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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

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

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House of Lords

Thursday 17 March 2022

11 am

Prayers—read by the Lord Bishop of Durham.

The Lord Speaker (Lord McFall of Alcluith): My Lords, for the first Oral Question, the noble Lord, Lord Howarth of Newport, is contributing virtually.

Barristers Leaving Criminal Practice Question

11.05 am

Asked by Lord Howarth of Newport

To ask Her Majesty's Government what plans they have to bring forward measures aimed at reducing the number of barristers leaving criminal practice.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, our plan is more work for criminal barristers at higher fees. We have made radical proposals for wholesale reform of legal aid, provided £150 million more on fees and £20 million more for longer-term reform, and increased sitting days so that the Crown Court can get through more trials. The combined effect of our plans will take expected criminal legal aid spending to £1.2 billion per year.

Lord Howarth of Newport (Lab) [V]: Does the Minister accept that before this week's announcement, a decade of underfunding by the Government brought the criminal Bar to near collapse? Criminal advocates, having suffered a 40% real-terms cut in their earnings, were exiting criminal work in droves—a quarter of junior barristers and half of all QCs. Criminal trials were being adjourned for lack of available counsel and it was taking up to five years for cases to come to trial. Therefore, I welcome the Government's acceptance this week of the Bellamy review recommendations, but why did it take the third threat in eight years by criminal barristers to go on strike before the Government acted? Also, does the Minister understand that it is far from clear that the Government have provided enough money for the remuneration of criminal law barristers to keep them in the system?

Lord Wolfson of Tredegar (Con): My Lords, it did not take the threat of a strike from the Criminal Bar Association for us to respond to Sir Christopher Bellamy's report, but I hope that our responding in a way which has drawn broad welcome from the Bar Council, the Law Society and the Chartered Institute of Legal Executives will mean that the Criminal Bar Association will withdraw its utterly ill-thought-out and unfounded strike proposal.

Lord Kirkhope of Harrogate (Con): My Lords, I declare my interests here. Can my noble friend say what further proposals there may be to allow solicitors to appear in the higher courts?

Lord Wolfson of Tredegar (Con): My Lords, solicitors need a higher rights of audience certificate to appear in the higher courts. We are in discussions to ensure that this system is working well. However, as part of our response to Sir Christopher Bellamy's report, we are looking at opening up more opportunities for legal executives to do more work in the courts, particularly in the higher courts. That would also improve diversity, because the diversity of legal executives is in much better shape than it is for solicitors and quite a lot better than it is for barristers.

Lord Anderson of Swansea (Lab): My Lords, perhaps the effect of the cuts has been felt most harshly on younger barristers at the very start of the profession. Up to 25% have left the profession over the past five years, despite having done the pupillage and Bar examinations. For them, legal aid has been a lifeline, allowing them to survive and have a decent career. What assessment have the Government made of the effects of these changes on the younger barristers and the likelihood of them staying in the profession?

Lord Wolfson of Tredegar (Con): My Lords, we think that these changes will be a systemic change in legal aid: 3.5 million more people will be eligible for legal aid in magistrates' courts and 2 million more people will be eligible for civil legal aid. We think that will help the Bar generally. Our other plans—for example, having more online hearings—mean that barristers are not spending money on travel and that a barrister can, for example, drop their children off at school and then attend a hearing 200 miles away.

Lord Hope of Craighead (CB): The Minister has just mentioned travel. Has any thought been given to reimbursing barristers for the cost of travelling to and from the courts in which they are to appear, particularly in the case of junior barristers, for whom a substantial part of the fee is taken up simply by the cost of travelling to and from the court?

Lord Wolfson of Tredegar (Con): The noble and learned Lord is absolutely right. We do look at the cost of travel for barristers. As I have just said, we hope that increased online hearings will mean that travel costs are essentially reduced to zero, with more money therefore going into barristers' pockets. That is something that we are looking at. We have constant discussions with the judiciary on that. Ultimately, however, whether a hearing is heard in person or online is a decision for the judge, not for Government Ministers.

Baroness Smith of Basildon (Lab): My Lords, I suspect that industrial action by barristers would get as much public sympathy as industrial action by politicians. I welcome the Minister's comments, but that was not the influence; the Government thought that it was what they wanted to do anyway. I also suspect that if the Minister had been in post earlier, we might not have seen the appalling LASPO Act, which cut so much legal aid, no doubt contributing to this problem. Following his announcement today, are the Government

[BARONESS SMITH OF BASILDON]

planning to review the impact of the changes so that they can later assess whether or not they are having the desired impact?

Lord Wolfson of Tredegar (Con): My Lords, as a barrister-politician, I now know where I stand in public esteem. The noble Baroness is right. One of the issues has been that there has not been a means-test review in civil legal aid, for example, for a long time. While we are not proposing to review it annually, we will keep it under review to ensure that the general package keeps in line with where public pay is and where public costs are, to ensure that the underlying principle of access to justice is maintained.

COVID-19 Vaccinations: International Athletes Question

11.12 am

Asked by Lord Addington

To ask Her Majesty's Government what plans they have to make COVID-19 vaccinations available to athletes and support staff from any nation which requires such provision and is sending competitors (1) to the Birmingham 2022 Commonwealth Games, or (2) to any other international sporting competition hosted by the United Kingdom.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, the UK has safely hosted major sporting events during the pandemic without mandating vaccination against Covid-19, supported by the comprehensive body of research undertaken by the Events Research Programme. For the Birmingham 2022 Commonwealth Games, organisers are very strongly recommending that athletes and officials get vaccinated. To date, we are not aware of any Commonwealth Games associations asking for assistance, but we continue to liaise with the Games associations on this and other matters.

Lord Addington (LD): I thank the Minister for that response. Does he not think it would be a good idea to be proactive and go to some of the smaller nations which do not have developed vaccination programmes and say that we will offer vaccination to all their staff who are coming to this event as a gesture of good will? It would be an extension of our soft power and surely that is what a festival of sport, such as the Games, should be.

Lord Parkinson of Whitley Bay (Con): My Lords, we are proactively working across the health sector and with our Games partners to see what additional support may be required for participants when they are in the UK. We are in regular discussions with the Commonwealth Games associations and their chief medical officers regarding the protocols which will keep everyone safe for the Games. The UK is committed to equitable access to safe and effective vaccines, treatments and tests through multilateral co-operation to end the acute phase of this pandemic.

Lord Moynihan (Con): Pursuant to the question from the noble Lord, Lord Addington, will the Government confirm that they will work with the organising committee and the WHO in particular to reach out to all 53 Commonwealth countries to promote vaccination and support the 98% vaccination level which was achieved at the Winter Olympic Games in Beijing?

Lord Parkinson of Whitley Bay (Con): Yes, we are working with Games partners and public health partners and are learning lessons from recent events such as the Summer and Winter Olympics to make sure that the message gets across very loudly and clearly that we are strongly recommending that everyone be vaccinated.

Lord McNally (LD): My Lords, given the attention that will be paid to the Commonwealth Games, is this not a wonderful opportunity for the Government to promote vaccination, particularly if a fourth round of vaccination is going to be inevitable, and to promote it by using some of the young people at the Games to get the message over, particularly to the young and ethnic minorities, that vaccination is important?

Lord Parkinson of Whitley Bay (Con): We know that vaccinations are very effective at protecting us from Covid-19 and are our strongest weapon in the fight against the pandemic. That is a message that is important for people still at home who have not yet been vaccinated, as well as for those visiting. The Games are an important opportunity to send that message.

Baroness Neville-Rolfe (Con): My Lords, what will the residential quarters be like for the Birmingham Games? Obviously, the right arrangements can help with appropriate disease control. Cheekily, is there a housing legacy from what is being done? I declare an interest as the chair of the Built Environment Committee.

Lord Parkinson of Whitley Bay (Con): I will write to my noble friend with the full details of the housing provision and legacy, but I reassure her that there will be a robust set of protective protocols in place, including testing, temperature checks and regular cleaning, which has been developed in accordance with leading public health experts and lessons learned from other large-scale events to keep everybody safe during the Games.

Lord Holmes of Richmond (Con): My Lords, my noble friend mentioned the ERP. Will he take this opportunity to congratulate David Ross and Nick Hytner, who so excellently chaired that group and all who were involved? I declare an interest: I was honoured to serve as part of the ERP. Will he congratulate all the staff at DCMS who played such a key role in enabling spectators to be back at sporting events, fans to be back in music venues and people to be back in cultural venues across the country safely and able to enjoy the rich cultural and sporting fabric of our nation?

Lord Parkinson of Whitley Bay (Con): I most wholeheartedly congratulate everybody involved, including my noble friend, for their work in the Events Research

Programme. They worked very swiftly to develop an evidence base to make sure that we could get people back to doing all the things that they missed doing during lockdown and which are so important to their well-being and mental health and to the wider economic and societal impacts.

Baroness Boycott (CB): My Lords, can the Minister tell the House what arrangements have been made for feeding the athletes at the Commonwealth Games? At the last Olympics, Coca-Cola and McDonald's completely dominated the food offer because they had paid so much money. That does not send out a great message on health, especially to our kids.

Lord Parkinson of Whitley Bay (Con): I will write to the noble Baroness about the food options for those attending the Games. Of course, it will be up to people to choose what they wish to eat and to do so in a healthy and nutritious manner.

Baroness Merron (Lab): My Lords, the pandemic is not over until it is over everywhere. In order truly to tackle it, people across the world need access to vaccines, including in African and Caribbean nations, which have been deprived of vaccines and of the ability to manufacture their own vaccines because of intellectual property protections. If proposals for a vaccine waiver are put to World Trade Organization members in the coming weeks or months, can the Minister indicate which way the UK Government will vote?

Lord Parkinson of Whitley Bay (Con): My Lords, the UK is one of the largest donors to the COVAX advance market commitment, which supports access to Covid-19 vaccinations for up to 92 low- and middle-income countries. This is a very effective mechanism and our £548 million commitment has helped COVAX deliver more than £1 billion vaccines to low- and middle-income countries. We have also donated more than 33 million vaccines. We need a truly global effort because no one country and no one pharmaceutical company would be able to do this alone.

Young Audiences Content Fund: Replacement Question

11.19 am

Asked by **Baroness Benjamin**

To ask Her Majesty's Government how they will replace the Young Audiences Content Fund which supported the production of British-made content for commercial broadcasters.

Baroness Benjamin (LD): My Lords, in begging leave to ask the Question standing in my name on the Order Paper, I declare my interests as in the register.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, the Government are

committed to the success of our world-leading TV production sector. UK-wide television tax reliefs, including for children's television programming, continue to play a vital role in driving production to record highs, with more than £4 billion of expenditure supported in 2021. A full evaluation of the three-year pilot Young Audiences Content Fund will take place to determine its impact. The potential for further investment will be assessed against that evaluation and against future public service broadcasting needs.

Baroness Benjamin (LD): I thank the Minister for that Answer. However, the Government's recent decision to close the Young Audiences Content Fund has removed a successful incentive for UK commercial broadcasters and UK producers. This is devastating for the children's creative industry. The fund had given a new lease of life to an ailing children's sector. It also allowed producers from diverse backgrounds to get commissioned. Interim measures need to be put in place now. What consideration are the Government giving to ensuring that other sources of investment—such as raising the production tax relief credit from 20% to, say, 40% or 50%—could be found to maintain the diversity of high-quality programming for UK children that will be freely available to all and save the children's creative production sector from catastrophe?

Lord Parkinson of Whitley Bay (Con): My Lords, the Young Audiences Content Fund was a pilot. It is still open. It closes at the end of this month, at the end of its three-year period. It was a pilot to test a new way of financing public service television. At the end of the pilot, a full evaluation will take place to determine its impact. The noble Baroness has anticipated some of the things that might emerge from that evaluation, but I hope she will agree that it is important that it be evaluated. She mentions the tax relief that we introduced. That was aimed specifically at children's TV, and since 2015 has directly supported 543 projects, delivering over £623 million of expenditure in children's television production.

Lord Stevenson of Balmacara (Lab): My Lords, the points made by the noble Baroness are well made and we support them wholeheartedly. I am grateful for the comments that the Minister has made but they do not really go far enough. More worryingly, this seems to be part of a pattern of activity and policy at DCMS—a pattern that I am sure this House will have noticed—including the issues of the future of Channel 4, the delay in securing provenance for programmes on widespread release, the BBC licence fee and charter arrangements, and regional news and journalism. The issues all seem to come up, suddenly get an announcement and then are withdrawn. Do we not need a White Paper looking more broadly at the wider context of the media, how we want it to progress in this country and the need for it to mesh more closely with a modern version of public service broadcasting?

Lord Parkinson of Whitley Bay (Con): My Lords, we are looking at that wider context. The Government have committed to ensuring that viewers and listeners benefit from a modern system of public service broadcasting that remains relevant and which continues

[LORD PARKINSON OF WHITLEY BAY]

to meet the needs of audiences, now and in the future. That is why we announced the strategic review of public service broadcasting so that we can do that. The evaluation of this fund will feed into that wider strategic review so that we can see the best way of delivering what everyone wants.

The Earl of Clancarty (CB): My Lords, the whole point of a pilot is to test the water and find out what works and what does not. If it does not work, scrap it, but if it does work then keep and develop it. This scheme was successful, as the Government themselves admit, with the programmes funded winning awards and being sold around the world. To simply say that there is to be an evaluation while closing the scheme does not seem like a good enough answer.

Lord Parkinson of Whitley Bay (Con): My Lords, the funds were set up using unallocated funding from the 2010 licence fee settlement to pilot contestable funding in priority areas of public service broadcasting provision. Although this and the equivalent fund for listeners performed well, any further investment of taxpayers' funding will need to be assessed against the evaluation of the funds and future public service broadcasting needs, informed by our wider strategic review. DCMS and the fund administrators will conduct a full evaluation of the pilot against its fund criteria, including quality, innovation, additionality, provision for every part of the UK, diversity, the boost to new voices and plurality, and the reach of audience.

Baroness McIntosh of Hudnall (Lab): My Lords, in response to a question earlier this week, the Minister talked about the ever-expanding creative industries with pride, as indeed he should. However, this kind of decision really rather gives the lie to that sort of rhetoric, as it does to his earlier reference to—I cannot remember exactly what he called it—world-beating children's programming. Does he not agree that decisions of this kind—taken, as the noble Earl, Lord Clancarty said, without any real sense of how the future might look—are extremely dispiriting for the very talented young people who are coming through and hoping for a career in this area of our creative industries, who are now feeling that perhaps it is not going to work out for them?

Lord Parkinson of Whitley Bay (Con): My Lords, this is a three-year pilot that is about to reach the end of its three years, and it must be evaluated so that we can see whether it has been as beneficial as noble Lords anticipate that it has. The noble Baroness is right that, even with the challenges of the pandemic, the industry has reached new heights of success, seeing record production in 2021, which is testament both to the UK's status as the best place in the world to produce television and to the hard work of everyone involved in the industry. We want to evaluate the impact of the fund so we can see how best we can support them to continue to reach even greater heights.

Lord Foster of Bath (LD): My Lords, can the Government at least ensure that there is a continuation of funding until such time as the review has been

carried out and a government decision is made about what is to happen in future? Will that decision bring to an end the days of the Government raiding the BBC licence fee for projects, however worthy they might be?

Lord Parkinson of Whitley Bay (Con): My Lords, it is important that this trial to test out new ways of contestable funding be evaluated before those decisions are taken.

Lord Lucas (Con): My Lords, is it not weird that a three-year project has not been evaluated in the course of running it? If you were doing this in commerce, it would be automatic that you would reach the end of a pilot knowing whether or not it had been a success. To take the good bits and then dump them into space for a year and a half, or however long it will take the Government to do this, rather than continuing them because you know they are succeeding, is not the right way to run a Government.

Lord Parkinson of Whitley Bay (Con): My Lords, it is usual for a pilot to end and then be evaluated once all the data collected can be seen in the round. Noble Lords have pointed to many of the emerging conclusions, but it is right that we evaluate it in the round.

Lord McNicol of West Kilbride (Lab): My Lords, up to the beginning of this year, 144 development projects and 55 productions had been funded, some with really great output including Irish, Scottish, Gaelic and Welsh projects. Could I push the Minister a little more on the timescale of the review? Many of his answers have said that a review is going to be carried out, but no timescale for it has been set. Are we talking about the next few weeks or next month, or is it going to drag on for months to come?

Lord Parkinson of Whitley Bay (Con): My Lords, the Young Audiences Content Fund and the Audio Content Fund have supported 220 hours of children's television content and around 650 hours of radio content to date. We want to carry out the evaluation once the fund finishes at the end of this month and to see that as part of our wider strategic review of public service broadcasting. I cannot set out a precise timescale for the noble Lord, but we want to do that swiftly and thoroughly.

Lord Hannan of Kingsclere (Con): My Lords, if our creative industries are as successful as noble Lords on all sides have said, and if our audio-visual sector, including children's content, is, as my noble friend the Minister says, world-beating, why does it need subsidy?

Lord Parkinson of Whitley Bay (Con): My Lords, in public service broadcasting it is important that we provide for all the audiences that rely on it. Children of course do not have the same consumer power that adults do, and it is important that high-quality and distinctively British content is made for children in this country, particularly when there are so many other options for them to watch programmes from around the world, particularly from across the Atlantic.

That is why it is right that we support public service broadcasting and make sure that the high-quality programming that we already enjoy can continue for generations to come.

Ukraine: Discussions with US and China

Question

11.28 am

Asked by *Viscount Stansgate*

To ask Her Majesty's Government what discussions they have had with the governments of (1) the United States of America, and (2) China, about the situation in Ukraine.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, the United Kingdom is working very closely with our allies and partners in our continuing condemnation of the actions of Russia and Mr Putin in their reprehensible attack on Ukraine. We have worked very closely with the United States, and the Foreign Secretary visited it last week to further co-ordinate our support for Ukraine. We have also engaged directly with China, and have been clear that China must also stand up for Ukraine's sovereignty and territorial integrity and not condone Mr Putin's actions.

Viscount Stansgate (Lab): My Lords, I thank the Minister for that answer. Would he agree that the geopolitics of the world in which we live are being changed by the unjustified war with and invasion of Ukraine? Would he further agree that the Chinese are clearly uneasy about the way in which the situation is developing? As a permanent member of the Security Council of the United Nations, cannot the British Government take an initiative to work with the Chinese and the Americans to try to secure, for example, humanitarian corridors to enable aid to go in and people to come out safely? Will the Government try to promote these actively with all our partners, because it is the right thing to do?

Lord Ahmad of Wimbledon (Con): My Lords, I agree with the noble Viscount on both points and I assure him that we are working very closely with the Chinese, among other countries. My right honourable friend the Foreign Secretary spoke with her Chinese counterpart, Foreign Minister and State Councillor Wang Yi, on Friday 25 February. She underlined the UK's expectation of China's role in the current crisis. As we have heard, it has an important role in the multilateral system. We are engaging at all levels, including official and ministerial.

The UN General Assembly vote, where 141 nations came together, demonstrated how we are working with key partners and other countries. It is important that we are universal in our condemnation of the Russian war on Ukraine.

Lord Howell of Guildford (Con): My Lords, there is a lot in what the noble Viscount, Lord Stansgate, says. In our discussions with the Americans, are we urging them to pump and export more oil? We are urging the

Saudis to do so, as are the Chinese. If we are following this path, could Ministers explain more clearly to the public that, although we are all in favour of long-term energy transformation away from fossil fuels, in the short term these measures are necessary, not only to put a squeeze on Russia over Ukraine but to avoid the hideous spikes in prices and energy costs that at present are causing so much suffering to so many people, particularly the most vulnerable?

Lord Ahmad of Wimbledon (Con): Again, I agree with my noble friend, which is why my right honourable friend the Prime Minister visited the Middle East. The immediate issue is one of energy security and of ensuring that the whole world moves totally away from reliance on Russian energy, particularly Russian gas. There are countries that are heavily reliant on Russian gas. We applaud the decisions taken recently by, for example, Germany in pausing the Nord Stream 2 project. Equally, we are seeing very strong collaboration and collective action to ensure that, from the point of view of both the global community and our own citizens, the issue of energy security remains a key priority.

Lord Purvis of Tweed (LD): My Lords, the positions of China and India are of course of concern to UK interests. Have the Government signalled to China that any preferential market access to UK financial services will be questioned? The UK is in discussions with India about a free trade agreement. It is reported today that India is in discussions with Russia for a rupee/rouble trading arrangement that would circumvent the sanctions restrictions. The head of the export organisation for India said:

"Other nations are banning exports to Russia, so it is a good time for Indian exporters to enter into the Russian market".

Does the Minister believe that it is disagreeable that the UK will be offering preferential market access to the very financiers who are circumventing our restrictions?

Lord Ahmad of Wimbledon (Con): My Lords, first, we have been very clear that if China wants to be seen as a responsible global actor, it needs to take concrete steps to show that it in no way condones Russia's actions. This alludes also to providing alternative market access. India is a key strategic partner. We are building strong alliances and having clear discussions with India about its role both in conflict resolution and the long-term situation pertaining to Ukraine. I know that the Indian Foreign Minister has engaged directly with both Ukraine and Russia.

The noble Lord alluded to a report. We should wait for formal announcements. I do not want to comment on particular speculation.

Lord McDonald of Salford (CB): My Lords, does the Minister assess that the Chinese understand that more than just the United Kingdom's relations with Russia are in question right now? Essentially, it is not possible for a country—especially a big country—to be neutral in the face of Russia's invasion of Ukraine. If China is not clearly part of the opposition, we shall have to reassess our relations with China too.

Lord Ahmad of Wimbledon (Con): The noble Lord points to an important role. As the noble Lord will know, China is not just another player. It is a key player on the global stage. China is not the same as Russia. It still wants to be seen as a responsible global actor, whereas Russia has launched an unprovoked and premeditated attack against a sovereign democratic state. As I have said before, China abstained in the key Security Council resolution, which directly showed its concern about the current war in Ukraine.

