicators but nevertheless have a great career in the Armed Forces and then successfully transition to civilian life.

[Earl Attlee]

I will be very surprised if some noble Lords do not cover mental health and post-traumatic stress disorder—PTSD. I do not profess to be an expert, but I suspect that three pressures are at play. First, as a society we are much more willing to discuss and present with mental health issues, which is positive. This, of course, applies equally to serving personnel and veterans as well as civilians. Secondly, since we want to offer a career in the Armed Forces to anyone who is fit enough, the start standard for the infantry in particular is not very high. It is therefore not surprising that many recruits have had a very poor start to life. The detailed report of Nicholas Blake QC into the deaths at Deepcut barracks covers this point in some detail and is worth reading. To make matters worse, it is obvious that on operations the infantry will, on average, experience more traumatic incidents than the more technical trades. Thirdly, as I am sure the Minister will agree, we do not really have enough mental health capacity in the NHS to deal with the ordinary civilian population let alone with service-attributable problems.

The last two cross-cutting factors are public perception and understanding and the recognition of veterans. They are different, but closely related. I can do no better than quote directly from the strategy:

> "In recent years, a number of studies have identified that public perceptions of Veterans do not always reflect the reality. Many people believe that while military service develops positive attributes … there are also incorrect perceptions that Veterans are inherently likely to be institutionalised, psychological impaired, and less able to build relationships outside the Armed Forces."

These misconceptions have two very important negative effects. First, they make it very much harder for veterans to secure civilian employment. The SSAFA report *The Nation's Duty* indicates that many veterans seeking employment find it better not to say that they have a service background. The second adverse effect is that the gatekeepers of those who might consider a career in the Armed Forces may well advise against joining up.

Turning to recognition, veterans certainly do not want pity, but they want to feel that their service is valued and recognised. Your Lordships will appreciate the dangers in favouring one group in society over another, and thus caution is required in this area. The veterans ID card is a welcome development. I certainly found my Army MoD Form 90 ID card was a very useful and reliable means of ID. While any veterans ID card should not be confusable with a MoD Form 90, it would be good if it was a technically reliable and acceptable form of ID that adds value, not just financial value.

Sadly, I cannot cover the key themes of the strategy in detail apart from veterans and the law. I am currently taking a very close look at our prison system. We all know that a small minority of veterans end up in prison. Members of this group are often among the most vulnerable of veterans with complex needs. However, mentoring programmes have been shown to be very effective.

The other aspect of veterans and the law is not so palatable and it concerns historic inquiries. During the recent Question for Short Debate asked by the noble Lord, Lord Dannatt, I made a forceful intervention and I see no need to repeat it. However, I feel very strongly about the matter and gently remind the Minister that at some point the Armed Forces Act will have to be renewed by means of primary legislation.

I am grateful for the briefings that I have received from NGOs. I hope that other noble Lords will be able to fill the rather large voids that I have left. We appreciate and recognise our veterans community, and we will remember them. I beg to move.

3.36 pm

Lord Robathan (Con): My Lords, I am very pleased to speak in this debate. I will take up where my noble friend Lord Attlee left off about the pursuit of former servicemen who may have committed, or are alleged to have committed, some crimes in the past. The veterans strategy does not address that. It should be in the veterans strategy because, frankly, it is a disgrace that historic allegations which have been investigated in the past are now being dragged out. This is what I intend to look at. I intend to look briefly at Northern Ireland, Iraq and Afghanistan.

I should say that I served in Northern Ireland, where I did a couple of long tours. I never did anything very exciting, although many of my friends did, and I suspect that many of them now fear being reinvestigated. I also served in the first Gulf War, and then worked in the Ministry of Defence and the Northern Ireland Office in the coalition Government. I shall look at government responsibility, parliamentary responsibility, the issue of equivalence, and the passage of time.

Responsibility for sending young men, and now, indeed, young women, to war rests with the Government—the state, if you like—and this Parliament, so we are all to a certain extent responsible. I was involved in voting occasionally on the Iraq war and on the war in Afghanistan. Parliament sends young men to defend British interests as we perceive them to be abroad or, indeed, in Northern Ireland. Those young men and women should expect our support. Who do we send? I will speak from my experience, which is that we send young, scared soldiers who may not have been out of this country before—who may not have been out of England before when they are sent to Northern Ireland—with lethal weapons to places where others are trying to kill them. They are not overpaid lawyers like those who now pursue them around the courts, and they are not policemen. They are not trained as policemen, and they do not necessarily understand all the niceties of the law.

That brings me on to equivalence. These young men—I speak particularly about Northern Ireland—faced terrorists who were trying to kill them. On the one hand, you had public servants doing their duty as requested by Parliament and the Government and trying to do the right thing, and on the other hand, you had terrorists in Northern Ireland acting illegally against our state. There is no equivalence, and the idea that equivalence should be considered is quite wrong.

In Northern Ireland I saw young, scared, jumpy men being shot at and trying to do the right thing. They did not always get it right. Did they behave badly or illegally? Well, sometimes people did. I shall name three cases, the first from Northern Ireland: the

Fermanagh pitchfork murders, which the noble and gallant Lord, Lord Houghton, may know about, where people behaved atrociously and murdered a couple of farmers with pitchforks. I am glad to say that those people who murdered, who obviously behaved very illegally, finally went to jail for life. Secondly, the case of Baha Musa in Iraq is well known. The soldiers there behaved atrociously, and indeed several of them went to detention and jail. The third is the very sad case in Afghanistan of Sergeant Blackman, who actually said, and was recorded saying, "This is against the Geneva convention". There was a big campaign about it. The truth is that he broke the Geneva convention and knew he was doing so, and he went to jail. It seems to me that that is the right way for these things to be handled.

However, do people make mistakes? If you send these young men with rifles on to the streets of wherever it may be, Northern Ireland or Basra, they will make mistakes. They are scared for their lives. I will bring up one case that is currently in front of the courts. Dennis Hutchings is alleged to have shot a young man called John Pat Cunningham in 1974. The man he shot, Cunningham, was alleged to have had a mental age of six or seven; he was challenged on several occasions and ran, and they shot him. Obviously that was a mistake. They did not intend to kill this young man with a mental age of seven. In fact, I believe I may have been the Minister who apologised to the family from the Ministry of Defence for this mistake—for it was a mistake. However, to return to equivalence, there is no equivalence between public servants who make mistakes and terrorists who murder civilians. In Northern Ireland, 9/10ths of murders took place because of terrorists and 1/10th of the deaths took place because of security force work.

On the question of the passage of time—I refer again to Northern Ireland, which perhaps I know most about—there is currently a coroner's inquest into the Ballymurphy killings, which is referred to by many as the Ballymurphy massacre, of August 1971. As it happens, I know Ballymurphy quite well, having walked round and round it for four months. In 1971 I was at university. To me, the General Strike and Hitler's putsch in Munich were old history. That is what we are doing now; we are looking down back at 1971 and saying, "What happened then?" Guess what: half the people who were there are dead, particularly the defence witnesses. The Army of course has records but there are no records of whatever happens from the other side. In my own view—I am lucky to be covered by privilege in Parliament—I suspect that the soldiers in Ballymurphy were not fully in control, and I suspect some of the people killed there should most certainly not have been shot, in the same way that those of us who remember the Saville inquiry into Bloody Sunday knew in 1972 that the Parachute Regiment in Londonderry at the time was actually not properly under control. However, what are we to do about this? My own preference on these things is for a statute of limitations, but I am not going to put forward too many views because I want the Minister to think about it.

I turn to the current situation and where things are going at the moment. Relatively recently, in Iraq and indeed in Afghanistan, the British Government were supporting—if one can believe it—the investigations of money-chasing lawyers running around these fields. Phil Shiner, who has now been struck off the solicitors register, and his own company, Public Interest Lawyers, got over £2 million of legal fees paid by the British taxpayer, by us. There is Leigh Day, where the lead solicitor was in fact found to have behaved badly but is now back on the register because he appealed successfully so I will not deal with that. Other people have also been chasing around, trying to find young people in Iraq and Afghanistan who know that compensation is on offer if they can make a case stick against the British Army. We are talking about fighting a war in these places. We are allowing our decency and our liberal democracy to be used against us. Of course soldiers should not misbehave, but at the same time they should not be pursued.

I return to the subject of Northern Ireland. I have talked about the pursuit of public servants. If we look back to 1973, the dogs on the streets will tell you that Gerry Adams, who has always denied being a member of the IRA, was in charge of the IRA in west Belfast. He was arrested about five years ago over the murder of Jean McConville. That is a very tragic story—if noble Lords want to know about it I can tell them, but I do not have time now—of a Protestant woman, the widow of a Catholic in the Divis flats, who tried to help a dying soldier. She was taken away, in front of her 10 children, and murdered, but Gerry Adams will not be prosecuted. We have the case of John Downie, who was given a letter by the Blair Government saying that he would not be prosecuted. Apparently he has now been arrested and charged in the Republic with the murder of two other people. By the way, I knew one of the people in the Hyde Park bombing; Denis Daly was murdered in 1982. However, Downie got off, whereas soldiers are still being pursued for allegations of crimes that took place further away.

I will raise one case from Iraq that I was tangentially involved in. The case of Trooper Williams reflects incredibly badly on the Army establishment, the Ministry of Defence and indeed our society. Trooper Williams, aged 18, discovered along with a patrol a barrow-load of mortar bombs being pushed through, I believe, Basra. They did not shoot; they chased the man pushing that barrow-load of mortar bombs—I think it is reasonable to say that he was going about nefarious activities—into a compound where he got into a struggle with another soldier, and Williams, aged 18, shot the man. He was taken before his commanding officer, the case was considered and, on legal advice, dismissed by the commanding officer. I quote from the letter which I have from the adjutant-general at the time, which said, "We must reopen this case because it would become a cause célèbre for single-issue pressure groups".

I think that the British Army and the Government should be supporting their own people as far as they might, not looking out for single-issue pressure groups. As it happens, this case, for which Williams spent a year in open arrest, in custody, before going to the High Court, was dismissed by the judge on the first day.

I say to my noble friend, knowing that he knows that a lot of people will agree with me, that the situation is a mess. The Government and Parliament,

[LORD ROBATHAN]
which send young men and women to war, need to support their public servants, so we need to sort out the situation. Of course those who commit crimes should be punished, but we should not allow this unreasonable pursuit that has taken place 47 years later. That should be in the veterans strategy.

3.48 pm

Lord Walker of Aldringham (CB): My Lords, I draw attention to my charities as listed in the register of interests, and congratulate the noble Earl on setting this debate in motion at a time when we have been focusing on the Armistice and remembering those who in the last two great wars gave their lives for our freedom. Of course, the numbers—about 2.5 million today—are rather different: far smaller than those of the two wars. It is very important in talking about our veterans to get the numbers in clear perspective. I also welcome the Government's *Strategy for Our Veterans* and its associated consultation document.

The issues surrounding our veterans are far from straightforward. They range across a spectrum that includes mental health problems, including depression, suicide, poverty, debt, unemployment, relationship breakdown, alcohol abuse, drug abuse, offending, violence and homelessness. Overwhelmingly, our observations and research show that most veterans in the United Kingdom are fine—but in the media, particularly, the practice has developed of portraying veterans as a homogenous damaged group. It is almost as if everyone who has served has been damaged in some way. This leads to a widespread public perception that is both wrong and harmful. It is important that we in this House do not add flames to this non-existent bonfire.

It is also somewhat bizarre that many people think that nothing is done for veterans. We have a good NHS service, and some fantastic charities support our veterans. Sometimes they fail, but, overall, if a veteran is in some sort of social crisis, he or she will get the help they need. Clearly, if veterans are to be helped, as we have heard, data on them needs to be robust. Here, I commend the Defence Committee's recent report, which recommended that the MoD, with the appropriate departments of the four nations, works with the charity sector to agree a shared set of methodologies for collecting and analysing data. The strategy has recognised that need, so I hope that it will happen soon.

The two areas which seem to receive most attention in the public debate are homelessness and mental health. The evidence we have suggests that homelessness affects a considerable number after they leave the forces, especially younger people and the so-called early service leavers. The figure suggested is 3%, which means that each year more than 1,000 people require urgent support to find accommodation. Others experience crises in their lives which require action to prevent homelessness later in their lives.