Lord Collins of Highbury (Lab): My Lords, I return to the point about multilateralism. Of course, our support for President Zelensky and the people of Ukraine must be complete. President Zelensky is making positive noises about the talks with Russia. We need to support him in those as well. What are the Government doing to ensure that we can back President Zelensky in those talks? We should take the outcome of the talks to the multilateral institutions and gain the support of China and others for this progress, so that we can bring this horrible war to an end.

Lord Ahmad of Wimbledon (Con): On the noble Lord's final comment, we all want to see that. This war has gone on now for many days and weeks with increasing and indiscriminate attacks on the Ukrainian people. This calls for the need for peace and conflict resolution. We back all current initiatives that are under way to seek a resolution. Ukraine is a sovereign nation and must lead on this. I assure the noble Lord that the Prime Minister is in daily contact with President Zelensky and is fully abreast of the current initiatives and progress. Russia can stop this in an instant. That is where the pressure should come. It needs to stop and pull back. There should be no preconditions in terms of where we go with this, but Ukraine must lead, and of course we will support President Zelensky in his peace efforts.

Lord Cormack (Con): My Lords, is it not particularly sad for us that India, the greatest democracy in size and a crucially important member of the Commonwealth, is taking the abstaining line in the UN? Should we not be endeavouring with every diplomatic effort to ensure that India comes on side, as a democracy should?

Lord Ahmad of Wimbledon (Con): My Lords, I am the Minister responsible for our relations with India and I can assure my noble friend that we are engaging very constructively with India about the Ukrainian war. India also recognises its important role. Of course, it has a strong historic relationship with Russia, but it also recognises that what has happened is an unprovoked attack on a sovereign state. As my noble friend said, it is important that all democracies around the world call for an immediate ceasefire. Immediately after that, it will be important to ensure that the territorial sovereignty and integrity of Ukraine is fully protected.

Lord Browne of Ladyton (Lab): My Lords, on the issue of the territorial integrity of Ukraine, I was pleased yesterday to see that the FCDO's update included in its very first point a reference to the peace talks and to President Zelensky's demand that the world gives

his country ongoing, guaranteed, legally enforceable security for its borders. It is not surprising, because the Budapest Memorandum proved worthless and unenforceable. The Minsk agreements were also unenforceable and unimplementable. Deterrence has failed. It is only serving the purposes of the bloody aggressor who is stopping us from putting in the skies some safety for the people of Ukraine.

We should now be turning our attention to how the future of Ukraine—when it is eventually negotiated, as it will have to be—can be guaranteed. The international co-operation on economics and sanctions forms the basis of that. We should be working on it now to reinforce Zelensky's position in these negotiations.

Lord Ahmad of Wimbledon (Con): My Lords, the noble Lord will be aware that the United Kingdom has a very strong relationship with Ukraine that dates back not just to the start of this Russian war of choice but is of long standing. We have been providing defensive support to Ukraine since the annexation of Crimea. Defence continues to play an important, central role in the UK's response to the Russian invasion.

The noble Lord made a point about sanctions. This is not about now; we have already begun this work. It is multifaceted and the important thing is that we are working in unison with our key partners.

Healthy Homes Bill [HL]

First Reading

11.39 am

A Bill to make provision about the targets, plans and policies for the delivery of healthy homes and neighbourhoods, to set out the principles that define a healthy home, to make provision for statements and reports about healthy homes, to establish the office of the healthy homes commissioner, to make provisions for local housing needs, and for connected purposes.

The Bill was introduced by Lord Crisp, read a first time and ordered to be printed.

Business of the House

Motion to Agree

11.40 am

Moved by The Lord Privy Seal (Baroness Evans of Bowes Park)

That Standing Order 38(1) (*Arrangement of the Order Paper*) be dispensed with on Tuesday 22 March, Tuesday 29 March, and Tuesday 5 April to enable public bills, measures and delegated legislation to be taken before oral questions on each of those days.

Baroness Smith of Basildon (Lab): My Lords, I wonder whether the noble Baroness could say a bit more about the Motion before the House. My understanding is that that Motion, which we are not opposing, means that on three Tuesdays the House should sit at 11 am, for long sittings. I point out to your Lordships' House

that the House is now sitting longer and later than at any other time I can recall, either in my time in this place or beforehand.

As an official Opposition, we do not stand in the way of the Government managing their business and getting their business through—but there is a limit to what we can be expected to do. It says in *Today's Lists*, “The House may sit late”. The Minister is shaking her head, so I hope she will be able to confirm that that is not the case. Too often this House has been asked to sit far later than is reasonable for good governance and good legislation.

If we are to start at 11 am on those three days, I would like an assurance from the noble Baroness that we will not sit past 10 o'clock. We do not oppose reasonable attempts by the Government to get their business through, but this macho style of government, whereby we have been here until 2 o'clock and 3 o'clock in the morning, and have regularly sat past midnight, is not the best way for us as a House to play our role as effective scrutineers of legislation in the appropriate way. I say that not in a party-political way, but in the interests of this House doing its job properly. Looking at the timings for the Report stage of the Elections Bill, we see that we have already been asked to get that through in three consecutive days. That, too, seems unreasonable to me.

All I would say to the noble Baroness is that although we do not oppose the Motion, we would like an assurance that the House will not be having regular late-night sittings to deal with what is really an overcrowded government timetable.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, we cannot let this go through without a proper debate, and I strongly support my noble friend Lady Smith on the Front Bench. This is unprecedented. I spent 26 years in the other place and I have been here for more than 16 years now—and I have never seen this happen before. Can the Leader of the House tell us whether it has ever happened before? The Government have totally lost control of their business. Why? What is the reason? The Leader of the House may say that Covid did not help, and it certainly did not, but the real trouble is the confusion at the top of government. There is total confusion about the whole process of legislation, and there are more U-turns than in an Isle of Man TT; it is unbelievable how many there have been.

I also object because the Motion means that we will be meeting every Tuesday morning. Select Committees that we serve on meet on Tuesday mornings, and they will clash with this. It is making a total mockery of business. The Government Whips are always quoting the *Companion* at us. We saw that yesterday, or the other day, in a despicable way, which I hope that we will hear more about later in our business. We keep having the *Companion* quoted at us, yet it says that our business should be finished by 10 pm—whereas, as my noble friend Lady Smith said, we have been going right through to the early hours of the morning. Indeed, we went into the early hours yesterday.

Noble Lords: This morning.

Lord Foulkes of Cumnock (Lab Co-op): Indeed, it was this morning. This is quite disgraceful, and I wait to hear whether the Leader of the House can cite any

precedent for it. The Government need to get proper control of their business, so that we do not end up with this kind of ridiculous situation.

11.45 am

Lord Campbell of Pittenweem (LD): My Lords, before the Leader of the House responds, may I ask what account was taken of the impact of these proposals on our staff?

Lord Grocott (Lab): My Lords, just to reinforce what has already been said, may I say that the problem is simple and so is the solution? The problem is that the Government are trying to do too much in one parliamentary year, and it derives from the Queen's Speech. In the 10 months, or however long it is, since the previous Queen's Speech, too much legislation has been put into the package.

This is not a great issue; there is plenty of time available in this House for legislation. The Government have been having Thursdays since I do not know when, and we have been sitting early and sitting late. Discussions will now be well advanced on the content of the Government's legislative programme beginning in May—we do not know, or at least I do not, which day in May—and the Leader of the House should be tackling her Cabinet colleagues and getting them to obtain a grip now. Recognising that the Commons can guillotine legislation, and so can process it much more quickly than we in this House can—that is one of our great strengths—it is a matter of judgment as to how much can be put through during a 12-month period.

As the Leader of the House knows, she has a responsibility not just to her party but to the House as a whole. I would like a reassurance from her that she is tackling her Cabinet colleagues and telling them that they are trying to pile too much into a year for this House. With our much looser timetable for discussing Bills as they go through—that is our strength—unless this is tackled now, we will face exactly the same problem in the next 12 months. This is my specific question: is the noble Baroness tackling her colleagues in the Commons? Is she the only Member of this House in the Cabinet these days? I have lost count. She nods her head. It is particularly important, then, that she take that responsibility, and on behalf of the House, I urge her to do so.

Lord Hodgson of Astley Abbotts (Con): My Lords, before my noble friend replies, may I ask her to reflect on the fact that this is a self-regulating House, and a self-regulating House requires a degree of self-restraint—in the number of amendments tabled, the number degrouped, and the length of the speeches made in pursuit of them?

Baroness Neville-Rolfe (Con): My Lords, I share the concern about issues of major importance being debated in the middle of the night. Last night the noble Baroness, Lady Sugg, moved a very important amendment. I was not able to speak, because there was not enough time, and we could not get answers about the implications of her proposal, because it was a late amendment. Where we have something fairly major like that, it is important that we do not just debate it in the middle of the night.

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): I thank noble Lords. May I first say to the noble Lord, Lord Grocott, that I certainly am making those representations and having conversations, and I think the message is getting through, not least because I have to attend Cabinet having had about three hours' sleep myself? I am making sure that people understand the pressure being put on this House. I assure the noble Lord that I am putting those representations forward, and that I very much hope we will not be in this position next Session.

In response to the noble Baroness, Lady Smith, I apologise: a new *Today's Lists* has been published, which says that we will finish around 7 o'clock. I think the hope is that if we are in the middle of a group, we will finish that group, but that that will be around 7 o'clock. Obviously, the Front Benches and the Whips will work together to that end, so I can certainly say that. Noble Lords will also see that a Statement is to be repeated, which is not on the *Today's Lists* published first thing this morning, so they may want to check on that.

In relation to starting at 11 am, we did indeed talk to the House authorities because of course we understand. I have passed on to Simon my thanks to the staff for all the work they are doing on our behalf; he has passed them on to the team. We did discuss the timings to make sure that they were doable. There are a few adjustments that the administration will be making to ensure that we are able to deliver the sittings. I am very grateful and I am sure that I speak on behalf of the whole House in thanking the Clerk of the Parliaments and his entire team for everything they are doing to support our workload.

I agree with my noble friend Lord Hodgson on the point he made, and I guess we all need to reflect on that. Of course, when we start at 11 am, we will not be wanting to go on. I cannot—and will not—make a categorical promise because I may break it. I do not want to. But I am very grateful to the usual channels for the engagement we have had in working together, and I know that we all feel the same way and want to work together to make sure that we get through the business we need to, but without putting further undue pressure on noble Lords.

Baroness Smith of Basildon (Lab): I am grateful to the Leader for her response. I think it is right that she takes this back to Cabinet and makes the point that the noble Lord, Lord Grocott, made in very strong terms. But I do just press her on the point about late nights. It is not just about not finishing late when we start early at 11 am; we are sitting longer and later—far more hours than they do down the other end of the building, as some of us will recall—but on the point that the noble Baroness, Lady Neville-Rolfe, made, when we have important issues, this House is not at its best with just a few Members left to contribute to the debate. The noble Lord, Lord Hodgson, said that we should be briefer, perhaps, and more succinct in some of the comments we make, but it is important that crucial issues are not discussed late at night. Up to 10 pm is in the *Companion* but beyond that I do not think we are at our best.

Lord Young of Norwood Green (Lab): My Lords, I am grateful to the Lord Speaker for giving me the opportunity to set the record straight about what happened on Monday night. I endeavoured to make a contribution—your Lordships were denied my pearls of wisdom on the difference between genetic modification and gene editing, but that is for another time—but was discourteously dismissed by the noble Baroness, Lady Bloomfield, on the grounds that, she suggested, I had been asleep during the Minister's contribution. I said to her that that was not true and in fact what I was doing was listening, as we do, with my ear against the speaker—fortunately, today my hearing aid batteries are now in and I am not reliant on that.

The point I wish to make is this: not only did it cause some damage—passing, I hope—to my reputation but it damaged the reputation of the House unnecessarily, in my view. There are procedures for dealing with this and it should not have been dealt with in that way.

I received what purported to be a letter of apology from the noble Baroness, Lady Bloomfield, and it started with: "Whatever the rights or wrongs". It seemed to me that that was not really an apology—more of an equivocation, at best—and I do not accept that it was an apology.

I felt that there was an obligation—and I said this to the noble Baroness, Lady Bloomfield, in my reply—to set the record straight in this House, as I am endeavouring to do now, and that she should be here to hear that and, in my view, apologise to the House. That would have been the proper thing to do. She has chosen to be absent and noble Lords can draw what conclusions they like, but I thank all those people, especially those on the opposite Benches—not just them, my comrades as well—who came to me and expressed their concern about the behaviour which they regarded as appalling and discourteous. I thank the Lord Speaker for the opportunity to set the record straight.

The Lord Speaker (Lord McFall of Alcluth): The Question is that the Business of the House Motion be agreed to.

Motion agreed.

Human Medicines (Coronavirus and Influenza) (Amendment) Regulations 2022

Human Medicines (Amendments Relating to the Early Access to Medicines Scheme) Regulations 2022

Motions to Approve

11.54 am

Moved by Lord Kamall

That the draft Regulations laid before the House on 7 February be approved.

Relevant documents: 31st Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 14 March

Motions agreed.

Elections Bill

Committee (3rd Day)

11.54 am

Relevant documents: 13th Report from the Constitution Committee, 5th Report from the Joint Committee on Human Rights, 21st Report from the Delegated Powers Committee

Clause 25: Third parties capable of giving notification for purposes of Part 6 of PPERA

Amendment 41

Moved by **Lord Collins of Highbury**

41: Clause 25, page 35, leave out line 6

Lord Collins of Highbury (Lab): My Lords, I am acutely aware of the call from the noble Lord, Lord Hodgson, so I will try to avoid speaking for too long, but at times there are points of principle that one has to address. Of course, the good thing about Committee is that the House is at its best in terms of probing what exactly is meant by and what is the intent of particular clauses. I have sought to get a clear view about the impact of Clause 25 and where it could lead.

The noble Lord, Lord Hodgson, has said many times in the House that the majority of non-party campaigning organisations, whether they are unions, charities or think tanks, do not exist primarily to campaign in elections. Expressing a public view at election time is not their primary purpose. The vast majority of their expenditure and activity is on other work, and they generally have quite limited staff—or volunteers, for that matter—to give support for election regulation compliance. The rules require these non-party campaigners to make a judgment about where they have incurred regulated expenditure.

As we have heard in previous debates—of course, lot of these clauses are interrelated—the guidance of the independent Electoral Commission is invaluable in helping non-party organisations navigate incredibly difficult and complicated rules that are defined loosely in legislation. There is a requirement to lean on the Electoral Commission. The fact that a Secretary of State could, under the Bill, direct the commission to amend its guidance—in effect, changing the rules—is deeply worrying.

As we have heard previously in Committee, election expenditure is regulated for the 12 months leading up to a general election. As the Minister rightly pointed out, this has been in place for quite a while. If the definition of what constitutes regulated campaigning were to change during that period, organisations would clearly find themselves having breached the rules retrospectively. That, of course, is the chilling effect that we have referred to that we need properly to address.

It goes without saying that this level of ministerial and therefore political oversight of the Electoral Commission undermines the independence of the regulator and opens the door to political interference in the regulation of campaign activity by party and non-party campaigners alike. This is deeply worrying;

it conflicts with our democratic traditions and is an extension of the trend of governmental interference in previously independent regulators.

The legal definition of “joint campaigning” is loose and organisations rely on the Electoral Commission’s guidance to tread the line between working in a formal coalition and the usual sharing of information and communication that happens organically between organisations that have common goals, even if they do not have a common structure.

Noon

Were the Secretary of State to direct the commission to change this guidance, it could dramatically change the political campaigning landscape. I will come on to a particular concern that the Labour Party has on how it can impact on our structures, particularly in that since our establishment, the Labour Party’s constitution is a federal body, with independent organisations coming together to establish it. That structure remains in place despite the introduction in 1917 of individual membership. We are a hybrid organisation—federal but having the rights of individual membership.

The effect of Clauses 23 and 24 together would be to allow the Secretary of State, by statutory instrument, to add, remove or define permitted participants in electoral campaigns, and to prevent the categories of organisation spending more than £700 on an election campaign in the 12-month period. The Minister has said to my colleagues that the clauses are there to add, and there may be changing circumstances. We have tabled these amendments because those categories of organisations in PPERA include trade unions, and the idea that we are now contemplating putting into legislation the power for a Secretary of State to remove that category, which could include trade unions, is extremely worrying. The Minister might be able to give an assurance that he and his Government have no intention of doing that and that this is not what the Bill is about or what this clause seeks to do, and I may trust him, but I am not sure that a future Government might not exploit the powers that he seeks in this Bill to damage traditional democratic campaigning, including trade unions.

The TUC has met the Bill team, and so has TULO, the organisation of trade unions that are affiliated to the Labour Party. They have expressed their concerns. I hope that the Minister can acknowledge those concerns, even if this was not his intent with this clause, and come up with ways that they can be properly addressed, so that we are not opening the door to a further possibility of attacks on democratic organisations such as trade unions, which are incredibly tightly regulated at the moment. Their political funds are regulated, their structures are regulated through the certification officer, and they must file annual returns which include all their political fund expenditure. I hope that the Minister can address our concerns and those of the trade union movement. I beg to move.

The Deputy Chairman of Committees (Lord Haskel) (Lab): My Lords, if this amendment is agreed, I cannot call Amendment 44, because of pre-emption.

Lord Wallace of Saltaire (LD): My Lords, I will speak on whether Clause 25 should stand part, which is grouped with these amendments in an attempt to

[LORD WALLACE OF SALTAIRE]
improve Clause 25. I will begin with some remarks about Part 4 as we have so far examined it.

I came away from Tuesday's Committee much more worried about the coherence of this Bill than I had been until then. We learned that Clause 18 is there primarily to reverse the court's judgment in the Thanet election case, although the noble Baroness, Lady Scott, in her reply, attempted to persuade us that it does not really change the law; in which case, the clause is not necessary. We learned that Clause 22 was entirely about the threat to our electoral system posed by a body called Advance Together, which, on examination, fought five seats in the 2019 election and gained in total just over 400 votes. We did not learn the purpose of Clause 24. Indeed, after the Minister's explanation, I and others were more puzzled about the purpose of this clause than we had been before we started, and worried as to whether there is some underhand objective that we have not yet uncovered.

When reading through Section 88 of PPERA last night, which defines "recognised third parties", I could find no reference to unincorporated associations as recognised third parties. Can the Minister or his staff kindly inform me before Report whether the inclusion of unincorporated associations in Clause 24 is intended to bring these bodies within this category for the first time or whether they were already covered in existing legislation? I also found in the briefing a reference to permitting only overseas-based unincorporated associations consisting entirely of UK citizens, which is not the wording in the Government's text.

The Minister gave us to believe that the small group of former Liberal Democrats who formed Advance Together, and then merged it into Renew, represented a major threat to the UK, but that foreign money and foreign interference, most evidently from Russia, do not present any serious threat. The Minister suggested that the paragraphs in the ISC's *Russia* report and elsewhere that flag up the seriousness of that threat are little more than "innuendo". It is astonishing that he can suggest that Russian interference should not be a serious concern to us as we consider this Bill—at this point above all.

Now we have Clause 25, which gives full power to the Secretary of State to add or remove descriptions of third parties from the approved list. I am grateful to the Minister for offering us a government amendment to delete the power to

"make such amendments of this Part as the Secretary of State considers appropriate",

but this is only because the Government consider that PPERA already provides sufficient authority. As I wade through sections of PPERA to understand the provisions of this Bill, with the occasional reference to the earlier Representation of the People Act, I am repeatedly reminded of the CSPL's declaration in its report on election finance that there is an "unarguable" case in favour of consolidating and simplifying electoral law.

The Minister must recognise, as he struggles to explain and justify this Bill clause by clause, that it totally fails to consolidate or simplify. The Electoral Commission's briefing for Second Reading stated, accurately, that the changes in Part 4, including these clauses,

"would add new requirements to laws which many campaigners have said are already complex and hard to understand. The added complexity of these changes could deter some from campaigning at elections ... Voters could therefore ... hear from a narrower range of sources."

It therefore falls to the Minister to justify the inclusion of Clause 25 and the powers that it gives to the Secretary of State, and to explain, as we keep asking, what problem it is intended to resolve. If he cannot persuade us that it is necessary, we shall ask for it to be removed.

Baroness Meacher (CB): My Lords, I support the intention to oppose Clause 25 standing part of the Bill, tabled by the noble Lord, Lord Wallace. In so doing, I also support Amendments 41 and 42, tabled by the noble Lord, Lord Collins of Highbury.

Clause 25 introduces significant delegation of powers in relation to Clause 24, as the noble Lord, Lord Wallace, has indicated. We understood from the Minister last week that the purpose of Clause 24 is to protect the country from electioneering by overseas organisations. I am quite happy to support the Government in that purpose. However, the Minister was unable to assure the Committee last week that non-charitable civil society organisations in this country would remain outside the scope of Clause 24 and therefore also, importantly, of Clause 25. I hope that the Minister can clarify this significant point in his summing up.

I do not want to repeat my concerns about Clauses 24 and 25, which I expressed last Thursday, so will focus solely on the delegated powers in Clause 25, and in so doing declare my interest as a member of the Delegated Powers and Regulatory Reform Committee.

It is concerning that, in Clause 25, the Government have provided wide-ranging powers for Ministers to amend Section 88 of the Political Parties, Elections and Referendums Act 2000 to which Clause 24 applies. In a sense, it feels a little unnatural to be talking about Clause 25 when these two clauses are so very closely aligned and intertwined. The Government need a very good reason to introduce Henry VIII powers under which a Minister can amend an Act of Parliament.