There is still no mechanism to identify those transitioning from the Armed Forces and at risk of homelessness, or the ability to support them effectively. The Joint Service Housing Advice Office is understaffed and provides only a template briefing and no bespoke advice. The Career Transition Partnership works well for most, and best for those who have served longest, but there is no equivalent resource to support the minority of serving personnel who leave with no clear pathway to housing.

Once a veteran becomes homeless, there is little knowledge in the civilian world that there is an enhanced offer for veterans. Local authorities and homeless charities still do not "think veterans". That is why many veterans become homeless every year and are not getting help quickly enough—although it is also worth pointing out that just over 3% of rough sleepers are veterans, whereas about 7% of the population qualify as veterans, so they remain underrepresented overall.

Despite apparently being a priority group, there is almost no statutory revenue funding for homeless veterans from local or central government. Veterans are the only supported housing sector in the UK where the majority of support costs are paid by charities, whom have to fundraise to get the money. This is unsustainable and almost unheard of anywhere else in the wider homelessness sector.

Three significant actions could improve the situation, and I should be grateful if the Minister would take these back to the MoD. First, the transition process should be altered to try to prevent any serving personnel becoming homeless after service. Every leaver, including those who leave during basic training, early service leavers, longer-serving leavers or those discharged from a military corrective training centre, should be asked about their housing options after leaving. Those identified as at risk should be given the best advice to a pathway away from homelessness.

Secondly, local authorities and other agencies in the civilian housing sphere should establish whether a person seeking housing support is a veteran, and then ensure that the veteran has a clear pathway to housing. This would be very much in line with the intent of the covenant. Thirdly, supported housing for veterans should be put on a sustainable financial basis once and for all, preferably on a national basis. A recent piece of research conducted by York University, with a number of charities, concluded that if these three changes were made it would be possible to reduce the incidence of homelessness among veterans to close to zero.

With regard to the mental health of the Armed Forces, the Defence Committee found that is very difficult to prove whether the mental health conditions that some personnel develop are caused by their military service. Non-military factors or underlying mental health conditions exacerbated by military service could all contribute to an individual's mental health. Further, military service could have a positive effect on an individual's mental health, although for some this positive effect merely serves to delay the onset of mental health issues when they depart the service.

On the other hand, probable PTSD is a condition, as we have already heard, that affects the Armed Forces in particular, largely because of the intense, violent and traumatic nature of warlike operations and other things that the Armed Forces get up to. At first sight, the numbers seem quite small, at between 3% and 7%,—but the true figures are quite difficult to establish. Alcohol misuse and poverty are far more

prevalent, both of which have mental health implications as well as all the other social issues that I mentioned earlier. It goes to show what a complex area veterans' mental health is.

If the Government's strategy is serious about helping to build on the Armed Forces covenant, to show that its commitment to our brave men and women lasts long after they have left service, it needs to do more. In my view, it should establish a department of veterans' affairs so that there is one organisation with clear ownership of our veterans and their future. It should follow the Canadian example of establishing a veterans' ombudsman and draw up a charter of rights for veterans which would define what their entitlement was in the National Health Service and other relevant areas of our society. Veterans should not have to beg or argue for support in the 21st century; nor should they end up as objects of pity.

Realistically, however, I cannot see such a radical change being introduced. So we are left with the Armed Forces covenant—that promise from the nation that those who serve, or have served, and their families will be treated fairly. It establishes veterans as a very special group. Wonderfully well-intentioned though it is, and even though local authorities and many others have signed up to it, there is no standardisation, no clarity about entitlement and no monitoring. The strategy and the covenant will need more teeth if they are to deliver for our veterans. I very much hope that this new strategy, improved by the outcomes of the consultation document, will provide those teeth.

3.57 pm

Baroness Fookes (Con): My Lords, I declare two interests, first as president of the Sussex branch of SSAFA and, secondly, as president of the War Widows' Association of Great Britain. I am particularly proud to be associated with war widows—a gallant group of women who have suffered greatly over the years and whom I frankly regard as a form of veteran. It is their position on which I want to speak in the debate this evening.

I have heard anecdotally over the years some pretty heart-rending stories from war widows of their difficulties, loneliness and all the kinds of problems that are associated when their lives are suddenly turned upside down by the death of their husband. But recently the War Widows' Association has engaged on an excellent project to bring together war widows' stories, with the aid of academics, who have allowed the ladies to tell their story in their own way. This has now been brought together in a marvellous book, *War Widows' Stories*. It provides a wonderful fund of knowledge and information which should be of great value to historians of the future and, indeed, to those who are looking at the situation now. It brings home the fact that so often the war widows' families are largely sidelined in the history of war—collateral damage, shall we call them?

It is very important that we should have a far greater understanding of the role that they have played and do play in all the conflicts of this century and the centuries before. I believe that one of the Army museums—there may be more than one—has actually taken upon itself the idea of showing the contribution of war widows, and I very much hope that major institutions such as the Imperial War Museum will think that this is a very worthwhile project to be developed. Perhaps I could encourage my noble friend the Minister to take a look at the work that has been done and to talk to the trustees of the museum to see whether this could be introduced in a much more forward way.

I turn to another issue of great concern. One of the issues which brought the War Widows' Association into being was the fact that the miserable war pension was taxed by the Inland Revenue. That was what caused the ladies to come together to fight for what they saw as their rights. It took time, but they got it. However, for many years after that, if they cohabited or remarried, they lost their war pension. After some years, this was put right, from 1 April 2015, but it created another anomaly. Those who were affected before 1 April still had that cut-off. The War Widows' Association is working on this now. Again, I hope I can enlist the aid and encouragement of my noble friend. I suspect that the Ministry of Defence is more sympathetic than the Treasury, which is the department that has to be persuaded. Getting money out of the Treasury is rather like getting blood out of a stone, but I ask my noble friend to try very hard on this subject.

We do not think there are many—possibly 300—and, of course, they diminish. The longer we leave this, the more they will die and the smaller the problem will become. However, it affects women whose husbands were killed in the first Gulf war, the Falklands War and in Northern Ireland, about which other Members have spoken today. I will quote one lady whose husband was killed in South Armagh in 1973. She said:

> "Life was lonely as a young woman with a baby and over time I missed my son having a father and the friendship of a husband. After years alone, I was blessed with a second chance of happiness, but felt sad my pension would be withdrawn on remarriage. I felt this action demeaned John's sacrifice".

I fully agree with her, because it is also important to realise that legally the pension is, in fact, compensation for a life lost, and therefore should not be affected by the benefits system. I want to reiterate that—it is extremely important that it is regarded as, and is, compensation, not a normal benefit.

The military covenant has also been mentioned this evening. I will quote again so that I get it right:

> "Those who serve in the Armed Forces, whether regular or reserve, those who have served in the past and their families"—

my emphasis—

> "should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved".

Who else are the bereaved but the war widows and their immediate family?

I hope that those wonderful words are carried out, because otherwise they are simply words on paper and worth nothing whatever. So I urge my noble friend to look at the possibility of war widows' stories being celebrated or commemorated far more widely than they are now; to make absolutely certain that those widows are not left behind by this failure to allow

[Baroness Fookes]
them to keep their pensions on remarriage; and perhaps to rename the war widows' pension as compensation, which is what it legally and truly is. I look to my noble friend to help in all these matters.

4.04 pm

Lord Burnett (LD): My Lords, it is a pleasure to follow the noble Baroness, Lady Fookes, and to be followed by the noble Baroness, Lady Browning, because they are both loyal and compelling supporters of the Armed Forces and the three of us had the privilege of representing Devonshire constituencies in the other place.

I congratulate the noble Earl, Lord Attlee, on securing this debate. I draw the attention of the House to my entry in the Register of Lords' Interests and to the fact that I had the honour to serve in the Royal Marines.

The Afghanistan conflict was as hard and perilous as any that the British Armed Forces have faced since the Korean War in the early 1950s. Our Armed Forces exceeded the high expectations that we always have of them. They were extremely patient, brave and restrained. They showed great stamina and fortitude and the whole country was really proud of them and their achievements. However, those achievements came at a terrible cost, with service men and women killed in action, wounded, or seriously wounded. The Royal Marines, though only about 3.5% of the Armed Forces, accounted for 13% of those killed in action and 16% of those seriously wounded. Over 30% of the decorations for gallantry in Afghanistan were awarded to the Royal Marines or former Royal Marines serving as badged men in UK Special Forces.

I am extremely grateful to the chief executive of the Royal Marines Charity, the superb Mr Jonathan Ball, for his assisting me ahead of this debate and for the information he provided me with. The points I shall make are of course relevant to all branches of the Armed Forces, which have also suffered similar, terrible casualties. I wish also to pay tribute to the doctors and all the medical staff in Afghanistan, unsung heroes who saved many lives and literally brought some men back from the dead; and to the helicopter crews who time and again put their lives in peril, especially when called upon to evacuate casualties. Many owe their lives to them. One dreadful consequence of this war has been the terrible price that our service men and women have had to pay in death, wounds and injury. As a country, we owe so much to them. Only the best is adequate for them.

I shall set out the deficiencies of which I am aware. I know that the Secretary of State, Mr Gavin Williamson, and his two Ministers of State, the noble Earl, Lord Howe, and Mr Mark Lancaster, give the highest priority to these matters. First is the provision for transfemoral—that is, above the knee—amputees. In 2015, Blesma, the Limbless Veterans—previously called the British Limbless Ex-Servicemen's Association—and the Royal Marines Charity commissioned a Royal Marine triple amputee, John White, to write a report on this matter to be submitted to the Government on behalf of approximately 60 veterans from the Afghanistan campaign. Transfemoral amputees face distinct psychological challenges: they cannot use their leg muscles at all and therefore place extreme strain on their back muscles and spines. This leads to change of weight and stump shape over time. Properly made and well-fitted sockets are therefore vital to being able to restore independence and dignity to these severely wounded men. If you do not have perfectly fitted sockets, you get sores, so you do not wear them and so you do not walk.

The report engaged with the fact that veterans were not funded to source treatment and the manufacture of sockets overseas, since the National Health Service will not fund overseas treatment as it cannot be guaranteed. However, despite the creation of the Murrison centres around the UK—which have certainly improved provision massively for below-knee amputees—we simply do not have enough transfemoral amputees to warrant having experts in the UK who can make sockets that are up to scratch. The expertise does exist in the United States, however, and Royal Marine charities—and, I suspect, other service charities—have been paying to send their men to the Hanger Clinic and to Dream Team Prosthetics in Oklahoma at a cost of about £100,000 for a set of sockets and Ottobock legs. The legs come with a three-year guarantee. As I said, I presume that other service charities are paying out the same.

The report requested that veterans be allowed to source prosthetics and sockets overseas to ensure that adequate sockets could be procured. It was presented to Mr Mark Lancaster, the Minister of State, who engaged with the NHS head of procurement to get a commitment from the NHS to pay for advanced prosthetics for these amputees, at the cost of £70,000 a pair. This is a significant achievement, and great credit goes to Mr Lancaster. However, there are still not the skill-set manufacturers of sockets in the UK of a standard that most severe amputees require, so our marines and others are still going to the US at the relevant charities' expense. In theory this means that the NHS will not pay for the provision of legs if they are fitted to sockets made elsewhere. This has led to the absurd situation of marines and others accepting substandard sockets from the NHS, made at considerable expense, so that they can get the NHS to pay for a new set of prosthetics rather than ask the charity to pay for them to go to the United States. They then simply take the sockets off and replace them with sockets made in Oklahoma. That is a complete waste of money. The solution is that the NHS, in exceptional cases, should be funding the manufacture of sockets overseas, which will cost about £17,000 to £20,000 a pair.

The Government's preferred solution is osseo-integration —that is, the fitting of prosthetics directly to the remaining thigh bones, as a one-off expenditure. However, this is exceptionally risky as it is a relatively untested solution. If it goes wrong, it can leave a veteran crippled, with no alternative solution possible. There are photographs available for Ministers to see of osseointegrated legs which have bent under body weight. Until this solution is properly evidenced and agreed, there should be the option of doing what our above-knee amputees do.

Secondly, I will say a few words about modifying houses for the physically disabled. The MoD is committed to funding modifications to houses for serving and transitioning medically discharged veterans a maximum

of three times. However, needs change over time. Local authorities and the charities are left to fund future adaptations, as the veterans age and inevitably deteriorate over time. There should be a lifetime commitment to support such medically discharged veterans who have lost their health as a result of service.

Thirdly, I will touch on the plight of those with mental illnesses. In April 2017, the new NHS transition, intervention and liaison scheme was launched. It was intended to ensure that those medically discharged with mental ill-health issues were seamlessly transferred to NHS mental health care. In the process of tendering for the cheapest providers, Combat Stress lost a significant amount of government funding because the contracts were awarded to cheaper providers. This caused a cash crisis, thereby damaging Combat Stress's ability to support those who had already left the service. This has meant long Combat Stress waiting lists of up to eight months before a referee can attend a residential course of treatment. The cheapest provision can of course mean very thin provision, and it is patchy across NHS regions, leading to long waits and the NHS referring cases to charities at their cost. Treatment includes, for example, eye movement desensitisation and reprocessing. This is apparently the most amazing process, as it programmes the brain away from traumatic memory. It costs about £750 for a course with a therapist local to the veteran. It is not expensive or difficult, and this provision should be replicated.

Lastly—I must not take too long over this—I turn to the Armed Forces compensation scheme. Since 2015, Royal Marines charities and others have employed people to assist marines who have received poor and inadequate Armed Forces compensation scheme settlements and face discharge from the Hasler Naval Service Recovery Centre. For the last three years, it has assisted veterans who have already been discharged. Last year, it dealt with 64 cases in the Royal Marines community alone, in each case winning an increased lump sum and often increased graduated income payments.

Service personnel of all ranks and experience, serving and veteran, do not have the knowledge or experience successfully to navigate the claims process and challenge veterans agency decisions that go against them. A root-and-branch review of the default position being adopted by the Armed Forces compensation scheme must be made. The default position should not be that the least possible compensation should be paid. In addition, the MoD should commission a study into the different levels of compensation available through the civil courts, as opposed to MoD claims, and increase the compensation to civilian levels if the MoD falls short.

I hope that the whole House will agree that only the best is good enough for our service men and women. This country—every one of us—owes them a debt of honour which we can never repay.

4.16 pm

Baroness Browning (Con): My Lords, it is a great pleasure to follow the noble Lord, Lord Burnett. As he said, for many years we had neighbouring constituencies in God's own county of Devon, where the armed services are well represented.

I congratulate my noble friend Lord Attlee on the way in which he introduced this debate. I agreed with just about everything that he said—not for the first time, I am sure. He flagged up to my noble friend the Minister that, because of the diversity and breadth of the strategy, there was a need to keep a focus on the actuality and detail of how it will impact on individual lives. I totally agree with that point.

I should perhaps declare an interest as chair of the Advisory Committee on Business Appointments—a committee to which all senior members of the armed services go for advice when they move from military service to civilian life.

I want to focus on two things, the first being that transition from military service to civilian life. It seems that there are quite a lot of positive things out there, and not just those mentioned in the strategy. Some of the briefings that we received prior to this debate were very encouraging. For example, we have had a briefing from the Federation of Small Businesses, an organisation that I know very well from the years when I did a proper job before entering politics. The federation's research found that 15% of its members were service leavers, full time and reservist, 15% currently employ service leavers, and 7% have employed, or do employ, reservists. That is extremely encouraging. Starting and running a small business sounds attractive but it is not easy. If you are in a civilian occupation where you can gradually grow a business, that is fine, but the prospect of coming out of military service and becoming self-employed or starting to employ other people in a small business is quite challenging. People need support, training and advice well in advance if they are to make a success of running a small business.

One of the things about transition and the strategy is that I hope we can build as much as possible into those years before somebody leaves military service in order for that training and groundwork—those building blocks—to be put in place. Obviously, it applies not just to those who want to run their own businesses but to those going into other occupations. The more we can do to set the groundwork, rather than just giving a few courses and a bit of briefing at the end, the better—that was the past. I hope we can build on the strategy and what is going on now, so that jobs last and people are successful and feel that they have made that transition for their benefit and that of society as a whole as they take their place in civilian life.

Mental health has been raised by several people in this debate, and nobody could be more able to understand our concerns on this subject than my noble friend Lord Howe, who, for many years, was an exemplary Health Minister. He will understand this subject very well. What I will say probably applies not just to people in the military but to the whole mental health debate per se. He will be familiar with me flagging up some of my concerns on this subject. I hear a lot about parity of esteem and more money going into mental health. All that is to be warmly welcomed from the Government. In practice, mental health is so complex that we really have to start addressing the needs of the individual, rather than treating it as if it applies to a group of people who all have the same problems, challenges and symptoms. That point was raised very well earlier.

[Baroness Browning]

I cannot stress how important it is that there is early intervention with mental health. This is not easy. When somebody's mental health starts to deteriorate, it can be symptomatic of things that are temporary or not too much of a problem—things that people will cope with. It can be a recurring pattern where nothing really gets much worse. But equally, when mental health deteriorates it can go into a downward spiral. The lower the person goes down that spiral, the more difficult it is to pull them up and to identify appropriate support and treatment. The impact of mental health problems, not just on the individual but on their immediate family, cannot be overstated.

As a child, growing up in the post-war years in the 1940s and 1950s, I experienced first hand what post-traumatic stress from the Second World War meant to close members of my family. It is like a tentacle that goes out into the family. People are affected and change their own behaviours when they live with somebody with serious mental health problems. Very often, if they are suffering from post-traumatic stress, it does not present for a very long time, until long after the traumatic event that may have triggered it. In military service, people do not only experience trauma on a scale that most of us will never see in our lifetimes; just witnessing something, whether it has happened to them or to other people around them, can cause serious mental health problems later on.

It is still a problem that getting first appointments and seeing the right people, right across the whole spectrum of mental health care, is so difficult both for former servicepeople and for the civilian population. The noble Lord, Lord Burnett, mentioned that three of us here were MPs in Devon. I remember people whose marriages were breaking up coming to my surgery in Devon to seek my help and advice. Heaven knows why they came to an MP, but when you are an MP, you deal with it all. I used to try to put them in contact with professional counselling and advice services, but the answer would come back, "There is a six-month wait". If your marriage is breaking up and you have to wait six months, it will usually be done and dusted by then. So it is with mental health. If you have long waits, things will happen: families fall apart; people get into debt; people's health goes into a downward spiral.

There is one thing I am really keen on, and I hope my noble friend will bear it in mind when looking at the mental health side of the consultation document for the strategy. Apart from the professional help and support given to people who present with post-traumatic stress or any other serious mental health problem, it would be useful for a buddy system to be put in place, which could be done at quite a low cost. Talking therapies have been proved to be invaluable for people with mental health problems. They will still need professional advice from psychiatrists, psychologists and others, but to have a named person as a buddy, even on a voluntary basis, can be invaluable. Sometimes it is even more important to be able to talk to somebody outside the family and away from your circle: talking to somebody just a few steps away from the emotion that goes with it can be invaluable.

My noble friend will know that cancer patients are now given a named person—often a nurse or a volunteer from one of the charities—who will be their buddy throughout their cancer journey. I hope my noble friend will consider looking at a buddy service for those with serious mental health problems, so that they too can have that type of support. It will aid their recovery and aid them in coming forward. That people are reluctant to come forward is another problem. There is a kick-back from the professionals, who say that if the person is not willing to be treated—you get this with mental health problems and with alcohol and drug misuse—then nothing can be done until they are willing. I understand that problem, but I hope my noble friend will feel that the buddy system might help.

I conclude with one further point. I want to support the words of my noble friend Lord Robathan. Like him, I was a signatory to the letter to the Prime Minister last month, in which we again asked her to prevent the legal persecution of veterans, for all the reasons my noble friend set out from his personal experience of serving in the Armed Forces. Nothing could be more damaging to a veteran's mental health than to have to sit for a long time, waiting to be called to give evidence in a case such as he outlined. I hope we will be able to deal with that as quickly as possible.

4.28 pm

Lord Houghton of Richmond (CB): My Lords, I fear that my sandwiches are eaten, but my fox is only wounded so I will continue to make my points in my own way.

In my early 20s, as a young officer in the Army, I had the enormous good fortune to be sent up to Oxford to study history. To repay the MoD for its kindness, I felt it only appropriate to choose as my special subject military history and the theory of war. That special subject took me to All Souls College, where I attended tutorials by that great military historian Sir Michael Howard. The theory of war involved studying two set texts. The first was Sir Julian Corbett's work on the principles of maritime strategy. I have to say that this did not prove of huge use in my subsequent career, other than giving me the ability, occasionally, to embarrass naval officers who had no idea that, in the age of sail, the art of a successful blockade wholly rested on an ability to create the illusion of dispersal, while maintaining the ability to concentrate at any given time.

The second text was Carl von Clausewitz's classic work, *On War*. What I most remember from the many revelations that Sir Michael made from this work related to his explanation of the Clausewitzian trinity. That trinity identified that war was the realm of three separate things or ingredients. The first was the ingredient of probability, chance and friction. This was the domain of the Army at war. The second ingredient was that of reason. This was the domain of the Government, whose duty it is to give logic, purpose or sense to war. The third ingredient was that of passion. This is the domain of the people, for it is the people who supply the national motivating spirit that supports both the Government and the Armed Forces. According to the Clausewitzian theory, war most closely approaches its

apogee when all three of these elements are mutually supporting and reinforcing. In historical terms, Clausewitz saw this as the situation enjoyed by Napoleon at his height.

In my more recent service life over the past 10 years or so, I have often reflected about the degree to which the Clausewitzian trinity has, to some extent, been fractured in our country. The last decade or so has been typified by government Ministers who occasionally suspect the motivation of their generals, admirals or air marshals; a society that is deeply concerned by the reasoning of their Government when it comes to committing Armed Forces to war; and generals who sense that the passion of the people manifests itself primarily in sympathy for, rather than informed support of, the Armed Forces.

This situation is a direct legacy of having to fight in both Iraq and Afghanistan—unpopular wars. It is a situation that forms a potentially distorting context for a policy on veterans, and it has created the most unfortunate context for successful recruiting. It does so because service life is seen by too many ill-informed people to be a brutalising experience; and too many charities in pursuit of funding contribute to the distorted illusion that service men and women are victims who, particularly in their post-service life, need to enjoy some form of permanent charitable status.

The truth is so very different. For the vast majority of service men and women, a career in the Armed Forces is both a life-changing and a life-enhancing experience. If you doubt me, let me offer you some of the MoD's most recent statistics. How many people—not in this House but in wider society—recognise that the Armed Forces are the nation's single biggest provider of apprenticeships, with 19,000 currently on apprenticeship schemes and a total of over 46,000 apprentice start-ups since 2015?

The most recent evidence on the employment of service leavers, mentioned earlier, shows that 82% of those exiting through the career transition workshop were in full-time employment within six months—that is higher than the 75% employment rate of the UK population in the round. The occupational groups that service leavers join are impressive: 22% into skilled trades; 20% into associate professional and technical trades; 14% as process plant and machine operatives; 11% into professional occupations such as teaching, health, media and public service; 8% as managers, directors and senior officials. What about the missing 18%? Forty per cent of those went back into education or the voluntary sector; 6% have retired; 12% are travelling abroad; 9% have medical problems; 8% are looking after their families; and we have lost track of the rest.

All the evidence suggests that employers hugely appreciate the transferable skills of leadership, problem solving, team working, communication skills and self-discipline that service leavers offer. Employers respect the vocational skills of service leavers in areas such as electronics, engineering and project management, and recognise their ability to conform to their companies' rules, values, ethos and standards. Ex-service leavers are a unique pool of talent that offers many benefits to both society and the economy and they undoubtedly strengthen the workforce of all kinds of different civilian organisations.

Why do I say all this? I do so in an attempt to balance an ill-informed but popular view that service life inevitably leads to a situation that somehow presents a national social crisis. It most definitely does not. But I am hugely aware that a small percentage of service leavers, particularly the wounded, undoubtedly deserve some special consideration. We need a strategy for our veterans that ensures that that special consideration is afforded to a small number who at the end of service life need and deserve some specific help. I wholly applaud the Government's strategy which recognises this, but I do not want that strategy to distort the reality that service life offers the vast majority of service men and women a life of betterment and advancement. I do not want the wholly justifiable interests of service charities to undermine that simple fact.

I want the passion of society and the reason of Government to support the needs of our veterans, but I also want that reason and passion to support the Armed Forces in being. We need to actively recalibrate society's understanding of the remarkable benefits of service life. Those benefits are not just for the individuals but for wider society as well.