I want to focus on Clause 25(1)(b) in that respect. I am sure that the Minister is aware that the DPRRC has particular concerns about this paragraph, which relates to the list of third-party organisations that can exceed the spending limits contained in Section 94 of PPERA. He may also be aware that, in its memorandum to the DPRRC, the department admits that preventing other categories of third party being able to campaign has the potential to impinge on freedom of expression under Article 10 of the ECHR and the right to enjoy a free election under Article 3 of the first protocol of the convention. The department has argued that it is important that, if a legitimate category of third party emerges, it can be added quickly to the legitimate categories to ensure that these restrictions on campaigning remain proportionate and no more extensive than is necessary to meet the aim of preventing campaigning by those with no genuine stake in the UK. As I said, I understand that objective, but this clause seems to go much wider and, with the delegated powers in Clause 25, we have no idea where it may go. The DPRRC is clear that the Minister needs to explain the need for

Ministers to have Henry VIII powers to remove third parties. If Ministers are unable to provide a satisfactory explanation, these powers are inappropriate. That is the view of the DPRRC, not my view—I am simply a member.

I have brought this issue to the Floor of the Committee because if the Minister can explain the need for these Henry VIII powers in Clause 25 it may help noble Lords when deciding whether to bring back this issue on Report. I hope the Minister will be able to assure us that organisations based in the UK and which are not controlled from overseas will be clearly excluded by the Bill from Clauses 24 and Clause 25, thus taking fully into account the concerns of the DPRRC.

Lord Hendy (Lab): My Lords, it is a pleasure to follow the noble Baroness, Lady Meacher. I too am a member of the Delegated Powers Committee and I support everything she said about the delegated powers provisions we are considering. I declare my interests as set out in the register. I support the amendments proposed by my noble friends Lord Collins and Lady Hayman.

There are 6.56 million trade union members in this country, which is one in 10 of the population, from babes in arms to our oldest citizens. Trade unions were defined by Sidney and Beatrice Webb in *The History of Trade Unionism*, in 1894, as

“a continuous association of wage earners for the purpose of maintaining and improving the condition of their working lives.”

They achieve this in two ways: first, by seeking to regulate relations between workers and employers, a purpose which is captured by Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992, and, secondly, by campaigning for changes in the law. They have a glorious history in that respect, from the “Ten Hours Act”, factory and mines legislation, and, after they had formed the Labour Party, the Trade Disputes Act 1906 and many other pieces of legislation through the 20th century.

That campaigning function is a legitimate activity, protected by Articles 10 and 11 of the European convention. Article 11 protects freedom of association and specifically the right to be a member of a trade union for the protection of one’s interests, and Article 10 protects freedom of expression. Only restrictions which are

“necessary in a democratic society”

are permitted on those two guaranteed rights.

12.15 pm

The restrictions proposed in the Bill have never been required, although political expenditure by trade unions has been intensely regulated by statute since the Trade Union Act 1913. It cannot be said that the measures we are considering today are necessary in a democratic society. It is of course true that states have a margin of appreciation, but not to the extent of potentially extinguishing trade unions’ rights to campaign where that campaign coincides with campaigns run by one or more political parties in an election.

As my noble friend Lord Collins pointed out, Clauses 24 and 25 would allow the Secretary of State to add, remove or define permitted participants in election campaigns by statutory instrument and effectively

restrict categories of organisations spending more than £700 on election campaigning in the 12 months leading to a general election—which could be a snap election that is not in the minds of unions spending money on campaigning.

Unless the amendments under discussion are accepted, there is a possibility that the trade union right to campaign may be extinguished. How does the Minister justify the statement at the front of the Bill:

“Lord True has made the following statement under section 19(1)(a) of the Human Rights Act 1998: In my view the provisions of the Elections Bill are compatible with the Convention rights?”

It does not appear to me that that is the case.

Lord Kerlake (CB) My Lords, when I first came into this House I got involved with the Trade Union Bill, like a number of other noble Lords. I did so because I was seriously concerned that it was unbalanced and partisan legislation that worked against the interests of one political party in this country. I fear that Part 4 of this Bill has much the same effect. We should be aware that, despite the complexities of this issue, the impact could in effect well be the same. The Committee should be very concerned about that.

Clause 25 adds to the imbalance, with the addition of executive power. It is a pity that the noble and learned Lord, Lord Judge, is not in his place, because he would be very strong and vocal on this issue. Before we could possibly agree this additional power for the Secretary of State, we need to understand the reason for it and why it could not be dealt with in some other way. We should not lightly give additional powers, and I would like to hear from the Minister precisely why this is necessary and why it could not be dealt with in a different fashion; otherwise, we should not agree to it.

Lord Scriven (LD): My Lords, I wish to follow the themes that the noble Lord, Lord Kerlake, and other noble Lords have alluded to. I came to this Bill slightly worried but with open ears to hear where it was going. As we have got more into Committee, the more worried I have become about a level playing field for elections. Regardless of the colour of a political party, a level playing field is what is required. With Part 4 and Clause 25 along with other clauses, it is becoming more worrying.

If you were to say to an ordinary person outside this House that the Bill would put the Electoral Commission more in the pocket of the party of government, regardless of its colour; to limit organisations, which at the moment can campaign 12 months out from a general election and spend £20,000 before they have to register, to £700; and that the stroke of the Secretary of State’s pen—that is what we are talking about—decides what type of organisation or individual is deemed to be allowed to campaign, I think most of the British public would say that was not a fair and equal way to carry out an election.

I come back to the central question that a number of noble Lords have asked: what is the problem that this clause is trying to deal with? How big is that problem? As someone who has been involved in elections since the age of 15, I am not clear what the problem is that requires my third question: what is it that requires

[LORD SCRIVEN]

the speed and the secrecy of the Secretary of State's pen to deal with it? Those are the three questions that I ask the Minister. I hope that he will give detailed and, as he normally does, reasoned answers to what the clause is trying to solve, how big the problem is and, if he can explain the first two, why the only option is a Henry VIII power for the Secretary of State to decide what type of organisation or individual is deemed legal to campaign in such a way.

Baroness Kennedy of The Shaws (Lab): My Lords, I too express my deep concerns about the ways in which the Bill contravenes the Human Rights Act and indeed our constitutional commitments. I have canvassed the views of human rights lawyers and constitutional lawyers, and I am afraid I find it very difficult to see where the Government's advice has come from that this complies with our commitments and obligations under our own legislation and constitutional commitments. When people say, "Let us think twice", it is a reminder to this House about our role in causing hesitation when something of such significance in our democracy is going to interfere with the fundamentals. I call upon us to hesitate before going down this road, and to question what its purposes really are.

Lord Balfe (Con): My Lords, I would like to say a word of caution as well. When I look at a piece of legislation, I invariably say, "How would this work if the political parties were changed—if, instead of us implementing it, the party opposite were doing so?" If it passes that test because it is a fair piece of legislation, then I think that is within the Government's right.

My concern here is that we are unbalancing the structure and that a Secretary of State—from a party, my party, that clearly is not well known for its love of the trade union movement—could exercise these powers, which may need exercising but not in this way by these people. We have to be very careful with the Electoral Commission because it is in all our interests for it to be seen as fair, independent and trustworthy. I am not going to make lots of speeches on this Bill because they would all be essentially the same, but I am afraid I am concerned about the way the Bill is tipping things.

I clearly have no interest in funding Labour Party campaigns, but I have an interest in there being a level playing field and people being able to campaign. My personal view, which I will mention in debate on another clause, is that party financing has got completely out of control and needs fundamental reform. You cannot run a democracy on selling games of tennis. When we say, "We have a great democracy and we're really proud of it", we are asked, "Oh yes? How do you fund it?", and we have to reply, "Well, the Prime Minister plays tennis with Russians, and we get quite a bit of money in from that."

When I came into politics, which was a long time ago—about 60 years, to be exact—the great joke was that you could not have a party function without a raffle and you could not run an election without at least a couple of jumble sales. When I was eventually disposed of by the Labour Party, which in retrospect was actually not a bad thing, I joined the Conservatives—

Lord Foulkes of Cumnock (Lab Co-op): I have followed the noble Lord's career for all those 60 years in great detail; I remember when we worked together in the Co-operative Party. I think his recollection is just a little wrong. My recollection is that he left us; we did not kick him out.

Lord Balfe (Con): I have a letter signed by none other than the great Mr Blair terminating my membership of the Labour Party for a disciplinary offence, which was running for an office that was not actually reserved for any political party but was supposedly open to all. Mr Blair decided that I was to be forbidden from running for that office. I had won the election fairly easily because it gave people an excuse; they were voting not for Balfe but against the Iraq war, which was a bit odd because the job I was standing for was administrator of the European Parliament pension fund.

Lord Foulkes of Cumnock (Lab Co-op): Was the noble Lord not running for a well-paid lucrative post within the European Parliament?

Lord Balfe (Con): I suggest to my friend the noble Lord, Lord Foulkes, that he stops making a fool of himself. This was not a paid post; it was an elected post within the European Parliament, known colloquially as "shop steward"—I see the noble Lord, Lord Cashman, nodding—that attracted no pay but you got some staff, a big office and the ability to actually get things done for the members. By definition, it was a non-political post. It had no politics attached to it, which made what happened even more odd. I will bring the noble Lord the letter; I will get it out of the LSE archives.

Lord Grocott (Lab): Could the noble Lord, Lord Balfe, just help us with something? Having gone down this road, we need to complete the journey. I think I understand why he was removed from the Labour Party, and why he presumably accepted the post, but I would like to know what it was he found particularly attractive about the Conservatives. It is one thing to leave the Labour Party, but to join the Tories, I mean—

Lord Balfe (Con): From my position in the trade union movement, I knew there were quite a lot of right-wing people in AUEW/TASS. We were not all bleeding-heart liberals; we were actually toughies. I had no difficulty in joining the Conservative Party because I felt that it reflected many of my values.

Lord Collins of Highbury (Lab): I am enjoying this exchange, although obviously we need to focus on the clause. In recent times the noble Lord has addressed this House about the discipline that has been imposed on him by the Conservative Party in the House of Lords, so that seems to be a common thread through his career.

Lord Balfe (Con): I think we should stop our entertainment and get back to the purpose of the Bill.

My concern about the Bill is that it leads to an uneven playing field—it is as simple as that. If we are to have reform, it should be by some form of consensus, although I know that has been incredibly difficult to

achieve. I take a rather puritan view as to how much should be spent on elections. We need to get back to a situation where a democracy consists of people asking for votes, not of people going out and attempting to buy them. To my mind, the party funding system has got completely out of kilter.

12.30 pm

I see the Bill as unbalanced because it gives an unhealthy level of power to one party. That is my fundamental objection to it, and I ask the Government—although I doubt they will do much about it—to look at strengthening the Electoral Commission and maybe giving it the powers it needs to regulate elections, but not hand them to a political source which, even if it is the most straightforward and honourable politician in the world, will always be suspected of bias. I am afraid that is the way that politics works. If one party has power over another in this respect, it will not be seen as a level playing field, so in my mind this is not good legislation.

Viscount Stansgate (Lab): My Lords, I rise briefly to contribute to Committee on the Elections Bill, rather than take part in the “Lord Balfe Down Memory Lane Amendment (No. 2) Bill”, which I, like other Members, have enjoyed. We are discussing in this clause the powers of the Secretary of State, yet this is the same Minister who will pilot the Dissolution and Calling of Parliament Bill, which, as we know, will restore the position where, in effect, a general election might be called at short notice.

Will the Minister explain in responding how the clauses we are discussing—the powers of the Secretary of State to add or remove from a list—would be exercised in the event of a very sudden general election? Would it be possible for the Minister suddenly to say, after an election has been announced, that such and such will or will not be allowed to take part in it, with the expenditure limits that follow? I would be very interested to know the answer to that and how they fit together. I look forward to the Minister’s reply.

Lord Scriven (LD): Will the noble Viscount take that a bit further? It is not just after the general election has been called; the Prime Minister will now have the sole power of calling the general election and knowing the date. It could be that, a few months before the general election, in a couple of marginal seats in which organisations are particularly difficult, the Government could, at the stroke of the Secretary of State’s pen, proscribe those people from campaigning. Does the Minister—I apologise, the noble Viscount—accept that that could take place?

Viscount Stansgate (Lab): First, I thank the noble Lord for promoting me to a position that I am unlikely ever to hold. I do not disagree with him. As I said, it is the relationship between what is being proposed in the Elections Bill and the fact that we are moving to a situation where, if a Prime Minister so decides, we can have an election at short notice. These areas, including those raised by the noble Lord, deserve a bit of exploration. I would be ever so grateful if the Minister could add that to the list of things he intends to cover in his reply.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, the noble Viscount should not be so modest and reticent about the possibility of achieving ministerial office. If we have the quick election that we might have when the situation arises that the Prime Minister can call an election, the Labour Government might welcome his presence on the ministerial Benches in the House of Lords. I would certainly do so.

I do not want to go down memory lane again with the noble Lord, Lord Balfe, but I genuinely pay tribute to him. I know that we had a little to and fro earlier in which I seemed to imply that I did not appreciate him; I do appreciate that, on many occasions, he has criticised his own Conservative Government—just as he used to criticise our Government—and we should give him credit for that. It is to his credit that he sees the flaws in this Bill and others and has said so.

We debated earlier the need to have Tuesday morning sittings. This Bill, including this clause, is one of the reasons why we will have these sittings. The Government have tabled this huge omnibus Bill; it includes this provision that has been rightly criticised by my noble friend, but it also includes so many other things. It is an omnibus Bill of grievances and vendettas of the Conservative Government against the Labour Party and the trade union movement. It is an attempt to ensure that there are Conservative Governments for ever. That is what they are up to. They believe it is their right to rule and they are trying to find ways to make it more and more difficult for other parties and more and more difficult for electors to cast their votes and particularly for poorer people to participate in the electoral procedure. This clause is part of that.

I hope that the Minister, in his discussions in his department and government, will express the views of so many people, including some on his own side, as we know, that it is not helpful to keep pressing this Bill. Going back to the debate we had earlier, it would make life a lot easier and make it less likely for us to be sitting into the early hours of the morning and coming in on Tuesday mornings if this Bill were abandoned. This clause is one of the many reasons why it should be. I hope that, at some point in our debates in Committee and on Report—if we ever get there—he will feel able to come to that view.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, I make it clear at the outset—I will take any intervention noble Lords want to make—that the Government’s view is there is an issue being raised in Clause 25, which I will address.

Before doing so, I thought I had answered the point of the noble Baroness, Lady Meacher, on spending by unincorporated associations on our previous day in Committee, but I am very happy to arrange for her to have a full explanation from either me or officials. The purpose of lines 25 to 28 on page 33 of the Bill is to carve out from Clause 24 precisely the kinds of bodies that she describes: charities and all those listed there which are allowed to campaign.

Baroness Meacher (CB): My Lords—

Lord True (Con): If I may complete my remarks, they will not be subject to the new provisions in Clause 24, which, as I explained last time, will restrict

[LORD TRUE]
foreign campaigning, with which I think the Committee agrees. I am very happy to meet the noble Baroness outside and explain this further.

Baroness Meacher (CB): I thank the Minister for allowing me to intervene. As a point of clarification, I understood that charities will not be included. That is not the issue. I am concerned about non-charitable bodies from abroad, which are not controlled. If he could make that clear, that would be very helpful.

Lord True (Con): All those bodies in the current list in Section 88(2) of PPERA are carved out, whatever their description. We will come on to the concerns raised about what is in Clause 25, but I repeat that assurance. In saying that, I understand some of the suspicions and concerns raised by noble Lords.

I do not wish to be adversarial in any way, but the other thing I would say in starting is this. As I have said several times in these discussions, I agree that, one day, ideally, a consolidation Bill would be highly desirable. I fully accept that. There are issues here that are relatively urgent, whether we agree or not: for example, around foreign money, digital campaigning and so on and so forth. The Government are seeking to make progress on those, but it is not a zero-sum game. In presenting this legislation—by the way, as a Minister who has himself had to try to get his mind round all the various references and cross-references in the Bill—I am not in any way saying that a consolidation Bill, one day, is not a desirable end. Anybody involved in the political world would agree.

Clause 25 is really what this debate is about. The potential problems and suspicions—raised, for example, by the noble Viscount—arise from the perceived view of Clause 25 that has been expressed in this debate. Perhaps I could deal with the first part, which is about potentially adding new categories. We are conscious that, as the world evolves, new legitimate categories of third parties that are not currently on the list might emerge. Because they are not protected by the carve-out in Section 88(2), they might be significantly restricted in their ability to campaign by this provision if they could not be added to the list quickly. That is why Clause 25 makes provision for the amendment of the list of eligible categories of third-party campaigners in PPERA, to add a new category of campaigner that might emerge. That would allow any Government, not just this Government, to amend the list to enable new groups or styles of campaigners to take part. Parliament would have a lock on that, via the affirmative resolution procedure.

Lord Wallace of Saltaire (LD): I simply wish to congratulate the Minister on following so very clearly the precautionary principle in legislating here for something that has not yet happened and might happen, because it would be useful to have this in place if it did happen. That is what I understand him to be saying.

Lord True (Con): I am saying that there is a practical possibility that this might arise. I take it that, however expressed, that was assent from those Benches, and I am grateful for that.

These provisions will ensure that we can be responsive to the emergence of new categories of third parties, or changes to the legal description of existing categories of third parties—there is some legal language in Section 88(2)—so that they are not unduly restricted from campaigning and participating in our democracy in the future. That is added with a parliamentary lock.

I am grateful for the engagement on the points we come to next; I have heard the concerns of the Liberal Democrat and other Benches, most notably, as we heard again in the debate today, from the party opposite. I thank all who have spoken to me on this subject, and the noble Lord, Lord Collins of Highbury, for the points he made on Clause 25 regarding the power to remove—the specific subject of his amendment—or vary the list.

I hope that part of making progress on a Bill is making progress, but it is the person at the Dispatch Box who has the responsibility to listen—my job as a Minister. I hope we can go forward with that in mind.

The Government have listened to the concerns raised. I pay great respect to the Delegated Powers and Regulatory Reform Committee's recent report on the subject of Ministers having the power to remove entries from the list of eligible categories of third-party campaigners in Section 88(2). That is why I asked my officials to meet, as the noble Lord said, with the TUC and TULO on 7 March to discuss their concerns.

Although powers to update lists in legislation are not unusual—and indeed can be important where, either due to changes in legal definitions or oversight, Governments may need to respond quickly—we acknowledge the concerns that have been expressed. The Government have heard the concerns around whether the power in Clause 25 could be abused by a future Government. I reassure the noble Lord and others who have spoken that before the next stage of the Bill I intend to consider at the very least what further safeguards could be added to the clause, along the lines of, for example, Amendments 42 and 45 from the noble Lord, relating to the role of the Electoral Commission. I have heard the force of opinion in the Committee on these provisions.

12.45 pm

I undertake to engage on what I think is an important and significant issue, about which reasonable concerns have been expressed by noble Lords in the course of the debate. I undertake to have further, constructive discussions on that line to come to a solution, because the Government accept that what is in the Bill at the moment arouses concerns that we need to address.

I hope that, in that light, the noble Lord will feel able to not press his amendments. I assure the Committee that I very much conceive it as my duty at the Dispatch Box to listen to the concerns expressed by your Lordships.

Lord Hendy (Lab): My Lords, the Minister is now going to consider safeguards under Clause 25. I invite him to bear in mind that, in order to avert the danger under Clause 25(1)(9)(b) of

“removing a description of third party from that list”, if the possibility remains of trade unions being excluded or put in that category, it will have to be justified, by reference to the convention, as necessary in a democratic society. That is a high hurdle.

Lord True (Con): My Lords, I have given a very clear undertaking that I will consider this concern. As it stands, the provision potentially affects not only trade unions. The immediate and direct concern, as has been expressed by noble Lords, is in relation to trade unions, but obviously the power as it stands is, exactly as the Delegated Powers Committee pointed out, far-reaching. I will of course take all issues into account in considering this. I can only repeat my good intent, and, I hope, in my humble state, power to make progress to address the concerns that have been raised by your Lordships on this clause.

Viscount Stansgate (Lab): My Lords, I welcome the Minister's comments and the discussions that will follow. However, I must press him on just one point, so that I can at least have the benefit of his advice. Is it the intention that the powers we are discussing could be exercised by any Secretary of State after a sudden general election has been called?

Lord True (Con): My Lords, having listened to the debate, the noble Viscount's contribution was obviously one that I heard. The Bill as drafted—like any other Member, I can only parse a Bill that is put before your Lordships House—has no restriction on what time or in what condition it might be adopted. That is why, I thought, I heard widespread concern from the Committee. When I started, I said I thought that the answer to the noble Viscount may not lie in addressing any particular possible set of circumstances but in trying to address the wider concern that your Lordships have about these provisions. That is the undertaking I am giving between now and Report. I have said that, at the very least, we will look with interest at the proposals put forward by the noble Lord, Lord Collins of Highbury.

Lord Collins of Highbury (Lab): My Lords, I very much welcome the Minister's response to this debate. I think we are making progress. The fact that the Minister recognises that there are genuine concerns shows the benefit of proper scrutiny of these clauses. I hope that, in his consideration of what might come from the Government on this clause before Report, he will consult both the TUC and TULO to ensure that they understand the rationale behind it. I am sure he will. I welcome the Minister's comments and I beg leave to withdraw my amendment.

Amendment 41 withdrawn.

Amendment 42 not moved.

Amendment 43

Moved by Lord True

43: Clause 25, page 35, leave out lines 8 to 10

Member's explanatory statement

This amendment leaves out provision that is not needed because of section 156(5) of the Political Parties, Elections and Referendums Act 2000.

Amendment 43 agreed.

Amendments 44 to 45A not moved.

Clause 25, as amended, agreed.