4.35 pm

Baroness Pidding (Con): My Lords, I start by thanking my noble friend Lord Attlee for bringing forward this debate. The Armed Forces are very close to my heart. Three years ago I made my maiden speech in this Chamber about the Armed Forces covenant. Despite our religion, race or creed, despite the party that we support, we came together on Sunday to honour all those who made the ultimate sacrifice for our country and for our liberty. While we commemorated the end of the First World War, we also pay tribute to all those who have served and are still serving in our Armed Forces. We are so grateful for and humbled by our veterans' sacrifice and service, and for their contribution since leaving the Armed Forces.

Our country's Government can never serve our veterans in quite the same way that they have served us—but, because we asked them for the greatest sacrifice, we must be prepared to do whatever we can to assist them whenever they need our help. This Government have made meeting the needs of the Armed Forces one of their highest priorities. This is only right: when men and women risk their lives in our defence, they should expect nothing less.

Unfortunately, veterans, particularly those who through no fault of their own have landed on hard times, often feel undervalued for their service. Our support for the armed services must go further than simply wearing a poppy for two weeks a year. So, with that in mind, I am proud that the Government are increasing their support for service personnel, families and veterans by adopting a more holistic approach.

Service families do so much to support their loved ones who are serving in the Armed Forces. We need to make sure that we are able to reinforce this. It is right that we are launching a spousal employment support

[Baroness Pidding]
scheme, helping service personnel's spouses to find the jobs that they want, and so ensuring that they can support their family while having the opportunity to be rewarded for their hard work. I welcome the creation of a development scheme for those serving to ensure that they have the right personal and professional skills—skills that are vital for succeeding in life both while they serve and after they leave the Armed Forces. Also significant is the launching of this Government's transition policy, giving those leaving the Armed Forces a helping hand as they move into civilian life. This initiative goes far beyond blunt financial support. It will provide support for resettlement, health and well-being, housing advice and pastoral care.

The Government have a record to be immensely proud of. They created the Armed Forces covenant to stop our service personnel from being disadvantaged. The covenant has created greater awareness across society of the challenges that service personnel, veterans and their families face.

The launching of the Forces Help to Buy scheme has helped more than 14,300 people buy their home. In 2012, the Government changed the law so that former service personnel with urgent housing needs are always given priority for social housing. We have urged local authorities to prioritise Armed Forces members and their families for social housing.

We must continue to do more, particularly by doing what we can to prevent our veterans becoming homeless. While the Ministry of Housing, Communities and Local Government has published guidance for councils on providing homelessness services to veterans, we must not waver in our commitment to halve rough sleeping by 2022 and eliminate it by 2027. I am proud to support a Government with such a commitment to our service personnel. However, with estimates on the number of homeless veterans ranging from 7,000 to 13,000, I implore the Government to do more to support veterans. Seeing anyone homeless or sleeping rough is tragic, but it is even more so when it affects those who have done so much for our country.

This Government have a proud record on commitment to our Armed Forces, but we must not rest on our laurels. We must continue to find new ways to help our veterans and service personnel. The veterans support strategy is evidence of this. I know that this Government will continue not only to respect and honour the dedication and bravery of our Armed Forces but to value them. We must be certain to deliver the support and care that our brave service men and women and veterans deserve.

4.41 pm

Baroness Helic (Con): My Lords, I welcome the debate and am grateful to my noble friend Lord Attlee for initiating it. It is humbling to speak after so many noble Lords who have not only served in, but led and commanded, the British Armed Forces on the battlefield.

In Virginia Woolf's novel *Mrs Dalloway*, there is a character called Septimus Smith, who will be familiar to many of your Lordships. In the book, it is 1923; Septimus has returned from the First World War with his life utterly changed. His war experiences have left him incapable of functioning in society and he struggles with his mental health. The people he meets in St James's Park think that he behaves oddly and cannot relate to him. He ends his life in a violent way. He dies not on a battlefield in a foreign land but in his homeland, which is now at peace.

A hundred years have passed since the First World War. We have seen technological advances beyond anything that could have been imagined in 1914 or 1918. We have deepened our understanding of mental health issues and developed vastly the medical care available to treat them. Yet service men and women today still battle misunderstandings and mental health challenges not dissimilar to those faced by the fictional Septimus. The recent reports that 40 former or current service men and women are believed to have taken their lives this year are shocking. They too died a violent death, not on a battlefield in Afghanistan, Iraq or elsewhere, but here in today's Britain, among us.

The past three decades have seen the Armed Forces exposed to the most intensive and sustained combat conditions and the highest casualty rates since World War II. I want to put on record my admiration and gratitude for all those who serve our country in uniform and the sacrifices they make on our behalf. I therefore welcome the Government's efforts to ensure not only that veterans of the UK Armed Forces are recognised for their service, but that we seek to go a step further in understanding them and upholding their status in our society, based on not only recognition and appreciation, but respect.

I welcome the work done over the past eight years by this Government and their predecessor, the coalition Government, on the Armed Forces covenant, which was enshrined in the Armed Forces Act 2011, and the Ministerial Covenant and Veterans Board. I also welcome the leadership shown by the Secretary of State for Defence in establishing this new veterans strategy. I pay tribute to my noble friend the Minister and my right honourable friend the Minister for Defence Personnel, Welfare and Veterans, Tobias Ellwood, for their tireless work to improve the support available to veterans, in particular the focus on mental health and homelessness—complex issues that need strong and focused attention.

I also want to pay tribute to the work done by Lord Ashcroft, who, until a few months ago studiously and imaginatively worked on the *Veterans' Transition Review* and subsequent updates. His contribution was a crucial factor in the recent advances made by the Government, local authorities, the devolved Administrations, the charity sector and the Armed Forces in the area of veterans policy.

I welcome the Government's efforts to ensure that all these initiatives, which have been developed separately until now, are brought together under one umbrella, and their determination to counter any perception that service in the Armed Forces has a damaging effect on personnel, notwithstanding some problems that we must address.

I welcome the collective commitment that has been shown, but want to address three points. First, as we rightly seek to help and support those who fought and are now trying to reintegrate into civilian life, we must

not forget the families of those who did not come home. There is no compensation for losing a parent, but we can show our collective gratitude to those who paid the ultimate price. I am therefore particularly pleased to see the Government continuing the scholarship programme for children whose parents died in service. How many students have benefited from the scholarships since they were announced in 2010? What lessons have been learned to ensure that the scholarships are more widely available to those who need support for their education? Is there a plan to have the scheme upgraded and widened so that more children can benefit? Should the scheme be extended to the families of service personnel who have taken their lives?

The second issue is accommodation. I welcome the Government's commitment to aid the transition of service personnel to civilian life and understanding of the vital part that the access to suitable housing plays in this process. Yet some service personnel still fall through the support net and find themselves homeless. What thought has been given to whether surplus service living accommodation can be used to house service personnel who have become homeless or are living in accommodation not suitable for their needs, at least during their transitional period?

Finally, the Armed Forces are a reflection of our wider society, which is sadly blighted by the hidden problem of domestic violence and domestic abuse. I suspect that most of us know somebody who has been affected by it. I can imagine the stress of a battlefield only exacerbating this problem in some cases. I welcome the Ministry of Defence's launch earlier this year of its first defence domestic abuse strategy to tackle domestic abuse in the Armed Forces and defence civilian communities. Will this apply to veterans' families as well?

The Government can be proud of the effort invested and the outcomes achieved in ensuring that veterans and their families are given more of the support, help and respect that they deserve. This is our collective duty. Time will tell whether what has been put in place is enough. We must therefore strive always to do more and better.

4.48 pm

Lord Tunnicliffe (Lab): My Lords, I, too, thank the noble Earl, Lord Attlee, for introducing this debate. We have been discussing the challenge of veterans for a decade now. When I saw the title of this debate, I thought, "Well, let's see where we've got to in actually achieving things". The core achievement to date has been the Armed Forces covenant, which has had pretty widespread approval. It is therefore useful to measure how the Armed Forces have fared under its care.

It is important to realise what the covenant says. It is on one page and begins:

"An Enduring Covenant Between".

The language is all quite flowery—there are three paragraphs—but right in the middle is a paragraph which, if it does not have teeth, has clarity. I fear that I have to tell noble Lords that it is not only not the best, it is almost the opposite. In fact, this paragraph says two things: that veterans "should face no disadvantage" and that in some circumstances there should be "special consideration". It is against those tests—unless we want to change them—that we have to judge how well the Government are doing. So let us look at some areas.

Housing has been a real problem, particularly the way that local authorities behave, and the Government have worked hard on it. The progress report on the covenant is contained in an annual report, the last of which was published in December 2017. It said, talking about how local authorities had been instructed:

"The package included: ensuring Veterans with urgent housing needs were always given priority for social housing; encouraging councils to take account of the needs of the Armed Forces Community in their policy making, and introducing regulations to ensure councils did not disqualify Service personnel who had recently left the Services and did not meet the local connection test".

We had a debate about a year and a half ago, in which I said that my test of this is Rushmore. Rushmore, for those who do not know, is Aldershot and Farnborough under a fancy new name. Its housing policy 18 months ago did not refer to veterans. I have looked it up and it now says precisely the things that the covenant calls for: the Government get a tick for that. There is a problem though. It says that veterans effectively have fair access to social housing. The problem is that there is no social housing. The problem with fair access to very little is that it is very little. It is the basic housing issues in this country, especially social housing, that we have to get right for all our citizens, including veterans.

Veterans are also part, sadly, of the scourge of rough sleeping. The data suggests that the incidence is about the same as in the general population, but I agree that there should be no rough sleeping, for any of our citizens. If we can tackle that issue then we will indeed do the right job for veterans.

The next area I looked at was training. There are lots of references in various bits of literature to how wonderful service personnel are, how well adapted to exciting jobs in the real world, but the individuals who illustrate this are frequently reasonably senior people who have done well. Does the system look after the private infantryman who has done four years and comes out at the age of 22 or 23? I fear not, and I hope that the Minister can disabuse me. Where would that individual traditionally have looked to in order to get some qualifications, because it is perfectly reasonable that people with life experiences do not have qualifications? He would have looked to adult education. Adult education has had its funding cut by £3 billion in recent years. There used to be 5.2 million people in adult education: the figure is now down to 1.9 million. Again, I am sure that service veterans are getting fair access to this, but they are getting fair access to one-third of the provision they would have received but a few years ago.

I then went on to look at mental health, which is a very interesting area. There have been clear improvements in recent years, making access to mental health services fairer and making sure that the transition between the military and the NHS is good. However, let us not kid ourselves that this is anything other than "not disadvantaged". Indeed, the 2017 report on the covenant talks of,

[LORD TUNNICLIFFE]

"access times and outcomes at least as good (and sometimes better) than for the general population".

It is commendable that it is being achieved, but it is all that is being achieved.

Let us move on to the second promise in the covenant. The precise words in that extremely powerful paragraph are:

"Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved".

We have talked about the bereaved and those injured, in the physical sense, but are there other senses of injury? If we look at mental health in the total population, the incidence of mental ill-health in veterans is not grossly dissimilar to that of the general population but—and it is an important but—on PTSD, the picture is different.

A press release from Kings College London has said:

"New research from Kings College London suggests the conflicts in Iraq and Afghanistan may have led to an increase in the rate of probable Post Traumatic Stress Disorder … among members of the UK Armed Forces".

It went on to say:

"The higher rates of probable PTSD is primarily seen among ex-serving personnel who deployed to Iraq and Afghanistan. Among those who deployed to the conflict, the rate of probable PTSD for veterans was 9% compared to 5% for veterans who did not deploy. The rate of probable PTSD among currently serving personnel was also 5%, which is close to the rate … in the general population … Among ex-serving personnel who deployed in a combat role to Iraq or Afghanistan, 17% reported symptoms suggesting probable PTSD compared to 6% of those deployed in a support role".

It is clear that this illness is related, at least statistically, to combat experience. That seems to fall in the general territory of special consideration. When one looks at what PTSD is all about, it is terrifying. I looked it up on the NHS website and I am not sure how people survive it, with their,

"Re-experiencing … flashbacks … Avoidance and emotional numbing … Hyperarousal … Angry outbursts … depression … Drug misuse",

et cetera. Here, surely, is the case for special treatment.