Amendment 45B

Moved by Lord Hodgson of Astley Abbotts

45B: After Clause 25, insert the following new Clause—

“Disclosure of status as a recognised third party

- (1) Section 89 of PPERA (Register of notifications for purposes of section 88) is amended as follows.
- (2) At end of heading insert “and third party disclosure of registered status”.
- (3) After subsection (4) insert—
 - “(5) During a period in which a notification under section 88 is in effect and the Commission has entered details of the notification on the register in accordance with this section, a third party shall disclose its status as a recognised third party in a prominent place on the homepage of its website.
- (6) For the purposes of subsection (5), a reference to a third party's “website” means any part of a website relating to that third party which that third party has caused or authorised to appear.
- (7) Subsection (5) shall not apply where a third party does not have a website within the meaning of subsection (6).
- (8) A person commits an offence if, without reasonable excuse, they contravene subsection (5).”

Member's explanatory statement

This amendment requires registered non-party campaigners to disclose their status as such on a prominent place on their websites, so as to increase transparency for the public.

Lord Hodgson of Astley Abbotts (Con): My Lords, the purpose of this amendment is very simple. It is to increase transparency around third-party campaigners—not campaigning—by inserting a new clause entitled:

“Disclosure of status as a recognised third party”.

The amendment is not concerned with imprints on electronic or printed material, the complexities of which we shall wrestle with when we come to Clause 37 in Part 6. It is much simpler than that. I am extremely grateful to my noble friend and the Bill team for agreeing to address this issue now.

This amendment is confined to the contents of the homepage of a website—if it has one—of a registered third-party campaigning organisation. If the amendment were accepted, the homepage of that registered organisation would be required to carry a statement, along the lines of: “XYZ”—the name of the organisation—“is registered as a third-party campaigner under Part 6 of PPERA 2000”, or similar wording. This would alert a reader or viewer that the organisation was an active campaigner in the political sphere. It might mean that the viewer or reader might wish to make further inquiries before becoming more deeply engaged with this organisation.

Would such a provision bring about a sea change? Of course not, but it would serve for the small proportion of interested people as a way of increasing the transparency of what is going on. In these circumstances, it would be the desirable outcome fitting the purposes of this Bill as a whole. In my view, there is broad support for such a proposal. I say to the noble Lord, Lord Collins, that, after two minutes and 12 seconds, I beg to move.

Baroness Barker (LD): My Lords, yet again I support the noble Lord, Lord Hodgson of Astley Abbots. I share his view that it is good for charitable and voluntary organisations and campaign groups to be involved in civic activities. There should be full transparency around their involvement.

I do not disagree in any way with his suggestion. I would make it a condition of registration with the Charity Commission that an organisation should have a website. Certain things would have to be on that website, such as accounts and a copy of the organisation's governing documents, precisely so that people could find out basic information about who was behind the entity. But why confine this to a website? Why not have it on a Facebook page or a Twitter handle, for example? I think the noble Lord is coming at an issue that is of growing importance and much bigger than this Bill.

I have started to talk to a number of the regulators, including the Fundraising Regulator, about what is an organisation. It is now quite common for campaign entities to be described as an organisation when they are nothing more than a Facebook page. They may be crowdfunded, but they do not have to produce accounts or show who or what their membership is. They do not have to show their governing documents. They are simply a presence. They can exert quite considerable influence in political campaigning—not necessarily as yet in election campaigning, perhaps, though I bow to others who have greater knowledge about this.

It is certainly a growing phenomenon in campaigning on political issue—one that I think regulators will have to start discussing. Indeed, I know that these discussions are beginning. I was talking to a regulator the other day about how they deal with a very prominent campaign, Insulate Britain, its fundraising activities on a platform and whether they were or were not compliant. This issue is starting to emerge. All sorts of people are having to work through it for the first time.

In this spirit, I ask what might seem a bit of an “anoraky” question of the noble Lord, Lord Hodgson of Astley Abbots. He and I are entitled to be the anoraks on this subject in this House. Small and technical though the question may be, I think it is potentially of growing importance in the time to come.

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Hodgson of Astley Abbots, for his introduction. As I am sure Members of this House are aware, new digital tools and channels have significantly changed the campaigning landscape in the UK during the last decade. This includes the use of organisational websites.

Unfortunately, concerns about the transparency of some websites that have been set up for political campaigning are starting to have an impact on public trust and confidence in campaigns. The amendment from the noble Lord, Lord Hodgson, seeks to address this further. We support his aim in doing so.

Following the 2019 general election, the Electoral Commission said that it had been contacted by people who had been concerned about misleading campaign techniques from across the political spectrum, including on websites. It received a large number of complaints, raising concerns about presentation, tone and content.

Transparency is incredibly important. We are pleased that this is addressed later in the Bill. In the Electoral Commission's research after the 2019 election, nearly three-quarters of people surveyed agreed that it was important for them to know who produced political information that they saw online. Fewer than one-third agreed that they could find out who produced it. Again, it is important that the amendment talks about having the information on the website in a prominent position, not tucked away and hidden.

The Electoral Commission's research also confirmed that transparency about who was behind political campaigns was important. Nearly three-quarters of those questioned—72%—agreed that they needed to know who produced the information they were looking at online, including on a website. Unfortunately, fewer than one-third—29%—agreed that they could find out who had produced that information.

As the noble Lord, Lord Hodgson of Astley Abbots, has said, this is a simple amendment, but we also agree this is an important small change. The more transparency we can provide when people are looking online during general or local elections, the better. The noble Baroness, Lady Barker, said it was a good thing that civic organisations are involved in electoral campaigning. Of course it is. I am sure we all agree with that. But that does bring issues around transparency as part of how campaigning on websites is managed. I do not imagine everyone is going to be deliberately hiding information, but perhaps they do not even think about the importance of providing it.

1 pm

I would be interested to hear the Minister's comments on this, because in some ways this is missed out from the discussions we are going to be having later on in Committee around digital imprints and improving the law on digital campaigning, which we will be dealing with further on. I would also be interested to hear the Minister's thoughts on what the noble Baroness, Lady Barker, said about expanding this to include other social media platforms such as Facebook and Twitter. We know that many of the problems with misinformation during election campaigning come from those social media platforms, but we also appreciate that actually it is very difficult, when they are not registered in this country, to manage that. I would be interested to hear the Minister's thoughts on that as well.

Lord True (Con): My Lords, again, this is a significant point that has been raised, and I am grateful to those who have spoken in this short debate. I hope I have come to assure the noble Baronesses, Lady Barker and Lady Hayman, opposite, that, setting aside the fact that some people's misinformation is other people's information, we know what we are talking about and that these are important areas.

I am grateful to my noble friend for proposing the new clause. As he has explained with commendable brevity, his intention is to require third-party campaigners to disclose their registered status in a prominent place on their website, where such a website exists. That was supported strongly by the noble Baroness, Lady Barker. Registered third-party campaigners are already publicly

listed on the Electoral Commission's website—I will not venture to comment on the legibility of that website—and this Bill will introduce further requirements to ensure that any UK-based group spending over £10,000 registers with the regulator.

Further to this, I agree with noble Lords that it is worth emphasising that the digital imprints regime in the Bill—and we will come on to discuss that section later—will require campaigners, including recognised third-party campaigners sometimes referred to as “registered”, to declare who they are, as the noble Baroness, Lady Barker, asked, when promoting relevant online campaigning material to the public. So I can certainly go with the spirit of what was said by all noble Lords who have spoken.

On the specific amendment of my noble friend, while the Government entirely agree with the principle that the public should clearly be able to identify recognised third parties, I can reassure the noble Lord that the current rules, supplemented by new rules in the Bill, will provide for that. It would be good practice for this to happen. For many people, entry into a new organisation is via a website; not everybody is active on Twitter and Facebook, as the noble Baroness acknowledged. So I will want to consider further how we can ensure that this good practice will happen, because the fundamental point that has been made by noble Lords is important. In that light, I ask the noble Lord to withdraw his proposed new clause.

Lord Hodgson of Astley Abbotts (Con): My Lords, I am grateful for the support for this amendment. I say to the noble Baroness, Lady Barker, that I am proud to be an anorak with her, on this and other issues. She of course had a considerably more sophisticated approach to what should appear and how it might be covered. If this were to be developed, I had always thought that, since this is a fast-developing space, the Electoral Commission, having got this bridgehead, would then have some subsidiary code, which would be what it required third-party campaigners to provide somewhere on their website. I saw that as a second stage, having got this initial agreement. I am very grateful to the noble Baroness, Lady Hayman. She is essentially right about public trust and confidence and the growing interest in and significance of third-party campaigning. I am grateful for her support.

My noble friend talked about the Electoral Commission website. I do not think it is very informative, and I do not think people should have to go to the Electoral Commission website to find out whether someone is a third-party campaigner or not. They should be able to see from the organisation itself. I am grateful for two-thirds of a loaf from my noble friend—or maybe half a loaf. I hope we are not going to fall back on “it would be good practice if”, because that is a let-out. I notice he used the words “good practice” in his summation, so I hope that he will reflect further; I, and I suspect others in the House, would feel that “good practice” did not go far enough in this small but important area. With that, I beg leave to withdraw my amendment.

Amendment 45B withdrawn.

Clause 26: Recognised third parties: changes to existing limits etc

Amendments 46 to 48

Moved by Lord True

46: Clause 26, page 36, line 15, after “period” insert “in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly)”

Member's explanatory statement

This amendment restricts the provision made by Clause 26, so that it applies only in relation to periods involving parliamentary general elections or general elections to the Northern Ireland Assembly.

47: Clause 26, page 36, line 24, after “or” insert “, where the regulated period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10,”

Member's explanatory statement

See the explanatory statement relating to the amendment in Lord True's name at page 36, line 15.

48: Clause 26, page 37, line 22, at end insert—

“(13) The amendments made by the preceding provisions of this section have effect only in relation to reserved regulated periods beginning on or after the day on which this section comes fully into force.

(14) In subsection (13), “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 to PPERA (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly).”

Member's explanatory statement

This amendment inserts transitional provision in connection with the amendments made by Clause 26.

Amendments 46 to 48 agreed.

Debate on whether Clause 26 should stand part of the Bill.

Lord Collins of Highbury (Lab): I am sort of moving this on behalf of my noble friend Lady Hayman of Ullock. We have sort of tried to spread out these groups so we can last the day, as it were, and I am doing my best.

I will be brief here, because I know that the noble Lord, Lord Hodgson, has his amendment in this group. I come back to the fundamental point that some of the clauses in this Bill beg the question of what the problem is and what we are trying to solve. It is absolutely not clear why this clause is here. What is clear is that, once it is introduced, it will add a burden to a lot of small third-sector charity organisations, and those organisations are least able to bear that burden. That is the point I really want to stress. It comes back to the issue that heavier, more stringent regulations placed on such small organisations will result in what we have called so far a chilling effect—basically, self-censorship. It will not be worth the hassle to express an opinion, and it could be quite an important political opinion. We talked about campaigns about local facilities. It could be a small charity running a creche or something that is promoting childcare that wants to impact a particular election campaign. We have seen examples of that in the past.

One of the problems of this Bill is that, instead of the Government having to come up with clear explanations—“We've identified the problem, this is the solution, and we can all unite behind it”—we are having to

[LORD COLLINS OF HIGHBURY] think, “What is the problem that the Government have identified here?” It increases anxiety in me, because it makes me think, “Am I missing something? Is something happening to our democratic society that requires this sort of burden of regulation, this new lower tier?”

I will certainly welcome the contribution of the noble Lord, Lord Hodgson, on his amendment, because I can see that he is seeking ways to alleviate that burden, and I am happy to consider that as well. But at the moment I am not at all satisfied that there is any justification for the clause, or for that lower-tier arrangement.

Lord Hodgson of Astley Abbots (Con): My Amendment 48A has been grouped with the stand part debate. I thought about degrouping it, but having seen the lie of the land and the way that the debate was likely to go, it seemed easier to join the noble Lord, Lord Collins, in this group. I am grateful to the noble Lord, Lord Blunkett, for his support.

This is about third-party joint campaigning. It is not unusual for charities and voluntary groups, especially smaller ones, to try to increase their impact by gathering together in a joint campaign. That could be focused on a policy area, such as animal welfare, or it could be attacking a particular event. When I was doing the review—I have referred to this before—HS2 construction was an important issue, and a number of groups and communities affected by it joined together to campaign to try to change public opinion about the desirability of building HS2 at all. Just those two examples show that this is a very complex area, and finding the appropriate degree of freedom and transparency is hard.

The current rules governing joint campaigning are pretty complex, burdensome and hard to understand, especially if the individual participants are quite small organisations. The present rule is that joint campaigning expenditure bites only when total expenditure by third-party campaigners reaches £20,000—the level at which registration under the Electoral Commission rules is required under Part 6 of PPERA. However, under this Bill there will be a new lower threshold of £10,000. It is true that the lower threshold—the £10,000 to £20,000 level—will be subject to a lower level of scrutiny, but joint campaigning expenditure will still need to be recorded and accounted for. This adds yet another complication to an already complicated arena.

My amendment, complex as it is, seeks to remove some of that bureaucratic burden. How would it work? Let us suppose that charity A has spent £7,000 on its own account and £3,500 as part of a joint campaign with a number of other charities or voluntary groups. That will have taken the total spend to £10,500—above the lower limit. If the amendment were to be accepted, the £3,500 would not be included, so the charity would not have to register. However, if it were to spend £10,000 on its own account and still spend only £3,500 on the joint campaign, it would have to register, because it would have hit the lower level on its own account. Finally, if charity A were to spend £5,000 on its own account and £16,000 as part of a joint campaign, thereby spending £21,000, it would have to register, because it would have infringed the higher level at which full registration is required. That is provided for in proposed new subsection (7B), in my amendment.

The purpose of the amendment is to avoid sweeping a range of pretty small organisations into the regulatory net, thus releasing them from the need to undertake ineffective registration, but at the same time to avoid creating loopholes that could be used to undermine the effectiveness of the regime as a whole.

Lord Scriven (LD): My Lords, I wish to speak in this relatively short debate to say that these Benches start from the same point as the noble Lord, Lord Collins: we do not understand what problem the new £10,000 lower threshold is trying to solve. Again, I genuinely ask the Minister what the problem is. Could we have examples of that problem from previous elections, and be told the size of the problem, the methodology and why the lower limit was chosen? That would give us some assurance that the proposed new lower limit has not been plucked out of thin air, and also some evidence base showing why it is required—if, say, for some reason, in previous elections the £20,000 limit somehow tilted the level playing field.

1.15 pm

It is important to understand the problem, the size of the problem, examples of the problem and, in particular, why the £10,000 lower limit will solve that problem. Without that, these Benches will find it difficult to support the clause. If the noble Baroness, Lady Hayman, brings her objection to it back at a later stage, we will be minded to support her.

This is all quite worrying because, as other noble Lords have said, civic society is key to a good, functioning democracy. Many civil society organisations are very small. They are not large regional or national organisations; they are community-based organisations with a real passion for what is happening to their local swimming pool, local library or local hospital. Getting involved is a great way not just of campaigning but of bringing people into the political process. If we as a country make the process of campaigning bureaucratic, and lower the limit so much that the bureaucracy puts people off campaigning in a controlled period, that is bad for democracy in itself.

In general, I am sympathetic to the amendment tabled by the noble Lord, Lord Hodgson, and support it. However, one issue is this. If an organisation were to set up subsections to keep under the £10,000 limit, how would that be controlled? I believe in the principle of a level playing field, so it would be interesting to see, if joint campaigning amounts were below £10,000, what restrictions would be available to ensure that an organisation did not spend £9,999 and then set up a subsection of the same organisation to spend more. In general, I support the amendment, but I just have that reservation about the level playing field.

I genuinely look forward to hearing answers from the Government Front Bench. It is important for the Minister to explain the problem, why the clause would solve the problem and, particularly, what the methodology is and why a £10,000 limit would deal with that problem.

Lord True (Con): My Lords, I am grateful to those who have contributed to this short debate. I acknowledge the complexities here—indeed, in the latter part of his remarks, the noble Lord, Lord Scriven, illustrated one set of possibilities.

As noble Lords know, the clause introduces a new lower registration threshold for third-party campaigners who spend more than £10,000 during the regulated period. I think that it would be agreed—it is common ground on all sides—that any organisation wishing to influence the electorate should be prepared to be transparent. It is entirely reasonable, in our submission, to expect organisations spending significant amounts of money campaigning in our elections—perhaps I am old-fashioned, but £10,000 seems a lot of money to me—to declare that activity. This is particularly important, given the evolution of campaigning. People ask, “What has changed? What is new?” A significant new factor is that digital campaigning has made election campaigning more cost effective and cheaper, allowing for greater reach for less resource.

This new lower tier of third-party registration has been designed to be proportionate to that smaller spend, and it will ensure a minimal regulatory burden for campaigners who fall within the scope of the new measures, without the same reporting requirements that those spending enough for the upper tier are required to comply with—we acknowledge that there is a burden. This proposal enacts recommendations made by the House of Lords Democracy and Digital Technologies Committee in its report on *Digital Technology and the Resurrection of Trust*, in which it spoke about the need to respond to new manners of campaigning.

I thank my noble friend for his careful consideration of it—I understand what he seeks to do. His comprehensive and balanced report on the regulation of third-party campaigning is held in significant regard. Indeed, the central premise of his report, “getting the balance right” between providing transparency for the public and administrative burden for campaigners, has been present in the minds of all of those considering the measures in Part 4. But, for that reason, we fear that, as it currently seems, the noble Lord’s proposed amendment might inadvertently add an undesirable layer of complexity to the existing rules, which I know is not what he seeks to do. This amendment will require campaigners to consider joint campaigning in their calculation of spending limits for the purposes of registration in some scenarios and not others, a situation that may create confusion for campaigners, who may be unsure under what circumstances they need to count certain expenditure.

Let me be clear on two points. First, at any level of spend, joint campaigning can have a significant impact on the outcome of an election. Reporting of joint campaigning when determining total spending maintains the integrity of spending limits. Secondly, third parties subject to the new lower-tier expenditure limit—the new £10,000 limit—will be subject to the minimum requirements necessary for them to register. As my noble friend acknowledged, they are not required to provide a spending return, and therefore they do not report the specific details of their joint campaigning.

Under the proposed amendment, the entirety of a joint campaign will only contribute towards the spending of a campaigner subject to the existing registration requirements, or the upper tier. However, it will not count towards the calculation of the spending of a campaigner subject to the new lower-tier registration

threshold. This means that, in practice, all campaigners would still need to monitor the costs of joint campaigns that they are involved in, if only to determine whether they need to include them in their calculations to register with the commission. Therefore, for consistency, we believe that it would be easier for all campaigners to consider all of the campaign spending, including joint campaigning, in order to comply with the law.

I am pleased that the noble Lord recognises the need for effective campaigning at UK elections. The Government acknowledge that the contributions of civil society are legitimate. But, for the reasons given, in terms of what we think may be the unintended consequences—I am happy to speak to the noble Lord further—I urge and hope that Clause 26 stands part and that joint campaigning continues to form part of the calculation of all regulated spending by third-party campaigners.

Lord Collins of Highbury (Lab): The explanation that the noble Lord has given in relation to the clause is not altogether satisfactory because—if I have a better understanding now—he thinks that costs have somehow gone down with online campaigning and that this is less costly than producing leaflets. As he well knows, £10,000 is not a great deal of money, in terms of campaign expenditure—it is simply not.

But what concerns me about the Minister’s response is that, actually, this new lower tier will especially force all campaigners to monitor their costs and will create a chilling effect, as we have warned throughout the Bill. The result will be that organisations that want to have, and should express, a voice will be reluctant to do so if it impacts in terms of their statutory requirements. I heard what the noble Lord said, but we oppose the clause.

The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab): Do you wish to test the opinion of the House?

Lord Collins of Highbury (Lab): No, I do not. I withdraw our opposition.

Clause 26 agreed.

Clause 27: Joint campaigning by registered parties and third parties

Amendment 48A not moved.

Amendments 49 to 51

Moved by Lord True

49: Clause 27, page 38, line 37, after “a” insert “reserved”
Member’s explanatory statement

The amendments in Lord True’s name relating to Clause 27 restrict the provision made by that clause, so that it applies only in relation to periods involving parliamentary general elections or general elections to the Northern Ireland Assembly.

50: Clause 27, page 39, line 14, after “a” insert “reserved”
Member’s explanatory statement

See the explanatory statement relating to the amendment in Lord True’s name at page 38, line 37.

51: Clause 27, page 39, line 27, at end insert—

“(7A) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).”

Member’s explanatory statement

See the explanatory statement relating to the amendment in Lord True’s name at page 38, line 37.

Amendments 49 to 51 agreed.

House resumed. Committee to begin again not before 2.30 pm.

1.27 pm

Sitting suspended.

**Health Protection (Coronavirus,
Restrictions) (Self-Isolation etc.)
(Revocation) (England) Regulations 2022**
Motion to Approve

1.30 pm

Moved by Lord Kamall

That the Regulations laid before the House on 22 February be approved.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): My Lords, I understand that there is an amendment to the Motion. Given that, I think it would only be appropriate to allow the noble Baroness, Lady Brinton, to speak first so that I can respond at the end. I beg to move.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the noble Baroness, Lady Brinton, is participating remotely.

Amendment to the Motion

Moved by Baroness Brinton

As an amendment to the above motion, at the end insert “but that this House regrets that the Regulations are (1) contradictory to guidance provided by the UK Health Security Agency and NHS England on what action to take when you test positive for coronavirus, (2) an example of public health messaging that has caused confusion amongst the public, and (3) financially exclusionary to those on low incomes who cannot afford either the costs of tests or to isolate without financial support.”

Baroness Brinton (LD) [V]: My Lords, I want to make it clear that this amendment to the Motion is not a discussion about plunging the UK back into lockdown or imposing mass restrictions on individual liberties. I am talking here about the Government’s decision to scale back sensible public health measures—measures that would help us to continue to manage and monitor this pandemic, which is far from over.