Unfortunately, according to the Defence Committee, the situation does not really seem to come up for special treatment. The committee said in its report:

"We are particularly concerned that the Armed Forces Covenant principle of priority treatment when a condition is service-related is not being consistently applied across the UK. The Department of Health and Social Care considers that the NHS founding principles on equality and clinical need constrain how it can provide priority treatment to veterans. This difference in interpretation is confusing not just to veterans but also to clinicians; this may add to veterans' perception that the health service is failing them".

It seems to me that this area falls classically into the second part of the covenant's promise and that the Government are failing in not addressing it directly.

In many of the areas where service veterans suffer, the problem is that the general population is suffering, be it housing, training or mental health. I accept that the Government have achieved their objective of not disadvantaging veterans in many areas and have made good progress in recent times. We have to address the fundamental supply of those areas and be much better at being sensitive to the second promise, where special consideration should apply.

4.59 pm

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, it is a remarkable and heart-warming feature of your Lordships' House that across all Benches and shades of political opinion, we find ourselves in almost total unison on the theme so ably introduced by my noble friend Lord Attlee on the obligation that we have as a society to ensure the welfare and well-being of our Armed Forces veterans. The recent commemorations marking the centenary of the Armistice have brought this message into even sharper focus, and while in this country we have a long and proud history of supporting those who have stepped up to protect and defend us, it is morally right that we should continue delivering that support in the best possible way and, where we can, look to do more.

It is against that background that the Government published yesterday *The Strategy for our Veterans*, a long-term, 10-year vision that outlines what we aim to do to ensure that each and every man and woman who is leaving, or has left, one of our Armed Services feels they are "Valued, Contributing, Supported" in leading a fulfilling and rewarding life.

Much has been done in recent years in pursuit of that end, but the publication of the strategy marks the first time that Governments across the United Kingdom have come together to articulate a joint statement of strategic intent, setting out in clear terms the tangible outcomes we wish to achieve for veterans' services along with the vision and the principles that will underpin them. Those outcomes, and that vision, are the product of wide consultation with academia, veterans themselves and many of our excellent service charities—the Royal British Legion, SSAFA, Help for Heroes, Cobseo, Combat Stress, Veterans Scotland and others—as well as the three service benevolent funds and the three service families funds.

We estimate that there are some 2.5 million veterans in Great Britain. They are not a homogenous group. They can be former regulars or reservists. They can be younger or older, in good health or in poor health. They hail from every part of the United Kingdom, and from diverse backgrounds. In consequence, their needs and experiences will be very different, a difference that is reflected in the wide range of organisations—public, private and charitable—which are charged with ensuring that the debt we owe to them is properly and effectively delivered.

I say to the noble Lord, Lord Tunnicliffe, that the document is not a blueprint for delivery, it is a strategy. It maps out a direction of travel, clearly waymarked by a number of factors and themes that are relevant to improving the lives of veterans, and it will, in that sense, hold us to account in measuring success. For each of those cross-cutting factors and themes there is an outcome for the year 2028 towards which all UK nations will work to deliver.

In furtherance of those objectives, the UK Government have published a consultation alongside the strategy. The consultation addresses the wide range of ways in which public services are delivered to veterans, but in

essence it seeks to ask one overarching question: how can we do better? We in the Government may have our own answers, but it is only those at the sharp end who know what works best and who can tell us where the real gaps are. We want to hear from them.

The various themes covered in the strategy will be familiar. They are the challenges posed by the transition from service to civilian life; the need to find stable and fulfilling employment; the impact of a veteran's service experience on their state of health; and the need for a home. These and other challenges are ones which we must help our veterans, wherever possible, to take in their stride, but where they falter, we must be there to support them. The consultation picks up on all these themes in greater detail and poses a series of questions on those issues where we most need answers. I encourage noble Lords to submit their views and to alert others to do so.

In addressing some of the many issues and questions that have been put during this debate, I shall begin with one raised by the noble and gallant Lord, Lord Walker, who called for a dedicated veterans ministry. I recognise that governance and collaboration around all these issues could be strengthened, hence the consultation that we have launched, but the key issue, surely, is delivery of policy and delivery of services. At governmental level, the Ministerial Covenant and Veterans Board is co-chaired by my right honourable friends the Defence Secretary and the Chancellor of the Duchy of Lancaster and has ministerial representatives from all government departments and devolved Governments. At ground level, responsibility for delivery is diverse, but in practical terms for a veteran in need of help and advice, Veterans UK and the Veterans' Gateway will enable any veteran to receive the support they need.

I now turn to a topic which has loomed large in today's debate, not least for my noble friends Lord Attlee, Lady Browning and Lady Helic and the noble Lord, Lord Tunnicliffe, which is mental health provision. Mental health services are delivered to veterans by the NHS. We in government know that some patients wait too long and that additional resources are needed. The Government are already investing £12 billion in mental health. In the Budget an additional £2 billion for mental health was promised by 2020, and the NHS will invest up to £250 million a year in new crisis services by 2023-24. I hope that gives a sense of how committed we are to the mental health and well-being of the population at large but also of our service personnel and veterans.

We fully recognise that service life can cause stress. We announced in October last year a new partnership with the Royal Foundation that will provide resources for training and education for the Armed Forces community around good mental fitness. In July last year the *Defence People Mental Health and Wellbeing* strategy was launched. It identifies the need for strong partnerships with the Department of Health and Social Care, the NHS, the devolved Administrations and the charitable sector. The MoD has provided a new 24-hour mental health helpline, which is targeted at serving personnel and their families, allowing them to access support for any mental health problems any time, anywhere, and of course there is the Combat Stress helpline for veterans. As part of the consultation, though, we will look at the idea that was very helpfully suggested by my noble friend Lady Browning; namely, what buddy support is already provided and whether it should be strengthened further. I thought that was a most interesting idea.

As I have said, we take the well-being of personnel very seriously, and we are funding research so that we can continue to do so. The aim of the study currently taking place at King's College London is to understand the ways in which mental health is impacted during the years following exposure to conflict. The study suggests that the symptoms of PTSD can manifest several years after an individual has deployed, which I am sure we all instinctively knew. That is why the King's College research is still ongoing. As the senior author, Professor Sir Simon Wessely, who is a world-renowned expert in this field, has pointed out in relation to the most recently published data,

"it would be wrong to say there is a 'bow wave', 'tsunami' or 'time bomb' of PTSD in the UK military and veteran community",

but we need to analyse and take seriously what is actually happening.

I will answer a number of my noble friend Lady Helic's questions in writing. However, I shall address the very important issue that she raised at the beginning of her speech: the rate of suicides. Every study conducted by the MoD has found that the risk of suicide among the Armed Forces community, including veterans of the 1982 Falklands War and the 1990-91 Gulf conflict, is lower than among the general population. However, we will commission a new study on the risk of suicide for those who served between 2001 and 2014 covering combat operations in Iraq and Afghanistan. It is important that we get to the bottom of those statistics.

The Department of Health and Social Care has had a national suicide prevention strategy in place since 2012 and that aims to address the causes of suicide for every civilian, not just veterans. Veterans are identified in the strategy as requiring tailored approaches to meet their mental health needs. That has resulted in NHS England's veterans' mental health transition, intervention and liaison service, which since its launch in April last year has supported hundreds of veterans and their families. That is complemented by the veterans' mental health complex treatment service, launched in April this year to support those with the most complex needs, with holistic support for the whole person and their family.

My noble friend Lady Pidding and others referred to the defence holistic transition policy. That is aimed at better co-ordinating the assistance that is out there and to supplement it to prepare service personnel and their families who are about to leave the Armed Forces. That will be launched later this year. My noble friend Lady Browning spoke of the need for advance preparation, and I can tell her that the chain of command will routinely discuss with individuals throughout their career their plans and preparations for life after the military. Immediately prior to leaving the Armed Forces, the chain of command will assess their readiness to leave and refer those needing extra support to the defence transition service. The specialist defence transition services team within Veterans UK will support those

[Earl Howe]
who need it most by undertaking a thorough needs assessment to determine the best interventions required by that individual.

I turn to another extremely pressing and important issue: that of homelessness. We take this extremely seriously, and I was very grateful to the noble and gallant Lord, Lord Walker, for his constructive suggestions in this area. I start by saying that this year, there is a new statutory responsibility on the MoD to refer anyone leaving the military at risk of homelessness to the relevant local authority. Under the new defence holistic transition policy, early service leavers who are assessed by their chain of command as needing extra support will be referred to the defence transition service, which will undertake a thorough needs assessment to determine the best interventions required by that individual, including housing.

Housing was also raised by the noble Lord, Lord Tunnicliffe. I can tell him that, in line with the Armed Forces covenant, veterans who have,

"reasonable preference and more urgent housing needs",

must be given additional preference—high priority for social housing. This requirement applies also to bereaved spouses of Armed Forces personnel and seriously injured or disabled veterans of the regular or reserve service. These are the only groups of citizens whose priority is based on prior employment. I say to my noble friend Lady Helic that the MoD is reviewing options which will assist with housing support for veterans. I take the point ably made by the noble Lord, Lord Tunnicliffe, on the question of supply.

As regards rough sleeping, one veteran on the street is too many. That is why we implemented the Homelessness Reduction Act, which will ensure that service men and women can work with their local authority earlier to ensure that homelessness is prevented. That is also why we published the *Rough Sleeping Strategy*, backed by £100 million of funding. We are committed to delivering our manifesto commitment to halve rough sleeping by 2022 and end it by 2027.

My noble friend Lord Robathan touched on a sensitive set of issues about the legacy investigations into Northern Ireland veterans. There is broad agreement within Northern Ireland that the current systems and structures to deal with the legacy of the Troubles are not delivering enough for victims, survivors and wider society. The Northern Ireland Secretary launched a consultation on legacy issues on 11 May which closed on 5 October. Her department is carefully considering the many responses to the consultation and will set out in due course how it intends to move forward. We recognise the growing concern about the repeated investigation and prosecution of veterans in relation to historic operations. That is why we established a dedicated team to examine all the options to increase legal protection for these individuals. The team is working with colleagues across government to find the best way forward. Of course, we have not forgotten the need to provide the legal and welfare support to military veterans who are subject to investigation.

I turn to other health-related issues. The noble Lord, Lord Burnett, referred to the problem of adequate advanced prosthetics—a very interesting topic, but one on which I am certainly not an expert. He may be interested to know that the Complex Prosthetic Assessment Clinic was introduced at Headley Court in 2016 for the small number of veterans with particularly challenging prosthetic needs. Since its inception, the clinic has seen 40 individual patients, six of whom have subsequently been treated under the LIBOR-funded direct skeletal fixation technique. That involves the insertion of a titanium implant into the bone, eliminating the need for traditional socket-based technology. As the prosthetic is anchored directly to the bone, it offers greater freedom from the limitations and complications commonly associated with socket-based prosthetic systems. The Government are simultaneously funding research into direct skeletal fixation and we look forward to the results.

The noble Lord, Lord Burnett, also referred to issues around adaptations to housing. As I am sure he knows, there are various grants available to allow disabled people to continue to live at home, including the disabled facilities grant. People can get a grant from their council if they are disabled and need to make changes to their home—for example, to widen doors, install ramps, improve access to rooms and facilities, or install a downstairs bathroom. Having said all that, we shall await responses to the consultation if it is felt that this package of measures that is currently available does not meet veterans' needs in every case.

My noble friend Lady Fookes, whose work with war widows I have admired for many years, asked about the reinstatement of war pensions. The Government recognise the unique commitment that service families make to the country and we remain sympathetic to the circumstances of those widows who remarried or cohabited before 1 April 2015. However, as my noble friend recognises, this is a complex policy area, and it is taking time to carefully consider the potential options within both financial and legal constraints, and I can tell her that my friends at the Treasury are currently considering the issue actively.

The noble Lord, Lord Burnett, referred to the Armed Forces compensation scheme, which is covered on page 26 of the consultation, as he has probably seen. An independent review of that scheme in 2016 found that it remained fit for purpose and recommended both the uplift of the lump sum tariff awards and a review of the maximum tariff level award for mental health conditions.

My noble friend Lord Attlee, and others, including the noble and gallant Lord, Lord Walker, referred to the need for better data. As most veterans transition successfully from the Armed Forces and do not need help after discharge, it would be inappropriate to mandatorily track all of them; it is much more important to focus on the significant minority who do require additional support. We must respect at the same time that some individuals will not want to maintain a connection with the MoD, or they may not wish to declare their service. However, more data on specific cohorts would certainly aid delivery organisations. An amendment to the Data Protection Act 2018 allows the MoD to verify contact details of the ex-Regular Reserves against HMRC data to check whether people

have moved—because obviously we need to know where people are. I can tell my noble friend Lord Attlee that national insurance numbers are used as the unique identifier between the two datasets.

Time is against me. I am conscious that I have not had time to answer a number of questions, but I assure noble Lords whose questions remain in the air that I will write after this debate with as full a response as I can, and copy in all noble Lords. I hope that noble Lords will allow me to conclude on that note. It has been a most constructive debate and I am extremely grateful to all speakers who have troubled to take part, and to share their ideas and their wisdom. A century on from the Great War, our people continue to give their all for our country. Our obligation to do right by them and their families remains steadfast. As the themes and programmes outlined in the strategy are developed further over the coming months and years, for the benefit of our veterans, we will continue to do our utmost to deliver on the debt we owe them.

5.18 pm

Earl Attlee: My Lords, I am grateful to all noble Lords who have contributed to the debate. I am particularly grateful to my noble friend the Minister who, once again, has not disappointed us in the House.

The noble Lord, Lord Burnett, raised an issue about prosthetics of which I was not aware. I do not believe that the service charities should be funding prosthetics; they should be funded by central government. Service charities should be funding things that central government should not be funding. We will have to see how that issue progresses in the future. In the meantime, I beg to move.

Motion agreed.

Yemen

Question for Short Debate

5.19 pm

Asked by ***Lord Luce***

To ask Her Majesty's Government what steps they are taking with international partners to end the conflict in Yemen.

Lord Luce (CB): My Lords, I am grateful for the opportunity to raise the urgent question of how to achieve peace in Yemen. I look forward to hearing from the Minister what action HMG are taking following the Foreign Secretary's visit to the Gulf, and to the contributions of noble Lords to this rather delayed debate.

The 27 million people of Yemen face a kind of Dante's Inferno; they are today's forgotten people. It has become a failed state, which is exploited as if by piranhas by disparate groups in the country with a vested interest in continuing warfare through illicit trade and arms smuggling. It is also a breeding ground for al-Qaeda and Islamic State.

I must explain my interest in this country. My father, the late Sir William Luce, was governor of Aden in the late 1950s. The British ruled the southern part of Yemen forming a federation of Arab Emirates of the South, while the Imam led in what is now northern Yemen. Today, the Sir William Luce memorial fund based in Durham University finances, among other things, an annual fellowship. In 2016 Dr Helen Lackner, who lived in Yemen for over 15 years, gave her Luce lecture, providing a brilliant description of how Yemen's tribal life and society had been transformed over 60 years. She demonstrated that the 30 years' dictatorship of the late President Saleh seriously undermined Yemen's society, creating a kleptocratic tribal military nexus riven by intra-elite power struggles. This has left Yemen with an unsustainable governance system, absolute water shortages, insufficient natural resources, low educational standards and the poorest people in the Arab world. Yemen today cannot be viewed in any way as a modern national state. We have to consider the rivalry of different groups within a fragmented country. These include the separatist tribal south, Aden, the Hadramaut, Taiz, the highland tribal territories and the land in the north and west, now occupied by the Houthis.

We can agree with our Saudi friends that Yemen as a failed state is a threat to their stability and that the Houthis are being encouraged by Iran to weaken Saudi Arabia, including by threatening it with missiles. We can see too that the Saudis would like access to the Strait of Bab-el-Mandeb and the ports so that they can be less dependent on the Strait of Hormuz with its Iranian threat. At the same time our friends in the UAE are showing a different level of interest in establishing military bases in south Yemen and in ports on both sides of the Indian Ocean.

We need to be clear that the coalition led by Saudi Arabia and the UAE, and with which the US, France and the UK are associated, has been pursuing its ends through a cruel war which it cannot win. Moreover, the unmitigated rivalry between the Kingdom of Saudi Arabia and Iran risks destabilising not only Yemen but many other parts of a region vital to the international community.

In Yemen itself, the coalition's action has undoubtedly made a bad situation much worse. Since 2016, over 10,000 people have been killed and some 1,250 children have lost their lives through air strikes. The latest information from the UN humanitarian chief, Mark Lowcock, demonstrates that the country is on the verge of a massive famine. Some 14 million people are now entirely reliant on external aid to survive; 22 million are in need of support including 11 million children; 16 million are without access to safe water. Fuel imports are 25% of the requirements. Civil servants are not being paid. Health services are virtually non-existent. Prices of food and other products are increasing steadily due to devaluation of the currency, the rial. There is high unemployment except for those who are exploiting the conflict. This is truly a failed state.

At this stage I must welcome the Government's support through DfID and the UN for the people of Yemen. In addition to general humanitarian assistance, I know that we are providing £170 million of support, much of which is helping malnourished children and providing vaccinations against cholera. Can the Minister clarify what else we are doing in this area?

[LORD LUCE]

Despite our diminished role in the world, and indeed our preoccupation with Brexit, it is surely very much in our interests to seek urgently a peaceful resolution in Yemen. Today we can achieve this only by working internationally with many other nations. I want to ask the Minister about our proposed next steps in the UN Security Council. We are the pen holders. I welcome the Foreign Secretary's statement of 5 November that we will work within the Security Council and ensure that Resolution 2216 is made more balanced and realistic, particularly in relation to the role of the Houthis. We must clearly work as closely as possible with the United States and respond to its lead in calling for a ceasefire by the end of November. But a ceasefire on its own is pointless unless there are clear proposals for starting discussions to end the conflict. I assume that we will work relentlessly with the UN through this month to ensure that the UN envoy, Mr Griffiths, is given an urgent remit to bring about peace negotiations.

This leads me inevitably to the issue of our relationship with Saudi Arabia. We have enjoyed a long-standing friendship with that country for over 100 years. Today, intelligence and counterterrorism are common concerns. We have major trade and economic interests in the kingdom, including of course our defence sales and military assistance. It is now abundantly clear, however, that the continuing of a war led by Crown Prince Mohammad bin Salman is not going to solve the Yemen problem and bring peace on its own. The Saudi Crown Prince is indeed trying to introduce many economic, cultural and other reforms, including more freedom for women, but he is using the pursuit of military victory in Yemen as well as dictatorial means to achieve this and to strengthen his position. This will be counterproductive. We must not only say so frankly, as friends, but also be prepared to use what influence we have, in conjunction with our western allies, to persuade the Saudis and their coalition to adopt a different approach. The Saudis should take seriously the very real pressures here and elsewhere to curtail the supplies of essential armaments and other military support, as well as the measures that the US Administration have already taken on aircraft refuelling.

The next few weeks will be crucial. The battle for the port of Hodeidah could have big implications. It is vital of course to ensure that food supplies continue to get to the people, but it will in the end be essential for the Houthis to see their self-interest in ending that battle and finding a peaceful resolution in which they play a role. This is one of those times when tragic events seem to be persuading the international community to change direction. It is in our interests not to ignore the rest of the world, but rather to take this opportunity to play a constructive role to achieve peace in Yemen. There could not be a more appropriate time to be peacemakers than the centennial anniversary of the Armistice.

In addition to the discussions that the Foreign Secretary has held in Riyadh and Abu Dhabi, the Government need to show vigorous and visible activity at the UN and fresh new direction in their thinking, including revisiting Security Council Resolution 2216. We have to work internationally to assess the immediate emergency needs of Yemen and to prevent famine. We also have to work with the US, France and Germany and with constructive voices in the region, such as Oman and Kuwait, towards a fresh political approach, thinking where we can outside the box. We need too to think ahead about how we can realistically help the reconstruction of Yemen and end the famine. We have to address how in a fragmented failed state we can pursue, perhaps through the mediation of regional participants, movement towards some kind of a federal framework and system of governance.

I look forward to the Minister's response and to reassurance that the Government are still willing and able to play a constructive role for stability in other parts of the world, not least in Yemen.

5.30 pm

Baroness Helic (Con): My Lords, I am grateful to the noble Lord, Lord Luce, for securing this important debate.

I am told that the ancient name for Yemen was Arabia Felix. It is certainly not a happy country any more. I recently received messages from a friend whose family still lives in Yemen. His sister writes, "One thing you don't expect is the eerie silence. Due to petrol shortages, there are no cars on the roads. Even the children have stopped crying … Suicide is a mortal sin in Islam, yet for the first time there are stories of 'family suicides' where a desperate single mother, or a deeply impoverished family, choose to end their own lives and the lives of their children since this is the 'less painful' way out of the nightmare they're in … We now realize that the entire world has turned its back on us—we're on our own".

I welcome the Foreign Secretary's visits to the Gulf. He is right to say that there is,

"a short window to make a difference".

I hope that his energy will be matched with action that will help stop the shameful disaster that is the war in Yemen. I also welcome the recent American and United Kingdom shift to advocating a ceasefire. However, I regret that this did not come sooner. The Saudis have been embarrassed before the world, not for the thousands of civilians killed in Yemen and their own ambitions to control that country, but by the appalling killing of one man, the journalist Jamal Khashoggi. Saudi Arabia should rightly face strong international diplomatic pressure for atrocities of this kind. But we should collectively ask ourselves what has happened to our moral compass if we respond more to that one killing than to the faces of thousands of emaciated children being starved to death in front of our very eyes, for years now.

Stepping back in time, I believe that we did not intend our Government's initial support for the coalition to become a blank cheque. I do not say this lightly, and I am sure that that Ministers themselves are not comfortable with the course the conflict has taken. But sadly, we have shown a touch of naivety and a lack of understanding of the Middle East and of the history of Saudi ambitions in Yemen, and we have failed to put uppermost the interests and values of the United Kingdom. We and our allies claimed we would have leverage to push the coalition to abide by international

humanitarian law and to support parallel diplomatic efforts. That has clearly not been the case. Unfortunately, we all failed in limiting and ultimately ending the war.

I hope that as we prepare to try to bring about a ceasefire, we will bear in mind two lessons. The first is that our so-called influence is weak and almost non-existent. Unless we use the leverage we possess, collectively, as arms suppliers and trade partners, Europe, the United States and we will fail to affect the calculations of stronger regional actors. I cannot see any justification for not suspending arms export licences to Saudi Arabia and other countries engaged in operations in Yemen, given the compelling evidence that international humanitarian law has been breached by all parties to the conflict—including of course, the Houthi rebels themselves. Can the Minister say whether it is too late to stop Saudis using the US and UK weaponry that we have provided? Can he confirm whether the United Kingdom is currently providing assistance to coalition operations with targeting?

The second lesson is surely that policy should be based not on partiality to one side or the other, as it is at the present, but on sound analysis. The Trump Administration is purely wrong to fully endorse Riyadh's narrative that the Houthi rebels represent an extension of Tehran's destabilising hand in the tumultuous region and that the Hadi Government can simply be reinstated. Houthis have local grievances. They began their revolt in 2004, when Iran was not a player in Yemen. They get some support from Iran but would fight on regardless without it. Does the Minister agree that a new political settlement in Yemen must include all domestic political forces?

I welcome the Government's reinvigorated engagement in the region. I know that we have long-term relationships with the regional powers, as well as important security interests, and I know that Ministers always strive to act in the interest of our own country. But Britain is always at her best when our interests and our support for human rights align. I fear that our current policy in Yemen is serving neither as it should.

5.35 pm

Baroness Blackstone (Ind Lab): My Lords, the noble Lord, Lord Luce, has set out very clearly the extent to which Yemen is a failed state, and I will not repeat what he said. He also made it clear that the war in Yemen is a calamity. The suffering of thousands and thousands of innocent people, many of whom are children, is horrific. Severe malnutrition is commonplace—400,000 children are suffering from it and some have already died of starvation. We are now warned by humanitarian agencies that by the beginning of next year famine is likely to affect as many as 13 million people—half the country's population. Were this to happen, it would be the biggest famine for a century.