Last week, the WHO reminded nations such as the UK that even when a virus is endemic, it needs managing, including testing, self-isolation and mask wearing. Even if not required by law and regulation, the WHO says that messaging and communications from Governments are vital in ensuring that people can take personal care. I am talking about clear and consistent messaging from our leaders about what they mean by “personal responsibility”. I am talking about support and guidance for those who still want to do the right thing and avoid spreading Covid-19. We still need to protect our NHS and ensure that those who are most likely to get severe disease, even if vaccinated, are also protected. I hope that we can all agree on these principles.

By the way, the Government keep changing the terminology for the group who have variously been called shielders, the clinically extremely vulnerable, immunocompromised and immunosuppressed. I hope the House will forgive me if I just refer to them as the CEV as a shorthand; otherwise, it becomes a real mouthful.

Time and again over the course of this pandemic, we have seen boom and bust policies relating to controlling Covid, stretching our NHS and care systems to the brink of breaking point and then introducing half-baked policies to tackle a fire that is already raging. Now we are seeing the bust again, with the withdrawal of almost all our tools to tackle this pandemic.

While we continue to allow Covid to spread through our hospitals, we cannot possibly hope to tackle the backlog of over 6 million patients waiting for treatment. The weekly average for Covid hospital admissions last week was 1,500 per day—an increase of 18% on the previous week. I am hearing that the NHS in the east of England and in London regions is already at level 4, and cases are still rising extremely quickly. Can the Minister say what plans there are if hospital admissions continue at this pace, and, given that they are a lagging indicator to cases, which have risen over 50% on the government dashboard in the last few days, how will people be protected from infection without access to test and trace from 1 April?

Sickness absences everywhere are also rapidly increasing. What are Ministers doing specifically to help keep infection levels lower among key workers, especially, but not only, in the NHS and social care sectors? Today, the *Health Service Journal* reports that Covid sickness absence in the NHS is up 20% in one week. What is the contingency plan if that continues to rise?

Those against any precaution say that we have to learn to live with Covid, but many people with omicron BA2 are saying that it is more like a cold at the start, and then it is like flu and worse. The problem is that it is ultra-transmissible when it is asymptomatic and in those early sneezing days. Would Ministers consider a campaign to strongly encourage wearing face masks, and at the very least try to protect key workers and the clinically extremely vulnerable?

The difference between what is being said at the Dispatch Box and in the Government’s living with Covid plan and guidance published at the end of February is most concerning. The UKHSA webpage is very clear: you must self-isolate if you have symptoms

and are unwell. But this is not a clear message coming from our leaders, with statements such as “Stay at home if you can” and “Take personal responsibility”. Can people afford to? Can they manage to arrange deliveries? Can they even be bothered? Will the Minister today state in clear terms that, even though the legal requirement to self-isolate has ended, it is still absolutely expected that anyone who tests positive for Covid-19 will self-isolate? Will employers be told that they should not tell staff—as Wilko and Asda have already done—that they must work even if they test positive?

Speaking of testing, the policy document on living with Covid mentions the continued availability of

“limited symptomatic testing available for a small number of at-risk groups”.

As for who is included in these at-risk groups, yet again the public are still in the dark. We are only two weeks away from 1 April and we still do not know. We are told that information on who will have access to tests is coming. Surely this has to have been decided already. Why are we left waiting for this vital information yet again? We know already the groups that should have access to tests: the clinically extremely vulnerable and their close contacts; pregnant women; NHS staff; those working with vulnerable patients; those who attend hospitals regularly; unpaid carers; and, frankly, at the moment, our military as well. These groups will make up a sizeable proportion of the population, and I wonder how the Government are planning to identify those who will qualify for free tests.

Portsmouth City Council is so concerned at the 74% increase of positive Covid cases in just one week—to 630 cases per 100,000—and the 50% increase in cases at the Queen Alexandra Hospital to more than 150 Covid beds that it took the decision yesterday to provide free lateral flow tests to residents for three months if the Government will not. This is really tough, given that local authority public health budgets this year have not even covered inflation, and there is no extra money for any Covid mitigations such as test and trace. By the way, the Minister said on Monday that local resilience forums will now cover test and trace as the central ones are being closed down. But what are they going to do that with? No money at all. But in Portsmouth, a city full of key workers, the council feels that it has to do it.

By not providing tests for asymptomatic contacts of the clinically extremely vulnerable, we are placing them in perpetual lockdown. Not providing asymptomatic testing in hospitals also puts patients at risk. It is interesting that PPE is still going to be provided free of charge for NHS trusts until March 2023. But why has PPE been prioritised over testing? We need to know where the Covid is, and we need to protect our patients and staff. Can the Minister please confirm that this “limited free testing” will be only for people with symptoms and that the plan is to end all asymptomatic testing?

From these Benches, we have talked about the lack of financial support for those who should be self-isolating, and the revocation of that means that many people will have no choice but to go into work unwell. We ask again for this to be reinstated. By taking away the little support that was offered, the Government are clear

that people’s self-isolation sacrifices are not worth anything to them—it just does not matter. Ministers talk about personal responsibility but people need to be supported financially to do the right thing, especially with reinfection rates as high as they are.

To conclude, the Government are determined to tell everyone that we have to learn to live with Covid. But by throwing away all surveillance testing and tracing, leaving individuals, employers, our NHS and even the Government completely blind about what is happening, and standing down SAGE at exactly the time that we have the highest level of infection rates, with spiralling cases and hospital admissions and, sadly, a likely increase in deaths in the next couple of weeks, how on earth is the country meant to assess and take their own responsibilities? I hope that the Government will change their mind on these epicentral precautions and mitigations. I beg to move.

Lord Hutton of Furness (Lab): My Lords, I have some sympathy with the arguments that the noble Baroness has just made, but I think this is probably not the time to have a general debate about the Government’s handling of the Covid-19 pandemic.

These regulations are fairly narrowly drafted and are designed to repeal the earlier regulations that required vaccination against Covid-19 to be a condition of deployment in the NHS. I support the repeal of these regulations. The Government have made a good case for the repeal in the Explanatory Memorandum, but none the less, it represents quite a significant and dramatic U-turn in government policy.

I do not think it made a lot of sense to require compulsory vaccination; there were other ways of ensuring the protection from harm of NHS patients. Of course, the loss of critical front-line NHS staff which the earlier regulations might well have produced would itself have represented quite a significant risk of harm to NHS patients.

Today, I have only one question I want to ask the Minister. Again, it is something that is contained in the Explanatory Memorandum. Paragraph 7.29 says that the Government will engage with NHS employers to review their policies on the hiring of new staff and the deployment of existing staff to take into account their vaccination status. I ask the Minister what the Government want to see change in NHS hiring and employment practices. Will new employees in the NHS, for example, need to have been vaccinated against Covid-19? What does this paragraph in the Explanatory Memorandum actually mean?

Baroness Tyler of Enfield (LD): My Lords, I speak in support of the amendment from my noble friend Lady Brinton. One of the main reasons I am doing so is that I think the messaging being put over at the moment is entirely wrong and out of sync with where we are in this pandemic.

I watched a very short World Health Organization video this morning. It was only a minute long and it was called “Moving from Pandemic to Endemic”. The clear message was that endemic does not equal good. During an endemic, you actually require strong health control programmes if you are going to continue to

[BARONESS TYLER OF ENFIELD]

reduce infections, hospitalisations and deaths—something I am sure we all want to do. In my view, there is a pressing need to maintain some of the public health measures that can help us control this virus as it becomes endemic. You can change the label but that does not change the challenges facing us, which, in my view, require sustained protections, particularly for the most vulnerable, and a very strong public health system.

Looking back at the Statement from the Prime Minister when the living with Covid plan was introduced, I was perplexed. He set out the rationale that cases were falling, hospitalisations were falling and the number of excess deaths from omicron was actually in negative territory. Were that still the case, I suspect I would feel quite a lot more relaxed than I do at the moment. This morning, I reviewed the figures and the latest stats from the ZOE study, the ONS and the Government's own dashboard. Just on the Government's dashboard we are seeing an increase of 52% in people testing positive over the last seven days and an increase of 18% in patients admitted to hospitals over the last seven days. That is not a virus in retreat.

1.45 pm

For that very reason, I have some real concerns and some questions that I would like to put to the Minister. I am perplexed at the statement that people should stay at home if they can and what that means. I think people will find that extremely confusing. I am very concerned that there is going to be only limited symptomatic testing available in the population. Can the Minister say what that will mean, for example, for people who are asymptomatic but attending hospital appointments, for unpaid carers who work on a daily basis with people who are extremely clinically vulnerable, and for relatives visiting their loved ones in care homes?

Many relatives visit their loved ones in care homes on a daily basis and, to my knowledge, those care homes—certainly the care home where my mother is—are still insisting, quite rightly, that all visitors do lateral flow tests before they visit. Who is going to fund these tests after April when my understanding is that they stop being free? What funding are the Government going to make available to both the NHS and social care settings to continue with testing where they feel that that is required for patient and staff safety and for relatives? At the start of the pandemic, we found out to our cost what happens when you do not have the right measures in place in very vulnerable settings such as care homes. I do not understand the rationale for why PPE will continue to be provided but not testing. We so clearly need both. Can the Minister explain the rationale for that?

I have two final points. On vaccines, I am worried that the current messaging will mean that people who have not had the vaccine will perhaps be less likely to take it up. What does it mean for a fourth booster? What does it mean for primary-age children? I know from a number of colleagues, and indeed from my own family, that primary-age children are coming home and testing positive. What are the Government's plans for vaccinating primary-age children?

Finally, on the issue of mental health, I fully understand that the end of restrictions is a welcome moment for many people, but, frankly, for those with mental health problems or underlying health conditions it is going to be a time of immense worrying, particularly now people are allowed to leave home, it seems, while Covid-19 positive. What are the Government going to do to make sure that support, particularly mental health support, is in place for those who are very anxious about the Government's policies?

I conclude by saying that I just do not think it is possible to put across the message that this is now endemic, Covid-19 has gone away and we do not need to worry any more. I do not think that that is a responsible position for the Government or anyone else to take.

Baroness Walmsley (LD): My Lords, I would like to ask some questions about data. We are told that the Government's policy has been data driven. As my noble friend just pointed out, the Prime Minister suggested that the case figures and hospitalisations are going down, when in the last seven days cases have gone up by 52% and hospitalisations by 18.4%. This is a trend: the Prime Minister constantly fiddles the figures. First, we had him misleading Parliament on unemployment figures, then on crime figures, and now on Covid figures. This is very important.

I would like to know why the Government are withdrawing funding from some of the studies that enable us to know what the data is, such as the ZOE study. Without the data, the experts cannot properly advise the Prime Minister and the Prime Minister then cannot, if he chooses to, take the right decisions. Why are we withdrawing funding from these studies? As my noble friend says, if the virus is endemic, we still need to control it and we need the figures to do so.

Lateral flow tests that people can take at home are particularly important, especially in the light of the symptoms of this new subvariant—B2, I think—of omicron because the symptoms start as a bit of a runny nose. If somebody has a runny nose, yes, it could be a cold, but it could be Covid. If we are being asked to be sensible and to protect other people, if it is a Covid runny nose one should stay at home, and if it is a cold one should take precautions, but without the test—and poor people cannot afford £20 a box—people will not know which kind of runny nose it is. Can the Minister say how people on benefits or low incomes, who cannot pay the price that some companies are charging for these lateral flow tests, can afford to have them standing by at home so that when they get symptoms they can check the cause of those symptoms and protect everybody around them?

Lord Sentamu (CB): My Lords, as I said in this House on Monday, I had to stay at home for seven days because I had a very bad chest cough, a bad cold and a lot of catarrh. I tested myself and the test was negative. Those bad symptoms continued for nearly six days and I tested myself every other day. It was very clear that I had a sudden form of flu, but its effects on me were quite strong. I was encouraged because I was able to test myself and the lateral flow tests revealed that I did not have Covid but had an awful cold and flu.

The programme that the Government embarked on in testing and tracking was world class. When we are still in the middle of this very cold weather, why withdraw free testing in April? It is the only assurance we have. I hope the Government will think again about that possibility, although the regulations have gone. To take responsibility for yourself, you need to know whether you have Covid, otherwise you will go out and infect other people, which you should not do.

The messaging still needs to go out. I was quite shocked when “Look North” said that people in our area who are testing positive and sometimes ending up in hospital had stopped washing their hands. That is a shock. It may be said that we have all grown up and know how to wash our hands regularly, but I am afraid that in some places that has gone, so the messaging should still be going out that for the protection of other people we must take responsibility and wear a face covering, not because it is regulated but to be considerate towards others. Sometimes you should keep your distance when you hear people coughing. You are keeping your distance to try to protect people.

When these regulations have all gone and such things are no longer mandatory, will the Government please continue to inform people that there are some places where you still need to keep your distance, some places where you must continue to wash your hands and some places where wearing a face covering is the responsible thing to do? Although it is not going to be policed, we need to create that culture. It happened during lockdown. I used to be shocked when I went to a toilet and people who had not washed their hands came out. We are now going back to our bad habits. Although the regulations have gone, could the messaging still go out to persuade people that the steps we took during lockdown and before these regulations are still worth doing?

Baroness Merron (Lab): My Lords, we, too, do not want to see restrictions in place for a day longer than necessary but, as noble Lords have said, lifting the legal requirement to self-isolate needs to be backed up with a plan and an understanding. While it is one thing to acknowledge that free tests cannot go on for ever, while the number of infections remains so high, it is surely sensible to monitor the situation and guard against any new and potentially more severe variants. Not to do that risks being somewhat blindsided by future mutations of the virus. We know that testing is one of the key ways that the return of the restrictions can be avoided. It makes long-term sense to make tests widely available while the threat of a new wave remains.

Questions remain about the implications of the revocation for people’s lives. For example, if you need to care for a clinically vulnerable relative, will you be left out of pocket for that test? After all, should we not be encouraging people to make sensible decisions rather than making it harder for them to do so? I remain unclear about whether unpaid family carers, in particular, will retain access to free testing to allow them to look after their loved ones safely. Perhaps the Minister will comment on this point in addition to confirming that free tests will remain for NHS staff. We cannot have vulnerable patients going into hospital and being treated by NHS staff who have been unable to get tests.

I agree with my noble friend Lord Hutton that this does not feel like the right time to be having this debate, but we are in the situation we are in. In acknowledging that, I echo the points made by the noble Baroness, Lady Brinton, about those who are clinically extremely vulnerable and immunosuppressed. We should have regard to how they are feeling as well as giving them continued practical support. I am sure the Minister will respond to the questions asked by the noble Baroness, Lady Brinton.

I have a question about plans and support for those who live with long Covid. We should not forget that it continues to be a blight on the lives of a number of people. In this regard, it would be helpful if the Minister will tell us about any discussions that have been held with the Secretary of State for Work and Pensions about working with employers to protect clinically vulnerable employees and to assist, through support and guidance, employers of people still suffering from long Covid.

More than 1.3 million vulnerable people are eligible for Covid-19 treatments, such as antivirals. Can the Minister indicate whether they will be eligible for free tests? What about their families, friends and close contacts? Will there be a limit on how many tests eligible people can receive? It would be helpful to have clarification from the Minister to give people the reassurance they need.

The potential confusion in public health messaging has been referred to. On the one hand, there is guidance telling people to self-isolate if positive, yet on the other there are still pressures—financial from employers, or from elsewhere—that force people to go to work. This suggests that the message that people will take is that Covid-19 is no longer a threat, but we know that the pandemic is not yet over. The British Medical Association has argued that asking individuals to take greater responsibility for their actions while taking away free testing is likely to cause more uncertainty and anxiety.

Finally, I shall raise the matter of sick pay with the Minister. What is the reasoning behind the Government’s decision to scale it back? Those who are sick with coronavirus will now have to wait until the fourth day of their sickness before claiming statutory sick pay. We are highly concerned that when people cannot afford to stay at home they will be forced to bring their infection into work. To put this into some perspective, after April some 7 million workers will have to survive on just £38 per week if they find themselves suffering from Covid. Covid is not going anywhere, and it is right that we learn to live with it, but proper provision needs to be in place to help people make the right choices in what is, I hope, a late stage of this pandemic. I hope the Minister will be able to give assurances to your Lordships’ House today.

2 pm

Lord Kamall (Con): I begin by thanking all noble Lords who have taken part in this debate today, and in the previous debate on this issue last week. I will try to answer the questions posed, some of which were raised again today.

I think we should be clear about one thing: in every government Statement, we have been quite clear that we are not saying that the pandemic is over. I am

[LORD KAMALL]

surprised when people say that we say it is over. Every government Statement says the pandemic is not over, that we need to be aware, and we need to take precautions. We would not have a living with Covid strategy if we believed it was over. I am slightly puzzled when it is claimed that we are telling people that it is over, and it is “Freedom Day”. We have used the term “Freedom Day”, but we have also said it is not over, you have to live with it. We have repeated that, and we have been clear in every message. I am slightly concerned when every time the Secretary of State or I get to the Dispatch Box, we are told that we are giving the impression that it is over. We have a living with Covid strategy precisely for that reason.

Throughout our management of the virus, our strategy has always been about vaccines, therapeutics and antivirals. The successful rollout of this programme has weakened the link between infection and hospitalisation, and between hospitalisation and death. Evidence suggests that the link between infections and progression to severe disease is substantially weaker than in earlier phases of the pandemic. For instance, the numbers of patients in hospital per 100 infections have remained very low over the last few months. The proportion of patients being admitted to intensive care and requiring mechanical ventilation remains lower, with rates declining even when prevalence has increased.

The Government’s approach has always been informed by a wide range of scientific and medical advice. As I said clearly in the debate last week, when I asked one of the modellers about their data, they said that first they give us scenarios, including a worst-case scenario, not because they want us to work towards a worst-case scenario, but because we need to know what we can do to make sure that we do not reach the worst-case scenario. Then I asked about the other considerations, such as mental health, the backlog, and people’s jobs and livelihoods. The modeller said, “Minister, all we do is give you the data on where we think coronavirus is. It is for you, as a Government, to balance all the other competing issues.” That is what we do: we look at the data and we balance it up with other medical data, such as people who have missed diagnoses or operations, the significant mental health issue and the increase in eating disorders, and we have to consider all that in the round. We have to consider the spread of Covid, but at the same time we have weakened the link—and this is widely acknowledged—between catching Covid and hospitalisation, and between hospitalisation and death.

We are also continuing to monitor a number of variants. We have looked at the BA2 variant, which is more transmissible than omicron, and has become the dominant variant in the UK. It is not driven by increased immune evasion and BA2 does not appear to cause more severe disease at the moment, but we are continually monitoring it.

A number of noble Lords asked about surveillance, and due to the reduction in serious illness and deaths we have begun a new phase of living with the virus. We continue to monitor Covid-19 through our world-leading studies such the ONS Covid infection survey, SIREN and Vivaldi, and there were claims in last week’s

debate that we had ended some of these, so let me put it on record: we have not ended them. I wish that any claims made were factual. We will also continue genomic sequencing of cases to provide further insights. We thank all the participants for supporting our surveillance work and the UKHSA will maintain the critical surveillance capabilities, including the population-level COVID-19 Infection Survey, genomic sequencing and additional data. This will be augmented by the SIREN and Vivaldi studies.

Previous debates on the coronavirus have not always pointed to this data, but have pointed to other data produced by global, regional and local academic institutions, so there are many sources of data out there. If I may give an analogy, when I used to look at financial services, there were concerns when the American Fed stopped publishing data on M3 as a measure of money. People said, “Why aren’t you doing this?” but academics and other experts were out there, and they were reconstructing M3, so there was no need for the Fed to do it because those experts were able to look at it. This is what is happening in academia and elsewhere; many people are looking at the data, and will continue to do so, and some of their grants are given on this basis.

We will continue to work with public health partners to make sure that people have the information they need. We are quite clear that the GOV.UK guidance was updated to reflect the legal end of self-isolation on 24 February 2022, and we have always been clear that it is not over, and we have to learn to live with Covid. We also expect it to be managed regionally and locally as part of a wider all-hazards approach, using existing health protection frameworks, and we need a continued focus on protecting the settings at highest risk, through local outbreak investigation and management activities led by UKHSA and the existing local health protection frameworks. Local government has been a vital partner in all this and will continue as such. The Government will continue to provide limited symptomatic testing for a small number of at-risk groups, and free symptomatic testing will remain available to social care staff, and we will look at this in more detail.

We will also look at affordability. This is quite right, as disparities have been a constant theme throughout the Health and Care Bill. We want to encourage a thriving private market, and one of the conversations we are having with private providers is to how to make sure it is more affordable. We are also having conversations across government to make sure that we tackle issues of access for those who are poorer. Noble Lords may have different levels of income, but people do buy tablets, and will buy testing, as part of their personal responsibility. Are noble Lords suggesting that we make it free to everyone, or just the very poor? We have to remember that any money spent on giving free tests to those who can afford to pay for them are resources that could be used elsewhere in the health service. We have to focus on tackling this backlog in particular—it is important that we get more people to diagnostic centres.

The noble Baroness, Lady Brinton, asked about the immunosuppressed, and we recognise the importance of this cohort. The noble Baroness and I had meetings with the Anthony Nolan charity, Blood Cancer UK

and Kidney Care UK. I understand that on 22 February there was a meeting of the Disability and Health Charities Communication Forum, at which the Anthony Nolan charity, Blood Cancer UK and Kidney Care UK were present, and there was a follow-up meeting on 8 March. These meetings will continue, and the issue of the immunosuppressed is raised with those charities at the meetings, where we talk about communications measures, as well as what we can do to continue to protect those people. I spoke to one of the officials today about their plans, and he told me that the meetings will continue, and in addition they are looking at the idea of inviting the noble Baroness, Lady Brinton, along with the three charities that came to the original meeting, to a further meeting, and after that will discuss whether there should be regular conversations. At government level, the effort is led by Jenny Harries of the UK Health Security Agency. We make sure that there is continued engagement with these vital charities to ensure that those whom the noble Baroness referred to as the clinically extremely vulnerable continue to have the appropriate advice, but also that we are informed about the best way to get that advice out to the many sufferers.