I turn to the statistics on the humanitarian crisis that already exist. Over 20 million people, constituting 75% of the population, are in need. There are 2 million displaced people, of whom nearly 90% have been displaced for more than a year. Cholera is now rampant, as the noble Lord, Lord Luce, mentioned, with 1.2 million people infected last year and the likelihood that even more will be infected in the coming months; 9.7 million people need to be vaccinated against this horrible disease, yet only 1.1 million have had a vaccination. It is unclear how many civilians have already died in this conflict but some estimates suggest that it could be at least 50,000. We know that the number of civilian deaths increased by 164% in the three months from June to September this year. There have also been many serious violations of international humanitarian law by all sides in this conflict.

It is now a matter of the greatest urgency to end this conflict. There is a military stalemate, with very few signs that the warring parties are willing to accept a ceasefire and search for a peaceful outcome, so this is a war without much purpose. In these circumstances, there must be forceful intervention by the international community to get the participants around the table and to broker a ceasefire. To quote David Miliband speaking in his role as the head of the International Rescue Committee:

> "Yemen cannot afford a slow walk at UN. Peace in Yemen requires active … diplomacy".

I therefore welcome, as have the other speakers in the debate so far, the Foreign Secretary's initiative earlier in the week to visit Saudi Arabia and, while there, to put pressure on the Saudi regime to agree to take steps that could lead to a ceasefire.

I ask the Minister why it has taken so long to get to this point. This was begun in March 2015, when Saudi Arabia and the UAE foolishly thought that their intervention would deal with the Houthis and put Hadi back in power, and that the civil war would end in a few weeks. How wrong they were. Their blockade of Yemeni ports, as well as their persistent bombing campaign, have done untold damage. Moreover, instead of pushing back Iran, experts have suggested that it has given Tehran an opening in Yemen that it would not otherwise have had. Can the Minister explain why the Government have been so reluctant up till now to table a UN Security Council resolution on this crisis? It is the penholder on Yemen at the UN and therefore should be at the forefront of UN action to try to stop the war.

The Government's past reluctance to intervene suggests, as some commentators have argued, that they have more or less sided with Saudi Arabia and protected it from the heavy criticism it deserved. Why have we had to wait for the brutal murder of a Saudi journalist critical of the regime, by a hit squad sent to Turkey from Riyadh, before directly confronting the Saudi leadership on its part in the war? However great a crime the assassination of Jamal Khashoggi was, the crime of perpetuating this war, as the noble Baroness, Lady Helic, said, is far greater because of the loss of life and terrible suffering it is inflicting.

Will the Minister also tell the House what discussions the Government have had with the United States Government? Until very recently, they had failed to use the enormous leverage they have with the Saudis to stop the bombing and seek a political solution. I know the US has recently broken its silence and asked for a ceasefire, but could the Minister perhaps enlighten the House: what has the follow-up been since this relatively recent intervention? One attempt to get the parties together was apparently destroyed by blocking

[Baroness Blackstone]
the Houthi delegation's travel to the talks—I think it was leaving from Oman. Can we ensure that such action, apparently by the Saudi-led coalition, is not repeated? What consideration, if any, are the US Government giving to stopping their logistics assistance and intelligence support to Saudi Arabia while this conflict continues?

I expect that the Minister will emphasise the considerable commitment the Government have made to supplying aid, in particular emergency food aid, to the stricken Yemeni people. I strongly support the Government's role in this. However, despite our participation in the large aid programme, it is little more than a sticking plaster as long as the conflict continues.

As a major supplier of arms to Saudi Arabia, our Government have a particular responsibility to push for not just a ceasefire but also a diplomatic solution. Can the Minister say whether the Government are sure that the use of UK-supplied weapons in this war is compliant with our domestic and international obligations on arms sales? Since international humanitarian law has been breached in the conflict, should we not have suspended our sales of military equipment to Saudi Arabia, as the German Government did? I end by asking what the Government's timetable for putting down a UN Security Council resolution is. It cannot come soon enough.

5.42 pm

The Earl of Sandwich (CB): My Lords, my noble friend has long personal memories not only of Aden but of the Gulf and Sudan. We are extremely fortunate that he has opened this debate. Yemen has been relatively unknown here since the 1960s and, until the recent Commons debate, has had barely any attention in Parliament. I would also like to declare a family interest. My wife is a specialist on the Middle East and has given me advice on the position of different parties to the conflict.

I join this debate mainly because I am concerned at the acute humanitarian consequences. Who would not be? The Yemen war is one of the most pressing issues today. This is also a debate about Saudi Arabia, and some understanding of the present political confusion in that country is essential. As has been said, the uncertainty comes mainly from the erratic behaviour of the Crown Prince, who is the effective ruler. This man has promised reform, and there have indeed been a number of recognised changes, including benefits for women and the defanging of the religious police. But, as my noble friend said, the negatives far outweigh these: his early power-grabbing and the ill-treatment of many senior Saudis, including law-abiding women activists; his absurd decision last August to recall 8,000 Saudi students from Canada, expel the Canadian ambassador and cut economic ties, all because of tweets from Ottawa in Arabic about Saudi violations of human rights; the kidnapping and forced resignation of Lebanese Prime Minister Hariri last year; and the ramping up of the disagreement with Qatar into a regional crisis. Meanwhile, dozens of Saudi men and women are held without trial.

As a result, the Saudi king had already reasserted his authority, even before the appalling and still unexplained murder of Jamal Khashoggi in Istanbul, an event that has rightly focused world attention on Saudi Arabia. But whether the king has given any hint of a change of policy, domestically or on the war in Yemen, remains to be seen; perhaps the Minister knows—certainly a lot of people are betting on it in relation to the war.

We are told by analysts that peace talks this time really do mean peace talks, and that Saudi Arabia is now confronting a serious deadline offered by the US and the international community. Jeremy Hunt's famous "window" is presumably based on the premise that the royal family is now so divided by the Khashoggi affair, on top of the turmoil created by his son, that they will have to rethink their position on the war, as on most other things. I hope he is right.

One critical question is whether there is any justification for the latest advance on Hodeidah. My noble friend Lord Slim, with his considerable military experience, says that if Hodeidah was going to be taken it should have been taken months ago. The Saudi-led coalition may still believe that the end will justify the means, but the military argument falls away now we know that the advance has taken so many months, at such cost and without result. This war will not be over soon. It could drag on for years under present conditions, and once resolved, civil wars take a very long time to heal.

Meanwhile, what about the effect on civilians? The evidence is overwhelming that air strikes have had a major impact on civilians. On 9 August, there was an appalling air strike on a bus in Sa'ada, killing at least 29, possibly 40, children. The Saudi coalition, having first said that the air strike was militarily legitimate, later admitted to the Joint Incidents Assessment Team that it was unjustifiable. That is only one of many examples. On 23 August, another 22 children died escaping from Hodeidah. According to the Yemen Data Project, almost one in three air raids have been against non-military targets, and we must not forget that the Houthis are responding with Iranian SAMs and other missiles—this was part of the evidence given to the International Development Select Committee last month. In the past fortnight, over 100 people have been killed in Hodeidah. Thousands of people are currently cut off from supplies and medical aid. A government aid worker here tells me that the bigger push on Hodeidah is just making the risk of famine greater. The noble Baroness, Lady Blackstone, has already laid out the UN statistics. Altogether there are 22 million in need, 2 million pregnant women and young mothers acutely malnourished, and almost half the health facilities no longer function.

How much hangs on the special envoy? I remember Martin Griffiths from his time as overseas director at Save the Children. In fact, I travelled with him to the Far East. He is a man who likes to get things done, and I would be surprised if this situation fazed him, although it must be one of the most intractable he has ever faced. However, it seems that, without the Houthis at the table, his mission is permanently delayed. He is due to report to the Security Council.

The UK has a special responsibility in this war, and I know that the FCO has pulled the stops out in supporting the peace process up to now. I also recognise that the UK has been a generous donor, as indeed has Saudi Arabia, as one would expect. However, as the UN's Mark Lowcock pointed out on 30 October, Yemen is on the verge of a serious catastrophe and no one can deny that. As the noble Baroness, Lady Helic, said, we should be making more of an effort. A group of diplomats and experts has written to the Foreign Secretary as follows:

"We urge HMG to … consider where Yemen's calamity is leading—a crippled economy, destitution, political instability and terrorism … The lack of governance and rampant corruption that have bedevilled Yemen … have been major drivers of the resentments fuelling this war".

Can the Minister anticipate the Foreign Office reply, because the situation is already critical? The noble Baroness, Lady Blackstone, put a lot of questions to the Minister, which I fully support.

5.49 pm

Lord Hannay of Chiswick (CB): My Lords, it is high time this House had the opportunity to debate the dramatically appalling situation in Yemen. For that opportunity, I thank my noble friend Lord Luce.

The UK may not be directly a party to the conflict there but we are very much involved—as a supporter of Saudi Arabia, as a supplier of some of the equipment and munitions being used in the fighting, as a former colonial power of part of that country, and as a permanent member of the UN Security Council, on whose agenda the question of Yemen is a constant reproach.

I have no doubt the Minister will have a good deal to say about the efforts that the Government are making to alleviate the suffering of the civilian population—the threat of mass starvation and the cholera epidemic, as others have mentioned, among the appalling woes that afflict this country—and those efforts deserve praise. They are substantial but they are both inadequate and, in some senses, broadly irrelevant as long as the underlying cause of the suffering of the people of Yemen—the war, of course—is not being effectively addressed. It is hard to say that the international community, or the British Government, as an important player in the international community, have yet found means to address those problems—the causes of war—effectively.

The Government seem quite proud of the fact that on the UN Security Council Britain is known as the penholder on the question of Yemen. In the five years that I was at the United Nations I never heard that concept referred to—it did not exist—although I drafted rather a large number of the resolutions of the Security Council. However, if the hand which holds the pen remains paralysed, as it has done for many months, what on earth is the use of it?

What are we doing in New York to inject a sense of urgency into the discussion of Yemen? I am not suggesting that we should dash down to the Security Council and seek to pass some empty words, but if we were moving more purposefully towards a new basis for seeking peace in Yemen, endorsed by the Security Council, it would get the attention of all the parties to the conflict. So I should like the Minister to tell us why this paralysis in the penhand is continuing.

The recent statements by the US Secretaries of State and Defence calling for a cessation of hostilities within 30 days and a resumption of the peace process—calls which were echoed, I am glad to say, by the Foreign Secretary—are welcome, but why do we have to wait for the Americans to say this before we let out a single cheep?

What has been the reaction of Saudi Arabia and the Emirates to those calls for a resumption of the peace process? Does it really make sense, as the Secretary for Defence in the United States said, to ask one party to the dispute, the Houthis, to take the first step before the other party is asked to do anything? What consequences would there be for our relations with Saudi Arabia if it does not continue to respond positively to the US and UK calls for a ceasefire after initially doing so? I understood from the Foreign Secretary giving evidence to your Lordships' International Relations Committee today that it has responded positively in the past few days.

Nearly two years ago, your Lordships' International Relations Committee produced a report on the Middle East. One of our findings was that we needed to be prepared to take rather more robust action in our relationship with Saudi Arabia, which is the relationship of a friend and ally, if we were to get its attention. We do not suggest, as many have done, the absolute cessation of all military supplies to Saudi Arabia. That would be a huge step. It may be necessary but, as I say, it would be a huge step. We suggested that the Government should be prepared to warn Saudi Arabia that if the weapons that we provide are misused or are used in attacks on civilians, there would have to be suspensions of some of our supplies. I really think we have been a little inert in all of this.

Of course, other outside powers are involved, as well as Saudi Arabia and the Emirates, most obviously Iran, with whom our US allies have no contact at all and against whom they have just stepped up their unilateral economic sanctions. But we speak to and have diplomatic relations with Iran and we are not, quite rightly, applying those sanctions. We therefore have a good basis on which to have a dialogue. Last week, the Iranian deputy Foreign Minister and the senior Iranian official who handles relations with Yemen were in London. How did they respond to the calls for a cessation of hostilities? What transpired from their contacts with the Foreign and Commonwealth Office, if indeed they took place? Can the Minister say something about that? I wonder whether they, too, would be prepared to advise their Yemeni partners and allies, the Yemeni Houthis, to come to the conference table and to respond positively to the efforts of the UN Secretary-General's representative, Martin Griffiths? That will be an important factor in this rather complex situation.

There are more questions than answers in what all those who have participated in this short debate have said, and I hope that the Minister will be able to reply to at least some of them. What we cannot afford to do any longer is to stand by and wring our hands as things go from bad to worse.

5.57 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Luce, for introducing the debate. Of the many press reports on recent events in Turkey, one that I found shocking was the *New York Times* report covering the work of Dr Mekkia Mahdi in a northern Yemen health clinic, who was quoted as saying: "We're surprised the Khashoggi case is getting so much attention while millions of Yemeni children are suffering and nobody gives a damn about them". According to the reporters, she said those words while sitting by the bed of a seven year-old girl named Amal Hussain, who was severely emaciated. Sadly, as many noble Lords will know, Amal died two weeks ago, with her mother Mariam fearing that her other children would suffer the same fate.

We know, and we have heard it in today's debate, that for every child like Amal, there are millions more children with stories just like hers and thousands of others whose stories ended when the air strikes came, or when they picked up a cluster bomb, or when the Houthis put a rifle in their hands. The children of Yemen have a right to demand more than sympathy and tears. They are calling out for action. There is no possible military solution without unthinkable human cost for Yemen's civilians, the innocent people who ask no more than to be allowed to live their lives. Of course, Jeremy Hunt expressed similar sentiments 10 days ago when he said:

> "For too long in the Yemen conflict, both sides have believed a military solution is possible, with catastrophic consequences for the people".

He also confirmed that the UK has been discussing with UN Security Council partners what more the council can do to address the humanitarian crisis in Yemen and step up support for the work of the UN special envoy, Martin Griffiths. I hope the Minister can reassure the House that we have stressed to our Security Council partners—in particular, the United States—that for any ceasefire proposals and subsequent peace deal to be sustainable, all parties must be properly involved. We cannot have a ceasefire that will simply lead to failure.

As the Minister has said before, in the search for a political solution there is a special responsibility on the United Kingdom as the penholder on Yemen at the Security Council. However, as we were reminded by the noble Lord, Lord Hannay, the UK has ducked that responsibility for two years by sitting on a draft resolution. Now is the time to bring it forward. As my noble friend Lady Blackstone said, the shocking murder of Jamal Khashoggi has brought into sharp focus the current Government of Saudi Arabia's apparent disregard for human rights, the rule of law and the sanctity of human life.

On 23 October, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator, Mark Lowcock, set out to the Security Council the need for urgent action in five areas: a cessation of hostilities in and around all the infrastructure and facilities on which the aid operation and commercial importers rely; protection of the supply of food and essential goods across the country; a larger and faster injection of foreign exchange into the economy through the Central Bank, along with expediting credit for traders and paying pensioners and civil servants; increased funding and support for the humanitarian operation; and a call on the belligerents to seize this moment to engage fully and openly with the special envoy to end the conflict.

In addition to those areas, I hope that the Minister will be able to confirm that other vital issues will be considered in any draft resolution. In this Chamber, I have repeatedly raised the need for accountability for war crimes and human rights violations. A new resolution should demand that all parties to the conflict abide by the laws of war, including prohibitions on attacks that target civilians and civilian objects, that do not discriminate between civilians and military objectives, and that cause civilian loss disproportionate to the expected military benefit.

I want to pick up on a point made by the noble Lord, Lord Hannay. A new resolution should specifically mention the Saudi-led coalition by name; vague appeals to "all parties" will not have the required impact on Riyadh and the regime there. It should also specifically address arms by calling for the cessation of weapons transfer to any party where there is a clear risk that they will commit or facilitate serious violations of international humanitarian law or international human rights law. As noble Lords have said, the time for action is now. The people of Yemen cannot wait any longer.

6.04 pm

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I thank all noble Lords who have participated in the debate. It is a very poignant end to the day. Indeed, I was reminded of that as I was leaving the Foreign Office by a UNICEF advert focusing on the grave humanitarian situation in Yemen. As a father and a human being, I cannot help but be moved into ensuring that we do our part, both politically and on the humanitarian front. I therefore join other noble Lords in thanking the noble Lord, Lord Luce, for tabling this debate. I appreciate the keen personal interest that he has taken in the conflict, based also on his family ties to the country. Before responding to some of the specific questions raised, I want to share the sentiment expressed by all noble Lords that we have sat back and let this conflict go on for far too long. The need is to act. I hope that through some of the responses that I give today I will provide noble Lords with assurance in that respect.

I thank the noble Lord, Lord Luce, and other noble Lords for focusing on the humanitarian support that the UK Government have provided—the noble Lord, Lord Collins, mentioned it, as did my noble friend Lady Helic and the noble Lord, Lord Hannay, who spoke from the great experience of his time at the United Nations.

We all acknowledge that what is unfolding in Yemen is now the largest humanitarian crisis in the world. The United Nations estimates that almost 80% of the population are in need of humanitarian assistance, including nearly 8.5 million people at risk of starvation. Last year, there were 1 million suspected cases of cholera, the largest outbreak in modern history—several noble Lords alluded to that.

I assure noble Lords, as several of them have acknowledged, that the UK is at the forefront of the response. Since 2015, we have provided more than £570 million in bilateral humanitarian support, including an additional £170 million this financial year, as we announced in April, to meet the immediate food needs of more than 2.5 million Yemenis.

I say in answer to a specific question from the noble Lord, Lord Luce, and the noble Baroness, Lady Blackstone, that UK aid has supported Yemen's first ever cholera vaccination campaign. It was completed in May and helped to protect more than 450,000 men, women and children from that deadly disease. In August, we launched a further vaccination campaign around Hodeidah and other parts of Yemen aimed at more than 500,000 people.

As many noble Lords have acknowledged, the conflict has been led by the Saudi coalition in Yemen. However, we should also recognise that the conflict is the result of a Houthi insurgency which overthrew Yemen's legitimate Government. The coalition became involved at the request of President Hadi, who had been forced to flee. As noble Lords have identified, Saudi Arabia has been deeply involved in the conflict, but we recognise its right to protect its national security from attacks, including missiles launched from Houthi bases at Saudi Arabia.

However, I acknowledge and respect the concerns expressed by noble Lords about violations of international humanitarian law, points on which were raised rightly by my noble friend Lady Helic among others. We are aware of such violations and take them very seriously. In Houthi-controlled Yemen, we also have deep concerns about aid not being allowed through to those in dire need, and we have pressed for improvements.

The noble Baroness, Lady Blackstone, asked about US intelligence sharing with Saudi Arabia. I am sure that she will accept that that is a matter for the United States and not directly for the United Kingdom. On her specific questions about UK arms exports, I am aware that the European partners have halted issuing licences. We remain confident that our assessment of licences is consistent with the current criteria. As the noble Baroness and other noble Lords will be aware, export licences are assessed against consolidated EU and national criteria. Our key test for exporting to the Kingdom of Saudi Arabia is whether there is a clear risk that the export might be used in serious contravention of international humanitarian law. We continue to focus on that issue. I assure the noble Baroness that the MoD monitors allegations of violations of international humanitarian law arising from coalition airstrikes. The information gathered is used to form an overall view on its approach and attitude to international humanitarian law.

Saudi Arabia has now publicly acknowledged that it investigates reports of alleged violations of international humanitarian law through the joint incidents assessment team and that it acts on lessons learned. To date, the joint incidents assessment team has issued more than 90 statements from its investigations. I assure noble Lords that our test for our continued defence exports in relation to international humanitarian law is whether there is a clear risk that that a licence might be used to commit a serious violation. I have listened very carefully to the concerns raised during this debate and I assure noble Lords that we will keep this situation under careful and continual review.

My noble friend Lady Helic raised the issue of the targeting chain within Saudi Arabia. The UK's role in the Saudi targeting chain is limited to providing advice, information and assistance to help Saudi Arabia respond to the threat from Houthi missiles. I hope my noble friend recognises the limits of what I can say in that respect, but this is a very limited form of support that we extend to Saudi Arabia.

There seems little doubt that the longer the conflict goes on, as several noble Lords acknowledged, the more appalling the humanitarian situation becomes. Noble Lords have rightly said that peace talks must be the top priority: there can be no military solution to this conflict. That point was made very clearly by the noble Lord, Lord Collins. The Yemeni parties must also engage constructively and in good faith to overcome obstacles and find a political solution: that is the only way to end the conflict, bring long-term stability to Yemen and address the humanitarian crisis. I assure noble Lords that the United Kingdom has played, and continues to play, a leading role in diplomatic efforts to find a peaceful solution. We have provided, for example, £1.68 million to the office of the UN special envoy, Martin Griffiths, to bolster his capacity to facilitate the peace process.

The noble Baroness, Lady Blackstone, and the noble Earl, Lord Sandwich, talked about recent efforts. The UK has brought together the US, Saudi Arabia, the United Arab Emirates, Oman and the UN to find a peaceful, lasting solution to the conflict. The most recent meeting of the quad was on 27 September at the United Nations General Assembly in New York. The noble Lord, Lord Hannay, spoke of the UK's position as a pen-holder. The UK proposed and co-ordinated a UN Security Council presidential statement, which I am sure that noble Lords recognise and which was agreed on 15 March 2018. The statement builds on a previous text from June of last year in its expression of deep concern about the humanitarian situation in Yemen. It calls for all parties—a point made by several noble Lords, particularly the noble Lord, Lord Collins—to agree steps towards a ceasefire. It welcomes the new UN special envoy and recognises the humanitarian imperative, calling for a vaccination programme, which I alluded to.

The noble Baroness, Lady Blackstone, asked about our discussions with the United States on the ceasefire. My right honourable friend the Foreign Secretary spoke to Secretary of State Pompeo about Yemen and specifically raised these issues last week. I assure the noble Baroness and all noble Lords that UK and US officials are working very closely together in New York on further action we will take at the Security Council. I assure noble Lords that we strongly support special envoy Martin Griffiths' extensive efforts, including in trying to bring together all representatives, including the Yemeni Government and the Houthis, for consultations in Geneva in September. The UN, the UK and other states tried very hard to address the Houthis' concerns but their delegation did not attend.

[LORD AHMAD OF WIMBLEDON]

I fully accept that more needs to be done to address the catastrophic consequences for the Yemeni people. Now, for the first time, there appears to be a window, as noble Lords acknowledged. I am sure that all noble Lords welcome the recent intervention by my right honourable friend the Foreign Secretary when he visited the United Arab Emirates and Saudi Arabia on Monday to build support in the UN Security Council to bolster the UN-led process—indeed, I was in the UAE at that time. This followed his meeting with UN special envoy Martin Griffiths last month. The Foreign Secretary also had useful discussions in Saudi Arabia and in the UAE. We welcome the recent announcements, because of his intervention and efforts, and the Saudi assurances on the transportation of Houthi wounded from Yemen. I believe that there are 50 being taken out who require specific medical attention. This was a precondition for Houthi attendance at the next round of talks in Stockholm and we continue to urge all parties to engage with UN special envoy Martin Griffiths on the proposed political talks in Stockholm later this month. Let me assure the noble Lord that we will continue to work specifically on that at the UN Security Council.

The noble Lord, Lord Hannay, asked about the visit of Yemeni personnel last week. If I may, I will write to him in that respect. The noble Earl, Lord Sandwich, also asked about the UK's response to the letter from the Yemen Safe Passage Group. Briefly, in response we continue to call on all sides, including the Houthis, to allow unhindered humanitarian and commercial access in and throughout Yemen, through the UN Security Council and direct messaging to the parties. We have successfully lobbied for the Government of Yemen to lift decree 75, which has slowed the import of food into the country. I am specifically pleased about the steps we have taken around Hodeidah. While the ceasefire is fragile there, it continues to show dividends in access to fuel and humanitarian aid.

In thanking all noble Lords—and as the Minister for the UN—let me end on a point about the UN Security Council. We are progressing constructively with all partners at the UN in New York. As the Prime Minister herself made clear on 31 October, a Yemen-wide ceasefire will have an effect on the ground only if it is backed by a political deal, which we all recognise, between all parties. A cessation of hostilities is an essential first step towards alleviating the suffering of the Yemeni people. This must be uppermost in everyone's minds as we seek to put in place a longer-term solution. I am sure that we will return to this issue. Let me assure noble Lords that I will seek to update them on the initiatives and progress we are making on the Security Council, and that the UK will continue to influence the push for a collaborative approach to finding a lasting and political solution in our bilateral engagement with all parties and through our efforts at the UN in New York.

House adjourned at 6.16 pm.

Volume 793
No. 207

Thursday
15 November 2018

CONTENTS

Thursday 15 November 2018