We looked at the data and at the public sector equality duty, and we know that there are issues that we have to look at in further detail, such as health and social care staff getting free testing, and some of the other issues raised today. We are really looking into that to make sure that it is targeted, but I recognise that some people can afford to pay for their testing.

We are having conversations across government on the employment support allowance, statutory sick pay, and where an individual's income is reduced while they are off work sick. I am not sure of the exact status of those conversations, but we are fully aware of the issues that noble Lords have raised and the provision of further financial support, including universal credit, and hardship funds from local authorities.

Employers are responsible for people who enter their workplace, as has always been the case, but we are quite clear that employers should not ask any workers with Covid-19 to enter the workplace. We must get the right balance between personal responsibility and safety. We have always been clear that it is not over. We must learn to live with Covid. It is not defeated. We are monitoring, with these surveys and outside surveys, the different variants: those which become variants of concern, their severity, and whether we need to scale up some of the measures that we have just scaled down. One of the conversations that I have had was about how quickly we can scale up some of the measures that we are scaling down if there is a significant outbreak or variant of concern. We are aware of it. All this, including the *Living with Covid-19* strategy, shows that we are not saying and have never said that this is over. We must simply continue getting the precautions right, getting vaccinated, ventilating shared spaces, wearing a face covering in crowded or enclosed spaces, getting tested if you have Covid-19 symptoms, and staying at home. We are not ignoring the virus.

I end by thanking all the people who have got us to this point: the scientists, the health and social care workers—

Baroness Walmsley (LD): I am sorry to interrupt the Minister and I thank him for all that information, but is he in a position to answer the question asked by my noble friend Lady Tyler about vaccination of primary age children? There is an awful lot of Covid in primary schools. Vaccinating children was slow to start and the delivery of the programme has been even slower. Perhaps he could tell us something about that.

Lord Kamall (Con): Yes, I apologise for my enthusiasm to answer.

We have accepted the JCVI advice to offer the vaccine to all children aged five to 11. The advice follows a thorough review by the MHRA, which approved Pfizer's paediatric vaccine as safe and effective for children aged five to 11. The NHS is also prepared to extend the offer to all children in April, so parents can ensure good protection against potential future waves of Covid-19. Every parent will have the opportunity to make an informed choice. I remember an email from my younger son's school saying there was a vaccination clinic at the school. Sometimes vaccinations are done in schools, sometimes in an NHS setting, and sometimes in these pop-up centres that we have debated previously. I hope that answers the question asked by the noble Baroness.

I am sure that all noble Lords will want to join me in thanking all the scientists, the health and social care workers, the volunteers, the life sciences industry, and the postal, courier and transport workers, the Uber Eats people—all those who brought stuff to us while we protected ourselves. We have always sought to get the right balance between the safety of the public and keeping the country open. We were criticised sometimes when we went into lockdown and we were criticised sometimes when we came out of lockdown. We have looked at the scientific debate. Whatever you do, there will be scientists who agree with you and scientists who disagree with you. You just have to do the right thing on balance, with all the economic and social factors, as well as all the health factors.

We will continue to monitor the data, listen to scientific advice, build defences and encourage people to get vaccinated. We are always making it clear that it is not too late to get your first and second vaccine. We have targeted community groups, sometimes through faith organisations and sometimes through local community organisations, to reach people who are distrusting of authority, asking who the right people are whom they will trust. We must understand the motivations and why people are not getting vaccinated, rather than tell them that they are silly or complain about them. We must understand and work with them.

I end by saying that we agree with noble Lords who have said that this is not over. We must learn to live with Covid; we must get vaccinated, ventilate shared spaces, wear a face covering in crowded or enclosed spaces, and get tested. Lifting these restrictions does not mean that we are ignoring the virus. We have this *Living with Covid-19* strategy, and I welcome all noble Lords' scrutiny of it and their helpful suggestions. If I have not answered any questions, I will read *Hansard* and make sure that I sweep up all the other answers.

[LORD KAMALL]

I hope that I have offered some assurance and answered most questions. I ask the noble Baroness, Lady Brinton, for whom I have incredible respect for her championing of the clinically extremely vulnerable, to withdraw her amendment.

2.15 pm

Baroness Brinton (LD): My Lords, I thank all noble Lords who have spoken.

The Minister said that we were saying that the pandemic is over. Not one person speaking today has said that it was over. We have all said that is has been moving to endemic and that the WHO advice was about making sure that, as formal restrictions lift, there should be continuing precautions. The Minister said that omicron BA2 is substantially weaker. Yes, it is, but the maths is also simple. He said that it is the dominant strain, but, if you have a very high level of case numbers, hospital admissions, ICU admissions and deaths will also rise. The point about testing was well made by the noble and right reverend Lord, Lord Sentamu. If local government's public health is a vital partner, will the Government please fund this extra work?

The Minister asked us whether we only fund the very poor for lateral flow tests. The point is that the virus does not distinguish and it is really important that those on low incomes, who are facing astronomically high cost of living rises, are given some support. I thank him for his comments about the CEV forum, but just talking, without any active support for the clinically extremely vulnerable, is a chocolate teapot. The noble Lord, Lord Hutton, asked a key question on whether this is the right time to change all these mitigations and, while the Minister thanked all the doctors, scientists and other NHS key workers, I think we all agree that most of them are saying that it is too early to lose these mitigations.

I regret that the Minister has not given me reassurance. However, I withdraw my amendment.

Amendment to the Motion withdrawn.

Motion agreed.

Iran Detainees

Statement

The following Statement was made in the House of Commons on Wednesday 16 March.

“With permission, Mr Speaker, I would like to update the House on the release of British nationals from detention in Iran—and, in parallel, on the repayment of the International Military Services debt. After years of unfair and unjust detention by the Government of Iran, Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori have, this afternoon, finally been allowed to board a plane and leave the country. They are on their way home. They will land in the UK later today and will be reunited with their families. Morad Tahbaz has also been released from prison on furlough. I know that the whole House and the whole country will rejoice at this news and share in the relief that their horrendous ordeal is over.

Nazanin was held in Iran for almost six years, and Anoosheh almost five. Morad has been in prison for four. Their release is the result of years of tenacious British diplomacy. I want to thank our Omani friends and Minister Badr for their help in bringing our nationals home. I pay tribute to the efforts of many in this House, particularly the honourable Members for Hampstead and Kilburn (Tulip Siddiq), and for Lewisham East (Janet Daby). I pay tribute, as well, to my predecessors, and my right honourable friend the Prime Minister, who have all worked hard to resolve this issue. Most of all, I want to express my admiration for the incredible resolve and determination shown by Nazanin, Anoosheh, Morad and their families. I have been in contact with them throughout, as have our specialist consular teams. Their suffering has moved us all, and so does the prospect of their being reunited with their loved ones once again, after this long and cruel separation.

We secured the release, and Morad's furlough, through intense diplomatic and political engagement at every level. We stepped up these efforts over the last six months. On becoming Foreign Secretary in September, I made resolving the issues of the continued detention of British nationals and the IMS debt personal priorities. In my first week, I spoke to the families of the detainees and met my Iranian counterpart, Minister Amir-Abdollahian. This was the first in-person meeting of UK and Iranian Foreign Ministers in three years. We agreed to work together to resolve the two issues in parallel. I dispatched a team of Foreign Office negotiators to hold intensive discussions with senior Iranian officials, in order to secure the release of our detainees. Officials travelled to Tehran for negotiations in October and November. A final round of negotiations took place in Muscat in February, resulting in this agreement.

Our ambassador in Tehran, Simon Shercliff, has also been in constant talks with Iranian Ministers and senior officials. I spoke to Minister Amir-Abdollahian in October to progress the talks. In December, I met Minister Badr and secured Oman's assistance in this important work. In February, I held discussions with Minister Amir-Abdollahian again, to drive the talks to a final conclusion. We will continue to push, with partners, to secure Morad's permanent release and return home, which is long overdue. We will continue to support other British nationals in Iran who have asked for our help. We will work closely with our international partners to urge Iran to end its practice of unfair detention. It remains, and always has been, within Iran's gift to release any British national who has been unfairly detained. The agonies endured by Nazanin, Anoosheh, Morad and their families must never happen again.

Our efforts to settle the IMS debt have also reached their conclusion. After highly complex and exhaustive negotiations, the more than 40 year-old debt between International Military Services and the ministry of defence of Iran has now been settled. As the House is aware, this debt relates to contracts signed with the Iranian ministry of defence in the 1970s. Following the revolution of 1979, those contracts could not be fulfilled. I pushed officials to be as creative as possible in finding a way to resolve the situation, and they have worked round the clock to find a viable payment

route. We have considered and exhausted many options in the process. I can tell the House that we have found a way to make the payment in full compliance with UK and international sanctions and with global counterterrorism financing and anti-money laundering regulations. A sum of £393.8 million has now been paid, which will be available only for humanitarian purposes. The terms remain confidential to both parties. We have long said that we would find a solution to the IMS debt. Now, thanks to the tireless work of our officials, we have found a way to do so.

The repayment of the debt, in parallel with the release of our nationals, reflects steps taken by both the UK and Iran to resolve issues of serious disagreement between our two countries. We will continue to stand up for our interests, for the freedom and security of our nationals wherever they are, and for an end to arbitrary detention. But for now, to Nazanin and Anoosheh, I am pleased that in just a few hours' time we will be able to say: welcome home. I commend this Statement to the House."

2.18 pm

Lord Collins of Highbury (Lab): My Lords, everyone in this House will be incredibly relieved about the release of Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori. It is incredibly heartening news, and I pay tribute to all Members of this House who have campaigned tirelessly on their behalf, and on behalf of their families. I also pay tribute to Richard Ratcliffe, who worked so hard, including on hunger strike outside the FCO. I also pay tribute to their local MPs. It just shows how important constituency MPs can be. Tulip Siddiq and Janet Daby both worked tirelessly on behalf of their constituents.

Sadly, however, their release is long overdue and the Iranian Government's use of their freedom as a political bargaining chip has been shameful. The years that Nazanin and Anoosheh have lost can never be recovered, and of course it is not only their years that have been lost. I think of Gabriella, Nazanin's daughter, who has lost an incredibly important period of her childhood without her mother.

We should also use this moment to reflect on how we can avoid this situation being repeated. That must include looking inwards at the world of the Foreign Office and perhaps even at the real possibility that the Prime Minister's incorrect comments may have worsened Ms Zaghari-Ratcliffe's detention. There is no doubt that mistakes were made which may have prevented her earlier release, but there are also positive lessons which can be learned from how her return was eventually secured. Ultimately, we must recognise that this release would not have been possible without the dedication and expertise of the FCDO's staff. I hope that the Government will fully understand that and make a commitment to ensure that there are no further cuts to their number. I hope the Minister will make that commitment today.

To prevent a tragedy like this taking place again, the Government should also look outwards and ask how they can work with our international allies to strengthen international measures to combat the use of arbitrary detention and hostage diplomacy. The unfortunate truth is that Nazanin Zaghari-Ratcliffe

and Anoosheh Ashoori are not the only British nationals to have been arbitrarily detained by the Iranian regime, and Ministers should now seek the release of all other British nationals who have been unlawfully or arbitrarily detained. I hope that the Minister can update the House on work with our international allies to secure the release of other nationals in Iran.

I want to focus particularly on the detention of Morad Tahbaz, whose sister was on the radio this morning with Liz Truss. She made a moving comment that their family had been unable to take the public road in terms of media attention. I hope that, with the release of Nazanin and Anoosheh, we do not forget those who remain detained. I hope that the Minister can tell us more about the steps that the Government are taking, with the United States in particular, to support and ensure Mr Tahbaz's release?

Today's Statement represents the conclusion of a horrific experience for both Nazanin and Anoosheh, but for the many others who remain in Iran, it is also a glimmer of hope. The Government must use this moment to go further and help others to return home, but also to learn from the mistakes which meant that Nazanin and Anoosheh were not reunited with their families sooner.

Baroness Northover (LD): My Lords, I too thank the Minister for bringing us this extraordinarily welcome Statement and echo what the noble Lord, Lord Collins, has just said. I also thank the Minister personally for his care in keeping me informed. I really appreciate his responsiveness on this, as on other matters.

I hope that noble Lords will excuse me leaving me after the opening statements. As the Minister knows, the time for this Statement changed, and I am responding for the Lib Dems in the International Women's Day debate in the Moses Room and so should return to hear those speeches.

I am so delighted to join others in welcoming both Nazanin and Anoosheh back home. They and their families should never have been put in this terrible position, as political hostages. I first raised the case of Nazanin's detention in February 2017 in your Lordships' House. So much time has passed since then. I too pay tribute to Richard for his remarkable, quiet, determined, loving and constant pressure to seek his wife's release and the reunion of his family. He was endlessly told, as was I, that work was going on behind the scenes and that he should stay silent. He did not—the world got to know about Nazanin, and the world welcomes her release.

I pay tribute too to Amnesty International and Redress, which have worked tirelessly to secure this result and continue to support others who have not received such prominence around the world. They do a remarkable job. I also think that Jeremy Hunt deserves credit for trying to take forward the hostages' release and in particular for recognising that there was a debt that the courts had determined we owed to Iran. Of course, there is not the slightest justification for the holding of hostages by the Iranian state and we condemn that. I agree that we should not be seen as paying ransom, but we need to adhere to international law and I am glad that this has been resolved and will go towards humanitarian relief in Iran. I hope that the

[BARONESS NORTHOVER]

right reverend Prelate the Bishop of Chelmsford is also pleased, given her family ties there. I would like to know more about how this aid will be structured.

In this unstable world, it becomes ever more important that we adhere to a rules-based order. We see that with the terrible consequences in Ukraine right now. That is why it is urgent that we tackle Iran's nuclear position. Although critics said that the JCPOA did not address all that everyone wished, it was a major milestone—a boulder in the door, as the noble Baroness, Lady Ashton, who helped to negotiate it, has said. It was appalling when President Trump pulled out, and it is vital that we put this back in place. Can the Minister update us? The best should not be the enemy of the good.

I have felt strongly for Nazanin over these last years as her daughter was growing up—mentioned by the noble Lord, Lord Collins—and as the years passed, with all the implications for her and her family. I am so impressed by Richard Ratcliffe's statements about how there is no solace to be gained from looking back at those losses. Those losses are very real, but, as he puts it, "We live in the future", and we must indeed. That is important for them. They will need time to recover, and I hope that they are given it.

What progress is being made on the case of Morad Tahbaz and the others held in Iran? Richard made sure that we never forget Nazanin. What of the others? Amnesty has been working publicly on Mehran Raouf's case. Can the Minister clarify why the Foreign Secretary said yesterday that he does not want to be identified? I am informed otherwise. If he cannot answer now, please will he write to me. What advice do we give to other dual nationals seeking to visit their families in Iran? I met one recently who seemed unconcerned. Is he right?

What are we doing to ensure that there is concerted international action should future political hostages be taken in this way by states? In February 2021, the UK backed a Canada-led initiative against states' practice of arbitrary detention of foreign nationals for diplomatic leverage, along with 55 like-minded allies. What proposals are coming out of this initiative, and will the Government review the cases of the British nationals held in this way so that we can learn from it and do our best to ensure that it does not happen again? In that context, the Government are now sanctioning many more people in relation to Russia. Are they looking at this in relation to the taking of political hostages?

What support are we giving to these two families who were caught up in a political storm unrelated to their own actions and who now need gently to be assisted and protected and led back into as normal an existence as is possible?

This result has probably come about partly because of the political tectonic plates shifting following Russia's invasion of Ukraine, but it is wonderful to have such positive and happy news this week against the background of atrocities elsewhere. Perhaps it was not chance that Nazanin was wearing yellow and blue, the colours of the oppressed in Ukraine.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con):

My Lords, I join the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, in thanking everyone who has been involved in the many and several consular cases around the world, but particularly those in Iran.

I was in the other place when my right honourable friend the Foreign Secretary made her Statement, and it was a particularly poignant moment to see both Richard and Gabriella in the Gallery. I was glad I and other colleagues from both Houses were there to contemplate it; it was very much their moment, and it was necessary that they heard one Member of Parliament after another pay tribute to their tenacity and consistency and, as Tulip Siddiq summed it up, the really high threshold that Richard has set for all husbands—I am sure that I and others will be reminded of that in the months and years ahead.

I join in paying particular tribute to both Tulip Siddiq and Janet Daby. MPs, as the noble Lord, Lord Collins, said, play an incredible role in being what they truly are: representatives of the people. Both honourable Members have shown exactly that in serving their constituents. The poignancy of the exchanges yesterday was very apparent and real emotion could be felt in the House of Commons Chamber.

I thank the noble Baroness, Lady Northover. As Human Rights Minister at the Foreign Office, although not directly involved in Iran, I have followed this issue. Many initiatives were undertaken, and I pay tribute to the noble Baroness for her efforts in this regard and to other noble Lords in the Chamber. I am delighted that we are joined by the noble Lord, Lord Dubs, who has been a vociferous campaigner and, through his own insights and experiences, has brought great focus to the cases of those detainees in Iran, and I pay tribute to his efforts. In exchanges both within your Lordships' House and outside it, as I have always said, all the Front Benches here enjoy strong relationships, and I am particularly grateful to the noble Lord, Lord Collins, in that respect.

I have served now under four Foreign Secretaries. I join others in recognising the role of my right honourable friend the current Foreign Secretary in making this issue a priority on her appointment but also, as the noble Baroness, Lady Northover, recognised, the important role played by my right honourable friend Jeremy Hunt during his tenure as Foreign Secretary—I remember him visiting Iran and visiting Gabriella directly when she was still in Tehran—and of course the continued role of my right honourable friend the Prime Minister.

Equally, I pay tribute to the British diplomats who have been looking at the many issues that one can talk about, and to our ambassador in Tehran, Simon Shercliff, who was consistently in touch, particularly in the last few moments. I am grateful to the noble Lord, Lord Collins, and the noble Baroness, Lady Northover; even in those last few minutes when certain news was breaking, I was giving evidence to a committee at the time but was conscious that, once we had wheels up and airspace had been cleared, we could truly recognise that both Nazanin and Anoosheh were coming home.

We saw the emotional reunion this morning, and I think the massive effort that has gone into that has been recognised.

I shall pick up on some of the specific questions—first, regarding other cases that I think are equally important. We were of course pleased to learn of the release from custody of Morad Tahbaz, who I think is now under house arrest after being detained in prison for four years. He was arrested in 2018 and I know my right honourable friend the Foreign Secretary has been particularly seized of his case. Both noble Lords asked about other cases too. There is a point to be made here: it remains in Iran's gift to release any British nationals who have been detained. I note what the noble Baroness, Lady Northover, said about a particular case, and I will take that back and write to her as appropriate. However, I assure all noble Lords that we continue to work on these cases.

The change of Administration in Iran brought a new opportunity. Again, my right honourable friend the Foreign Secretary very much seized the moment through her direct interventions and diplomacy with key members. I add Her Majesty's Government's thanks for the important role played in this respect by Oman. My right honourable friend met Oman's Foreign Minister Badr, and Oman provided the plane that landed in Muscat from Tehran.

This has been a big effort, but equally it should be very much seen as only the beginning. On Richard's resolute determination, as I have said in answer to previous questions, when he had his vigil outside the Foreign, Commonwealth and Development Office I specifically went over and said to him that, while the answers from the Foreign Office might not have been what he expected or wanted, there were people in that building who were very much focused on his priority, which was getting the release and reunification with his family, and we all recognise and celebrate that.

The noble Baroness, Lady Northover, asked about the JCPOA nuclear talks. The issues are not linked, but we are very much at the end of the talks to restore the JCPOA. We are urging all parties to focus now on rapidly concluding the deal. On the table is a fair and comprehensive deal that has been achieved, which would reverse Iran's nuclear programme, return it to its strict JCPOA limits and restore extensive monitoring by the International Atomic Energy Agency. We are very much focused on hoping that all parties will ensure that that happens.

On the IMS debt, which has come up repeatedly, the Government accepted that it was a legal debt that was owed and committed to paying it, and that has now been done; the sum of £393.8 million has been paid. As the Foreign Secretary said, the specifics of the deal remain confidential to both parties, but I assure noble Lords that the payment was made in full compliance with UK and international sanctions as well as global counterterrorist financing and anti-money laundering regulations. The debt is very much focused, as the noble Baroness, Lady Northover, recognised, on humanitarian support and priorities.

I hope that, as we recognise this important step forward in Iran's ability to return detainees, it will act, as I have said, as the important first step in the return

of all people currently detained in Iran and, in doing so, strengthen and build our relationship. As the noble Baroness and the noble Lord recognised, events gripping us today reflect the importance of working together and ensuring that we can pursue the ultimate goal that we all desire: the peaceful settlement of conflicts and the return and reunification of families of detainees, wherever they may be held in the world.

2.37 pm

Lord Dubs (Lab): My Lords, at a time when the world news is almost always bleak, it is good to have good news today. I think we all felt very cheered when we saw on our television screens yesterday and this morning the release of Nazanin and the other person. This marks an important point. I do not want to be churlish, but in future we may still learn the significance of the part the Prime Minister played when he was Foreign Secretary; some of us felt that some of his comments were a bit unfortunate.

The Statement says that the Foreign Secretary dispatched an elite team of Foreign Office negotiators. I assume that they are always elite; if they are not then you are sending your second team, so that is a slightly odd phrase.

I pay tribute to the Members of Parliament who have worked so hard and with such determination, and above all to Richard Ratcliffe. I have met him several times, including when he was on hunger strike outside the Foreign Office. He did everything possible to show determination, resolution, insight and a very balanced and sensible approach. Goodness me, the Foreign Office could use more people like him; he has played such an important part.

I am puzzled by something. As I say, I do not want to break up the sense of harmony, but the Statement says that the money, nearly £400 million, will be,

“available only for humanitarian purposes.”

It was always clear that that was the only basis on which the money could be returned. However, the Statement also says:

“The terms remain confidential to both parties.”

I am a bit puzzled by that because all along many of us were saying that, when that money is repaid, it would be the key to the release of Nazanin and the others. We were always told by the Government that we should not make any connection between the two. I am rather puzzled by that and particularly as to why we should not know the terms. I can think of only one reason, which is that there may be other people whose release might be prejudiced by releasing those terms. Otherwise, I do not see why we should not know. All along, we felt that the delay in getting these people released was because we had not paid up the money that we promised to pay many years ago. Why can we not know the details? By the way, I am thankful for the nice comments that the Minister made about me.

Lord Ahmad of Wimbledon (Con): My Lords, I reiterate the points that I have made. I am grateful to the noble Lord and recognise his important role in relation to these consular cases and the detainees issue in Iran. He mentioned in relation to Nazanin

[LORD AHMAD OF WIMBLEDON]

Zaghari-Ratcliffe the role of Richard Ratcliffe, as I have acknowledged, in ensuring that her issue very much seized the minds of those in Parliament here in the UK. It was also an issue that was kept on the front burner. I remember my meetings with Richard, including during his hunger week at the United Nations in New York—his efforts were not just here in London; he was also active internationally. I have already alluded to some of the other detainees.

I have already said that we acknowledged the existence of the IMS debt. This was a complex negotiation. As regards the point made about elite diplomats, the noble Lord is quite right. We want the best of the best in the Foreign, Commonwealth and Development Office. Their efforts and professionalism are testimony to the two parallel issues—the release of the detainees and the vehicle that allowed for the payment of the IMS debt.

The noble Lord asked specifically about the reasoning behind the terms. The terms remain confidential to both parties and that was part of the agreement. However, I have sought to reassure your Lordships' House that the payment has been made in full compliance with our international obligations and regulations—those concerning international sanctions, counterterrorism financing and anti-money laundering regulations.

Lord McDonald of Salford (CB): My Lords, I agree with the noble Lord, Lord Dubs, that the phrase “elite British diplomats” is a tautology. Today’s good news is the product of many years’ work by many people. I congratulate the Government, the team led by the Foreign Secretary in London and Simon Shercliff in the field, as well as their predecessors. As the Minister has done, I single out Jeremy Hunt in London and Rob Macaire in Tehran.

As the world celebrates the release of Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori the Foreign Office will be turning to lessons learnt. Can I seek reassurance from the Minister on two points? First, although Richard Ratcliffe’s campaign was brilliantly successful, maximum publicity will not always be the most effective way in which to help people in trouble. Secondly, the Foreign Office should help those who choose not to publicise their case just as much as those who are in the light of the media.

Lord Ahmad of Wimbledon (Con): My Lords, these negotiations were carried out over many years and there were high points and low points. I also recognise the important role that the noble Lord, Lord McDonald, played in several years of exemplary leadership at the former FCO in ensuring that diplomatic engagement on this issue was sustained and maintained at the highest level. The noble Lord’s comments as regards the publicity were correct in some instances, as we saw in Richard’s campaign. He felt that that was right and one cannot imagine for a moment until one is in that situation what steps one would take. He certainly was determined. Tulip described him as an accountant who did not really seek the limelight but suddenly found himself thrust in front of the world’s cameras. He showed that he was determined to do what was necessary.

I also totally acknowledge what the noble Lord said about the many consular cases that we deal with involving detainees around the world in which the families specifically ask that the details of the case and the name of the detainee is kept confidential but, at the same time, request discreet and quiet diplomacy. I can assure noble Lords that the issue of quiet and discreet diplomacy is a very effective British tool in unlocking difficult cases.

Lord Campbell of Pittenweem (LD): My Lords, it is easy to be joyful on this occasion because it is the outcome for which so many people have been working for so long. It is obviously the outcome to be desired. We should also realise and recollect that there are those who do not share the same joyful outcome, and I hope that their detention will not be longer delayed.

I should like to pay particular acceptance and recognition of the efforts of Richard Ratcliffe. I know that, on occasion, they have not been consistent with the attitude of the Foreign and Commonwealth Office, but they reflect the kind of commitment and loyalty that is necessary in circumstances of the kind that we are discussing. It is also right to pay compliments to the two Members of Parliament because, for them, there was a particular responsibility and perhaps they found themselves operating in an area with which they were not always familiar.

It has been said that lessons must be learnt. It took a long time for this joyful outcome to happen. It was not helped by the clumsy intervention of the Prime Minister, and I very much hope that in taking account of the way in which this matter has turned out the Foreign Office will have regard to the fact that perhaps other approaches might have been more successful earlier. I suspect that we will never really know what caused this outcome to be achieved. Parts of it are not to be publicised, as we have been told. We will never know precisely what the thinking was in the upper echelons of the Iranian Government, but it is certainly the case that it took longer than we might have expected and that is an issue upon which the Foreign Office would be well advised to give consideration.

Lord Ahmad of Wimbledon (Con): My Lords, regarding the remarks that the noble Lord made about both Members of Parliament, I have already recognised in my responses to the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, the incredible roles played by the MPs. I know one of them but perhaps not the other. However, I speak for every Member of Parliament when I say that I am sure they would say that they were doing their job.

As regards the lessons learnt and so on, in every experience and area of work in whichever department and government—indeed, throughout society—there are always things that experience teaches one and provide insight into how one can deal with a situation more effectively. There are always ways in which to improve the response of the Foreign, Commonwealth and Development office.

In terms of focus, as the noble Lord acknowledged, others are still detained. Morad Tahbaz has been specifically mentioned. Let me assure the noble Lord that we are working to secure Morad’s return to the

United Kingdom. He has three nationalities—Iranian, British and American, as the noble Lord will be aware. There are also others and we are supporting all British nationals in Iran who have requested our help. We, alongside our allies, are urging Iran to end its practice of unfair detention. In our diplomatic push to ensure that all parties are very much on board, my right honourable friends the Prime Minister and the Foreign Secretary have been very much at the forefront of this release.

Lord Sterling of Plaistow (Con): After this splendid news today, I ask the Minister about his mention of our getting very close, together with the United States and other countries, to being able to sign an agreement with Iran. I think every country in the Middle East is strongly concerned about the possibility of Iran obtaining nuclear weapons, in any form whatever. Can my noble friend reassure us that, in practice, he thinks the controls that will be in this agreement, when it comes, will unquestionably make certain that Iran will not get its hands on nuclear weapons?

Lord Ahmad of Wimbledon (Con): My Lords, as my noble friend acknowledged, I have already mentioned the discussions going on with regard to the JCPOA. As many noble Lords have acknowledged, and as I have acknowledged myself, it is not an ideal agreement, but it has been sustained and retained, and it is important that all parties work for its restoration according to the criteria laid out, particularly about reversing Iran's nuclear programme and allowing for effective and regular international monitoring for the very reasons my noble friend articulates—to prevent Iran developing or owning a nuclear weapon.

Iran's nuclear programme should be for the purpose that it seeks, as many do, peaceful means of securing alternative sources of energy. The issue of Iran's nuclear programme is very important. We are, of course, aware of the concerns, but I say to my noble friend that it is for those very reasons that it is important that we seek to restore the JCPOA, with the measures and conditionality it brings. At this juncture, it is important that all parties take a long, hard look at the agreement on the table. One hopes we can return to this agreement, with all necessary checks and balances in place, at the earliest opportunity.

Elections Bill

Committee (3rd Day) (Continued)

2.52 pm

Amendment 52

Moved by **Lord Collins of Highbury**

52: Clause 27, leave out Clause 27 and insert the following new Clause—

“Joint campaigning by registered parties and third parties

- (1) The Secretary of State must by regulations require registered parties to identify targeted expenditure incurred by a recognised third party that is subject to authorisation under section 94G of PPERA by the relevant registered party, and which exceeds the limits in section 94D(4) of PPERA.

- (2) Regulations under subsection (1) must include, for relevant returns submitted pursuant to section 80 of PPERA, provision for the introduction of a specific reporting category for targeted expenditure incurred by a recognised third party that is subject to authorisation under section 94G of PPERA by the relevant registered party, and which exceeds the limits in section 94D(4) of PPERA.”

Member's explanatory statement

This amendment would replace provisions on joint campaigning with the recommendation made by the Committee on Standards in Public Life in their 2021 report *Regulating Election Finance* (see recommendation 21).

Lord Collins of Highbury (Lab): It's that man again, as they say.

Despite the urgings of the noble Lord, Lord Hodgson, on this clause I shall take a little time, because it is a fundamental issue of principle, whether intended or not. I have tried to stress to the Minister that sometimes, though consequences may be unintended, they are serious in their effect. I want to go through why I believe it is unclear what the purpose of Clause 27 is. There does not appear to be a problem to solve. Spending by non-party campaigners in support of a political party is already highly regulated under the targeted spending rules and counts against the party's spending limits. I do not believe this clause has been really thought through and it risks substantial unintended consequences that could include silencing independent trade unions and interfering with the right of the Labour Party to set its own rules and order its own business.

Of course, we have had previous debates about tying up small, largely voluntary organisations with close associations with particular parties in red tape and scaring off civil society organisations working with politicians and parties. I urge the Government to think again on this clause and to replace it with recommendation 21 from the Committee on Standards in Public Life, to shine a light on non-party spending authorised by political parties. They should be looking to lift the red tape burden on civil society organisations, not add to them, so that we can get the balance right when it comes to election campaigning.

What is this clause for? We have targeted spending rules already; parties already have to account. The clause brings big changes and risks substantial unintended consequences. My noble friend Lord Kennedy and I have had meetings with the Minister. My noble friend and I worked together in the Labour Party, I as general secretary and he as finance director, and we had a statutory responsibility for reporting and accounting properly for all our expenditure, including third-party expenditure. We are both very keen to know what misbehaviour this clause is attempting to stop. Some may have concerns that non-party campaigners give political parties two bites of the cherry, but this is not really the case with the targeted spending rules brought in in the lobbying Act.

Third-party expenditure in support of a party already has to count towards the party's election expenses. The third party cannot spend more than £31,980 in England, £3,540 in Scotland and £2,400 in Wales in support of a political party without clear written authorisation, which must be lodged with the Electoral

[LORD COLLINS OF HIGHBURY]

Commission. This expenditure must then be declared by the third party in its return and, crucially, must also be included in the return of the relevant political party and count towards its expenditure. A trade union campaign for the Labour Party therefore already counts against Labour's limits. Parties cannot artificially inflate their limits by seeking support from a third party. So there is not really any evidence of the need for this clause. What is it intended to stop? Has anyone provided examples of this behaviour?

Certainly, my noble friend Lord Kennedy and I have sought this information. Tell us what it is, because we may actually share the concern and want to seek ways of putting an end to it. As I say, we think the better way is to have greater transparency. Of course, there is a theoretical possibility that a political party could work with a third-party organisation and ask it to co-ordinate campaigns against its political opponents. This would not be covered by the targeted spending rules, but there is no evidence that this is taking place and, were it to take place, it is highly unlikely that the party would enter into a formal joint campaigning relationship with such an organisation. I suspect it would be very much an arm's-length relationship, possibly deniable, and therefore not caught by this clause. I think it is worth bearing that in mind.

3 pm

This clause disadvantages transparency, basically. It disadvantages long-standing, open relationships, particularly the ones Labour Party has, and will do nothing to stop fly-by-night wheezes—people who are operating on the edges of a campaign, who we know are there but are very difficult to pin down. It will not address those issues and will have unintended consequences, particularly for those organisations with long-standing, formal, transparent links to a political party. I am talking, as I have referenced in a number of debates, about the Labour Party, which was established at the beginning of the last century as a federal party. It had no individual members; it was made up of members of trade unions. It was not until 1921 that individual membership was brought in, but it did not exclude those individual members of affiliated unions. It was a federal party and remains so to this day. The party has a formal link, which could be caught by this clause.

If we knew what this clause was attempting to stop, we might not be so suspicious about its intentions. However, as it stands—to come back to the test that the noble Lord, Lord Balfé, mentioned—in the hands of a very hostile Government it could be used in a way that would completely undermine the structure and organisation of a major political party: the Labour Party.

What should replace this clause? There should be transparency, instead of unnecessary, unfair regulation that has not been thought through. As I say, the targeted spending rules are already there, expanding their limits by working with third-party organisations, but they could be much more transparent. Parties currently have to declare the spend of third parties incurring expenditure in support of them, but while it must be included in their return and account against

their limits, there is no requirement for it to be labelled as targeted spend. This makes identifying where parties have entered into such arrangements with non-party campaigners difficult.

In its 2021 report *Regulating Election Finance*, the Committee on Standards in Public Life made a clear recommendation to increase transparency in the reporting of targeted spend. Recommendation 21 states:

“Parties should be required to identify what is spent by third parties as targeted spending on their behalf. The government should introduce a specific reporting category for targeted expenditure that non-party campaigners have spent in relation to an authorisation given by a political party.”

The noble Lord, Lord Hodgson, made the same recommendation in his review of the lobbying Act in 2016, in which he said in recommendation 16:

“There should be no change to the targeted spending provisions. However, political parties should have to distinguish what was spent by third parties as targeted spending on their behalf.”

I completely concur. Let us have more transparency, as the Minister has repeatedly said throughout this Bill, that puts the bureaucratic burden on the parties and not on civil society organisations.

I do not think we want to tie up non-party organisations with any more red tape than is already there. This amendment to delete Clause 27 and implement recommendation 21 from the Committee on Standards in Public Life puts an additional reporting burden on political parties, not on other organisations. Parties would have to ensure that their return accurately accounts for authorised targeted spend and by whom it was incurred. This is about getting the balance right on regulation.

It is important to be mindful of the role of non-party campaigning in the broader ecosystem of our democracy and pre-election spend. As the committee made clear when it first concluded that spending limits for non-party campaigners would be necessary, there is nothing wrong with individuals and organisations sending out explicitly political messaging in advance of and during an election campaign. Picking up on another theme that has run through our debates on this Bill, the Committee on Standards in Public Life said on page 95 of its report:

“On the contrary, a free society demands that they should be able to do so ... The right to campaign is also protected by law through the right to freedom of expression. This should act as a check on ensuring that regulation strikes the right balance.”

One of the points made by the noble Lord, Lord Hodgson—I hope that I will continue to reflect some of the positive things he has said and recommended throughout this Bill—is that we should make sure that the third-party rules are fit for purpose, not make them more complex and chilling and put off the very thing the Committee on Standards in Public Life said we should promote: the role of civil society and democracies in other countries, as I have repeatedly said in this Chamber. This country spends a substantial amount of money trying to ensure that civil society can exist in other countries, to promote that principle, yet in our domestic legislation we seem to be putting up more and more barriers. This chilling effect around third-party campaigning and this self-censoring element are the most frightening parts of this legislation. That fear of breaking the rules will have the consequences we have described.

The rules are complicated and hard to understand. The definitions are vague and require detailed guidance from the Electoral Commission. The vast majority of organisations we are talking about do not have politics as their primary purpose, as I said in our discussion on the previous clause. They have volunteers. Many are run by volunteers, as the noble Lord, Lord Hodgson, spoke about at Second Reading. He also said:

“First, the regulatory period before elections take place, which is set at 12 months, is arguably too long. The rules governing joint campaigning are arguably too complex.”—[*Official Report*, 23/2/22; col. 281.]

Again, I agree with him. We should be able to facilitate participation in our democracy, not put up more barriers that present a huge regulatory burden to our civil society organisations. We should look to reduce red tape.

I stress specifically what Clause 27 could mean for affiliated unions. It could be an attack on their freedom of expression. Trade unions are independent organisations in their own right. Being affiliated to the Labour Party does not change that. They are entitled—and they do so—to campaign in their own name and on their own priorities, in the same way as any other civil society organisation. If unions affiliated to the party are deemed liable for Labour Party campaign expenditure because of the party’s governance structure, they risk losing their right to campaign in their own right. This clause risks denying those unions with formal organisational links to the Labour Party that freedom of expression. Unions are entitled to take a public view on politics in their own right as independent organisations. Their affiliation to the Labour Party cannot be allowed to silence their voice.

That silence is caused by the fact that trade unions are extremely regulated in their ability to campaign politically, independent of the Labour Party. Their political funds are extremely regulated. They are required to report every year on how that money is spent, and those records are published every year. If this clause unintentionally means that they can be caught up by this “joint campaigning”, they risk losing all of those funds being allocated as spend to the Labour Party.

One issue is that there is no legal definition of what constitutes joint campaigning. There is a risk that the interpretation of “joint campaigning” by the Electoral Commission could be broadened in the future, particularly if its independence is in question—another element of the Bill that we have spent some time on. Nothing in law prevents affiliated unions, many of which have representatives elected to the Labour Party’s national executive and who are involved in the process of agreeing the manifesto, potentially being held accountable for substantial amounts of the campaign expenditure of the Labour Party—that is what we are talking about in this clause. Given that unions are entitled to spend £390,000 in their regulated period and the party can spend £20 million, it is theoretically possible that unions could breach their own spending limits due to their form of affiliation to the Labour Party. Clause 27 puts at risk the right of the Labour Party to set its own rules and order its own business. There are extremely serious potential consequences that I do not believe the Government have given any consideration to. They have not thought through the consequences of this clause.

So what are we talking about? One of the things that this can impact on is affiliated unions’ ability to campaign against the far right. One of the many campaigns that unions have conducted has precisely been in the workplace, attacking racist and fascist parties and ensuring that working people are not sucked into that particular ideology. If unions’ expenditure is soaked up or used up by the Labour Party expenditure, they will not be able to campaign on their own terms in campaigns that are politically important to their members. Unions have a proud history of anti-racist and anti-fascist campaigning, including at election time.

An important theme in the Bill is the disproportionate effect or impact on Labour and organisations that advocate for a vote for it. No other political party has close constitutional ties with separate independent organisations in the way that the Labour Party is formally linked to the trade union movement. This risks silencing organisations that advocate a vote for Labour. It is disproportionate and it has a partisan impact that changes our democratic principles. More importantly, it is a further break in the consensus that we have had for many years on fundamental changes being subject to consultation across all political parties. It has not been thought through, and it is extremely dangerous.

Although we may be the only political party with those formal links with trade unions, other organisations may also be disproportionately hit by this clause. It would have unintended consequences for all political parties. The majority of the groups are volunteer-run and could suddenly find themselves tied up in red tape, having to account for expenditure by their political party if they are deemed to be in joint campaigning arrangements. I give the examples of the Conservative Christian Fellowship, Women2Win—an important organisation that funds constituency parties and candidates—the Conservative Animal Welfare Foundation and LGBT+ Conservatives, which I know campaigns for particular candidates. Other examples are the Tory Reform Group and even the Liberal Democrat Christian Forum, the Liberal Democrat Disability Association, Christians on the Left and the Fabian Society—I could go on.

3.15 pm

Lord Hodgson of Astley Abbotts (Con): The faith groups will be particularly affected, particularly the Quakers, because of the nature of their organisation, which is quite devolved. It presents difficult challenges for them in campaigning, as well as for some other groups—but the Quakers in particular were brought to my attention.

Lord Collins of Highbury (Lab): I am grateful to the noble Lord for saying that. Over the last few weeks, I trawled through all of the types of organisations that could be formally linked with a political party, where they might have some sort of agreement to jointly campaign.

I have tried to grapple with and generally understand what this clause is really attempting to stop. It has been described as closing a loophole, but I do not see that. The biggest loophole in election spending is around the negative campaigning that occurs. This is

[LORD COLLINS OF HIGHBURY] often associated not with any political party or particular candidates but more with causes that want to disrupt the political process. Again, this comes back to the *Russia* report. Who is going to do the sort of elicit negative campaigning that we have seen? It is more likely to be organisations under the regulatory framework that will not be captured by this clause. It will be the legitimate civil society and trade union organisations that will be captured by it. It has got nothing to do with transparency or trying to ensure that there is proper reporting; it will have a very negative effect.

I said to the Minister that I would give him examples of how some affiliated unions are quite fearful. I mentioned the Musicians' Union, a long-established affiliate of the Labour Party. It has a political fund, 32,000 members and a member on the national executive council—so there is a formal organisational link and a formal management link, if you like. Because the definition of “joint campaigning” is not set out in law, there is a real risk that the MU could be deemed to be in joint campaigning arrangements. It will play a part in agreeing our manifesto, through that Clause 5 process that I mentioned. So I can see a scenario where the Musicians' Union, which spends negligible amounts in campaign expenditure in general elections—it puts out social media and website content about voting Labour but does have anywhere near enough expenditure to even require it to register with the Electoral Commission, as the notional cost of staff time has been all too low—will be captured here, undermining a long-established principle.

I have spoken for a long time, but it is really important that I set out a very clear description of the Labour Party's structure and relationship with affiliated unions, and how that could be damaged by this clause. I hope that the noble Lord will be able to explain what it is designed to stop. Tell us, and perhaps we can co-operate in coming up with something better.

Lord Woodley (Lab): My Lords, I support Amendment 52 in the name of my noble friend Lord Collins. He eloquently explained the pernicious threat posed by this legislation to our democracy. As a former leader of Unite the Union, I do not need anyone to tell me how dangerous this Bill, and Clause 27 in particular, will be to trade unions and their ability to campaign on the issues that matter to their members.

My noble friend Lord Collins said that it has not been thought through. Far from it: it has been well and truly thought through. This is yet another ideological assault on the trade union movement by this Government. It is nothing less than an attempt to gag the trade union voice once and for all, coming so soon after we debated the tax on trade unions to fund their own regulator, and a police and crime Bill which, as my noble friend Lord Hendy warned on Report, could see the end of the right to picket during lawful industrial action. It is clear that the Government's agenda is nothing more than trying to stop us getting involved in talking with our members. It is certainly not “levelling up”, or “building back better”.

It is a shame, because there is no doubt that, as my noble friend said, trade unions are a working-class group of people who look after their members and

those who struggle to look after themselves. They balance the bad bosses and a system that is sometimes rigged against them. We should always remember that union members earn higher wages than non-members. They have more paid holiday, better sick pay and safer workplaces. This is crucial, particularly at a time such as this when there is rampant inflation.

It is quite simple. Trade unions demand the right to campaign on any issue that matters to trade unionists, regardless, as has been said, of the Labour Party's own priorities. For example, if I want to ask for more doctors for the NHS or to campaign against the far right in this country or on other serious industrial issues such as the shameful practice of fire and rehire, as a trade unionist, I must surely have the right to do so through the democratic structures of my union. Just because a trade union is affiliated to the Labour Party, it does not mean that we always share the same political priorities: far from it. Why should money be spent by Labour on an election campaign count against the limit allowed by, for example, my union, Unite? With the greatest respect, it makes absolutely no sense, unless the objective is to silence the trade unions.

Another clear danger with Clause 27 is the chilling effect it will have on unions because they will be afraid to break the rules. The rules themselves are unclear and could change at the whim of Ministers. It will also actively discourage unions and other groups from campaigning together as a coalition—a totally legitimate activity that should be welcomed in any democratic society.

Clause 27 could even lead to Labour-affiliated unions being held accountable for the entire election campaign expenditure of the Labour Party. This would be a completely crazy state of affairs. Because “joint campaigning” is not properly defined in the Bill, affiliated unions could discover that they had exceeded their own expenditure limits many times over. They could even be breaking the law before they had had a chance to begin to campaign on their own priorities. Surely this is absurd. It is almost surreal. This situation must not be allowed to happen.

Let us not kid ourselves: this is an unprecedented and unconstitutional attack on the Labour Party and on the affiliated trade unions that founded it. It completely undermines the most basic principles of democracy, freedom of speech and freedom of association. Again, as has been said, this Bill breaches the long-standing convention on cross-party support for any fundamental changes to the democratic process. Unfortunately, the Government are riding roughshod over this convention. They are attempting a power grab of epic proportions. For the sake of our democracy and for the freedoms we all take for granted, this draconian legislation—and this clause in particular—must be defeated before it ever reaches the statute book. Amendment 52 is a critical step in this fightback. I urge all those who wish to defend our democracy and freedoms to support it.

Lord Mann (Non-Affl): My Lords, when dealing with election law, it is always worth looking at unintended consequences. I could speak at length about trade unions, the Labour Party and funding arrangements. During the 1997 election, I was described by the *Sunday Times* as the “bag man”.

That has been covered. I shall restrict myself to two unintended consequences which the Government would not have expected and which I think will emerge. The first is the so-called dining clubs. Some years ago, I did quite a lot of work on stopping them meeting in here. The dining clubs are primarily a Conservative Party-supporting concept and institution. Occasionally, there are some in other parties. This is a long-standing way in which the Conservative Party has raised money—in my view, perfectly legitimately. The unintended consequence that I read in the legislation as framed is that, at the moment, electoral law requires only the net income to be considered. If £30,000 is spent on a dinner and £10,000 or £20,000 is raised, there is a specific legal requirement as to how this is accounted for. It is well and adequately covered in the law. However, this clause seems to say that the entire expenditure will have to be accounted for. This is not a problem for national parties, but it is a problem for individual candidates.

Until the last five years it was possible to know when a general election would be. I am in a minority in thinking that it is not a good idea to move away from fixed-term Parliaments. If an election is called at the whim of the Prime Minister of the day, the candidate will not know where this expenditure will fit with candidate expenses. I predict the unintended consequence of the possibility of a legal case which could lead to a duly elected Member of Parliament no longer being a Member of Parliament. I urge caution on this.

A second unintended consequence could be much more widespread. It concerns the use of Labour, Liberal and Conservative clubs for political campaigning—otherwise known as elections. I understand the law and, as I have worked in this area for a long time, I am pretty sure that I am right. At the moment, the law is fairly loose in that a Conservative Party campaign can be based in a Conservative club. Many are. This seems reasonable. There is probably a slight advantage in that there are more Conservative clubs these days than Labour or Liberal clubs. This does not seem to impact on our democracy in any undue way. However, this clause would make it necessary to account for this as joint campaigning and therefore election expenditure. It would become a nightmare of defining what is expenditure, when it is clearly joint campaigning for the officers of an independent Conservative, Labour or Liberal club, to agree to have a campaign base inside their club. As everyone knows, this is common across all three parties. One could easily cite scores of examples—sometimes there is more than one in the same election in one constituency.

That does not seem very clever. Again, people will have a field day with picking holes in it. When one looks at what I think are the appropriate, minimal amounts of spending in any one constituency, this is pretty major for our democracy. It is obviously not the Government's intent. As ever, with electoral law, unintended consequences are the problem. There is a big problem with this clause.

3.30 pm

Lord Kerslake (CB): My Lords, I will keep my remarks on this group to a minimum, because I have a similar amendment coming up on which I will say more. But I did not want to let this debate pass without saying

how problematic this clause is. It is a serious issue that must be addressed. I think the noble Lord, Lord Collins, has set it out very comprehensively and clearly.

Put simply, the clause is unnecessary. Nobody has defined a problem that needs solving by this clause. Secondly, it is unquestionably partisan in its impact; it is absolutely clear that it will affect one party more than the others. That should be a guiding test for this House; we do not do that. We do not introduce legislation that is purportedly even-handed but is anything but. That should not be what we are about in this House. We need to recognise that. I worry a bit that the debate becomes one between the political parties when I think that this side of the House should be as concerned about the constitutional impacts of this legislation as anyone else.

The third issue has just been brilliantly set out by the noble Lord, Lord Mann: there will be a whole series of unintended consequences from the proposal in this clause. But, for me, the worst and most unintended consequence is the chilling effect. It is what will not happen because this is in legislation. People will err on the side of caution; they will not want to get caught up in major legal battles, so they will not campaign on issues that they feel strongly they should campaign on. Effectively, that is a silencing of their voice. All of us, whatever side of the House we are on, should be very concerned about that.

Lord Stunell (LD): My Lords—

Lord Henty (Lab): My Lords, for the reasons explained by my noble friends Lord Collins and Lord Woodley, Clause 27 poses an unjustified, unnecessary but serious threat to trade unions. I say so for three legal reasons: the threat is to three particular rights. The first is the trade union right to autonomy—that is, the right of a union to determine its own constitution and how it will spend its own money. That is a right protected by Article 11 of the European convention, as vouchsafed in the case *ASLEF v United Kingdom* in 2002. Secondly, it interferes with the right of a trade union to campaign. That, too, is an aspect of freedom of association and the right to be a trade union member protected by Article 11 of the convention. Thirdly, it interferes with the right of trade unions to express themselves—freedom of expression—protected by Article 10. As I said earlier today, to justify such incursions on to those convention rights requires a demonstration that the restrictions are necessary in a democratic society.

As my noble friend Lord Woodley pointed out, this and other provisions in the Bill form part of a long line of legislative restrictions on the capacity of trade unions to improve and maintain the condition of the lives of working people, to coin the web's phrase. I will not go back to the restrictions on political expenditure first imposed on unions in the Trade Union Act 1913 and preserved today, but I will refer to the legislation of the 1980s, which Tony Blair, as he then was, described in an article in the *Times*—which I am afraid is for ever embedded in my memory—on 31 March 1997. He described the legislative situation then to be inherited by the incoming Labour Government as “the most restrictive on trade unions in the Western world”.

Of course, Tony Blair's Governments chose not to repeal that legislation, and unsurprisingly, the Governments formed from the Benches opposite have

[LORD HENDY]

not repealed it either. Indeed, they have extended it. In place of the promised employment Bill, which it was said would extend the rights of workers, we have had further restrictions on trade unions. I refer to the Trade Union Act 2016 and, as my noble friend Lord Woodley has mentioned, the Police, Crime, Sentencing and Courts Bill, which further restricts the right to picket in many specified industrial sectors. Last week we had the statutory instrument on the trade union levy in respect of the certification officer, which imposes a tax on trade unions and gives further powers to the CO—and now we have the Elections Bill.

When all these things are seen together, it is clear that Clause 27 is part of a pattern. I accept that, as my noble friend Lord Collins said—and as the Minister said this morning—these clauses have implications for other democratic bodies too. But Clause 27 is unjustified. To cite the test of the convention, it is not necessary in a democratic society.

Lord Stunell (LD): My Lords—

Lord Harris of Haringey (Lab): My Lords, when I first came into this place, I found it surprising that noble Lords from the other side of the House would often stand up and argue that it was inappropriate to introduce clauses in Bills unless the purpose was clear, and they clearly met a required need. So I now find it strange that, as my noble friend Lord Collins of Highbury said, this seems to be an example of precisely that. I appreciate that the Minister was not in the House at that time, but I am sure he was a close observer, and that he will recall those speeches and those comments.

I also find it strange that, when we have a highly respected Committee on Standards in Public Life and it has put forward a series of recommendations in precisely this field, the Government have chosen to ignore them. I hope that when the Minister responds he will explain precisely why those recommendations have been ignored. What is the rationale? Why have the Government said, “We substitute our judgment”, which might, just might, be partisan, “for the judgment of the Committee on Standards in Public Life”—which is clearly non-partisan?

I rather wonder whether the Government misunderstand the nature of the relationship between the trade union movement and the Labour Party. I hope that they will no longer do so after the speeches by my noble friends Lord Collins, Lord Woodley and Lord Hendy. But I have sat in too many meetings with the leadership of my party, who, in the privacy of those four walls, were almost tearing their hair out at some of the campaigning and other activities of trade unions affiliated to the Labour Party. As I am sure my noble friend Lord Woodley would agree, it is a fallacy to say that trade unions and the Labour Party are always marching in lockstep on every issue. Frankly, that is not the case.

The general principles and general philosophy may be the same, but the details are clearly not always to each other's tastes. The idea that all this activity can be conflated without producing some very unfortunate consequences seems to me extraordinary. I hope that when the Minister responds he will, first, give us a

clear explanation of the purpose of the measure and why it has been brought forward at this time. Secondly, I hope that he will tell us why the Government have chosen to ignore the recommendations of the Committee on Standards in Public Life. Finally, he might just give us his understanding of the relationship between the trade unions and the Labour Party.

Lord Stunell (LD): My Lords, I think that it might be my turn now. First, I apologise for not being in the House for the session before lunch. I was attending the Committee on Standards in Public Life, of which I am a member. That committee, as I have reminded the House before, has on it a representative of the Labour Party, Margaret Beckett, a representative of the Conservative Party, Jeremy Wright, and a representative of the Liberal Democrats. It is under the chairmanship of the noble Lord, Lord Evans of Weardale, who is of course a Cross-Bench Member of this House, and it has a majority of independent members.

As the noble Lord, Lord Harris, just reminded the House, the committee produced a report, *Regulating Election Finance*, which is quite thick and I would like to say quite substantial. It makes the case eloquently and clearly, based on evidence, about the things that need to be improved in our electoral regime, the things that need to be protected and the things that need to be prevented. It does not contain a recommendation that coincides with Clause 27.

I have asked the Minister before whether he would be prepared to give us some kind of ministerial or departmental list in which the 47 recommendations that appear in the report cross-reference with the Elections Bill. His answer last time was that the Government gave their reply to this report last October. I took advantage of the committee meeting this morning just to make sure that I was not mistaken and took another careful look at what the Minister said about the report, specifically what his response said about recommendation 21. The answer that he gave in his letter was that, broadly speaking, the Government were thinking about it.

A slightly more detailed annexe brings together five or six of the recommendations in the report, including recommendation 21. I will not reproduce exactly the reasons given for not proceeding with any of them because I assume that that will be part of the Minister's wind-up speech in a few minutes' time. Broadly speaking, it says, “It is all complex, it could easily make it much more difficult for people, it is not proportionate and really we were taking into account a lot of other views and consideration and it needs detail”, et cetera. Noble Lords will obviously be able to hear it in a more refined form when the Minister winds up.

What the response does not do at all is to answer why recommendation 21 should not form part of this Bill. Paragraph 8.29 of the report says:

“The Electoral Commission explained in their 2015 General Election spending report that it is difficult to identify in the spending returns how much targeted spending has been incurred and if it has been correctly attributed to the relevant limits.”

So the Electoral Commission identified a specific problem of third-party spending targeted but not properly attributed to the relevant limits. The same paragraph goes on to say:

“The Hodgson report later made a similar recommendation. We agree that this change should be made to increase the transparency around campaigning that is carried out on behalf of political parties.” Recommendation 21 is very similar to the explanatory note attached to the amendment from the noble Lord, Lord Collins:

“Parties should be required to identify what is spent by third parties as targeted spending on their behalf. The government should introduce a specific reporting category for targeted expenditure that non-party campaigners have spent in relation to an authorisation given by a political party.”

3.45 pm

That recommendation seemed to the committee at the time to be soundly based on the intelligence and evidence available, first, from the Electoral Commission in its 2015 general election report and, secondly, from what we referred to, rather offhandedly, as the Hodgson report—the noble Lord is in his place—which made a similar recommendation, as well as from other evidence that we took both verbally and in writing and which is published and available on the committee’s website. In paragraph 8.30, we went on to say:

“We also agree with Lord Hodgson’s proposal that non-party campaigners should have to disclose more information about themselves.”

Amendments to that effect have come before this House as part of this process.

Even if the Minister does not change his winding-up speech, what I hope he will hear is that the people who have looked at this with an objective and serious eye—I put the noble Lord, Lord Hodgson, and the Electoral Commission in that category and I am brave enough to put the Committee on Standards in Public Life in that category—have seen that there is a weakness that needs to be fixed. The issue is not whether there are no weaknesses; it is what on earth Clause 27 is supposed to fix, because it does not fix that issue. What it does, as we have heard eloquently expressed by a number of noble Lords who take the Labour Whip, is have a potentially severe and adverse effect on them and on the trade union movement.

I put in parentheses that I think that it is extremely unlikely that the Liberal Democrat Christian fellowship, which I happen to be a member of, would be in a position to put any money into anything. However, I recognise the point made eloquently by the noble Lord, Lord Mann, that maybe those of us who have Liberal clubs in our constituencies should be looking at this. In the constituency in which I live and which I represented for 18 years at the other end of the building, I think that we have three Conservative clubs and, sadly, only one Liberal club, so it could be that my Conservative colleagues are at even more risk than we might be as a result of the unintended consequences of this clause.

The clause fails to address the issue that was identified, but it does address some other issue that nobody can quite put their finger on—at least, it does not seem to be a reputable thing that it puts its finger on. Perhaps there is some solution or purpose that all of us other than the Minister have completely overlooked, but we shall find that out in a moment or two. Not only does the clause fail to answer a question but it has unintended consequences that are quite likely to finish up backfiring, much to the detriment of the Conservative supporters of the clause as it stands.

I make the point as strongly as I can that when we legislate in this House, that legislation is supposed to improve things and not make them worse. It is supposed to improve things in the eyes of those of us who make the legislation and in terms of the people who are the subjects or the victims, as the case may be, of our legislative efforts. One thing that we ought to improve by way of this Bill is the overall fairness of our electoral process. We ought to continue to make it something to which ordinary folk have access. In so far as we inhibit third parties contributing to our democratic process, whether they are recognised components of civic society such as trade unions, informal components such as Liberal clubs and Conservative clubs or special interest groups, all those people ought to be able to play an active part.

The problem that has emerged, which this clause does not tackle, is how targeted spending by one or other or more of those bodies should be accounted for in local and national campaigning. In national campaigning it is an irrelevant consideration, but in local campaigning it is highly relevant and surely it must be the case that ordinary folk ought to be able to contribute to those campaigns and that the candidates and agents of those campaigns ought to have a duty to say how much help they received. Some of the regulations we have at the moment succeed in doing that, but there was a specific gap, which was appreciated and notified by the Committee on Standards in Public Life in recommendation 21. I very much hope, not with a tremendous amount of expectation, that the Minister may be able to adapt his pro-forma wind-up speech to take some account of the concerns that have been raised in the debate so far.

Lord True (Con): My Lords, I am grateful to all noble Lords who have spoken. I venture to say that I am unable to alter every word of what I might be advised to say, but I repeat what I said this morning when we had the first group on Clause 25. I hope that those who were present this morning will understand what I said in earnest when I responded to that. I listen to what is said in your Lordships’ House. Sometimes it is not the wisest thing to give a full response on the hoof but to give a commitment to further consideration and discussion with noble Lords in all parts of the House, which I undertake to do.

I will respond in general terms on this clause and will follow up in writing specific points that have been made in the debate. I am advised that it is unlikely that clubs will be affected, but this is why I think it is not wise to give a response on the hoof. I think we need a collective understanding of where it might go and, ultimately, it is for the Electoral Commission to give guidance and advice on these matters.

I enjoyed that part of the debate where the Government’s position was likened to that of Mr Tony Blair. I am not sure whether that was meant as a compliment or otherwise, but I hope that we can move forward in a spirit of understanding. One of those understanding points is that spending limits are an integral part of the political finance framework—I think we all agree on that—and that they ensure a level of fairness between parties and campaigners. The issue that some noble Lords have put is that they

[LORD TRUE]

do not believe that the clause before the Committee meets those criteria, and I will reflect on what has been said.

Clause 27, which the amendment is designed to take out, is designed to prevent unfair circumvention of spending limits. It is fundamentally unfair that the current rules allow for a party potentially to use another group's spending limit or resources in order to increase its own spending power. Under the existing legislation, campaigners could game the system by establishing distinct groups that together, working with a political party, have an enhanced spending capacity via multiple limits. Indeed, the noble Lord opposite acknowledged that in his speech. It is right that, where groups work together on a campaign, the spending should be accounted for by anyone involved in that campaign, otherwise spending limits are meaningless, and I think that, again, that is broadly common ground.

The effect of the Bill—noble Lords have questioned this—is to extend the principle of joint campaigning, which applies where third-party campaigners are working together, to cover scenarios where political parties and third-party campaigners are actively working together on a campaign. This is not altering the definition of joint campaigning as it is commonly understood; the measures only apply to qualifying election expenditure, not wider, non-electoral campaigning that groups may undertake. I will come specifically to the point on affiliated trade unions later. Political parties and third-party campaigners will be aware if they are working together on a campaign that involves spending money on regulated election expenditure.

The proposition that the Government are putting forward will simply mean that, where a political party and third-party campaigner are incurring spending together, actively campaigning together, the relative spending for that joint campaign should be accounted for by all groups involved in the spending. This will help to ensure that all campaigners are playing by the rules and make it easier for the public to know who is involved in such campaigns.

The measures are intended to strengthen the principle of spending limits already in law that protect the level playing field by ensuring that political parties cannot use campaign groups to enable them to expand their spending limit potential—what could be seen as a political party outsourcing its regulated spending to a third party. As we discussed in relation to Clause 22—and the noble Lord, Lord Wallace, has done some research on the matter—during the 2019 general election, the group Advance Together registered as a political party and a third-party campaign group and proceeded to run negative attack campaigns in five constituencies. What can be done in five places can be done in others.

Lord Collins of Highbury (Lab): Just on that point—before the Lib Dems jump up in shock and horror—in that case the one organisation registered both as a political party and as a third party. Those are not the circumstances of separate organisations coming together. That particular problem could have been identified by the Electoral Commission and could be subject to provisions to stop a single entity trying to expand its

spending limits by becoming more than one type of organisation. This is not what we are talking about in Clause 27.

Lord True (Con): My Lords, I was coming on to say that. While Clause 22 will ban the same organisation from appearing on both registers at the same time, the effect, as noble Lords have said, of existing joint campaigning rules and this proposed extension is to reinforce that by stopping other ways that spending limits could be avoided and so it maintains the level playing field.

Of course, that will not affect groups spending on campaigns, even on the same issues or with the same objective, separately outside a joint plan, in their capacity as an individual recognised third party or political party. Any regulated spending undertaken by an individual group not as part of a joint campaign will only need to be reported by the group incurring the spend. No political party or third-party campaigner should be allowed to use the facade of multiple groups working together to expand its spending limits on campaigns where the various groups are for all intents and purposes operating as a single group.

The noble Lord has proposed an alternative approach, which, as the noble Lord, Lord Stunell, rightly said, refers to the CPSL recommendations. By the way, the CPSL recommendations came out after the Elections Bill was introduced. When I refer to some of the things we were doing in the spirit of CPSL, it is in that context. But I did make very clear that we took that committee seriously. The noble Lord's amendments would require the Secretary of State to introduce regulations for the purpose of requiring political parties to distinguish targeted spending from other expenditure in their spending returns.

I appreciate that the noble Lord's intention, and that of CPSL, is to increase transparency on this important topic. However, this replacement does not match the extent of transparency that Clause 27 creates. There, we get into a point of difference. Targeted spending is more limited in its definition than joint campaigning. It focuses only on the promotion of a single political party and its candidates exclusively, not campaigning in relation to policies or issues that may relate to the electoral prospects of a number of political parties. Furthermore, targeted spending also does not cover negative campaigning intended to, for example, reduce support for other candidates or parties. I know that Members of the other place are particularly concerned by this issue, and it is right that such activity, which is highly prevalent in modern campaigning, is transparent.

Targeted spending therefore does not include all scenarios where third parties and political parties might actively work together. That is not to dismiss the importance of the amendments that the noble Lord has put forward. But focusing only on targeted spending and failing to tighten the rules on joint campaigning, as the noble Lord suggests, would not, in our submission, deliver full transparency for the public and might allow campaigners for parties to—

4 pm

Lord Collins of Highbury (Lab): May I ask a question? The Minister refers to concern down the other end. I also wish to express concern about some of the negative

campaigning that can occur in general elections, and I am keen to hear from the Government how they intend to deal with that. The fact is that this clause requires there to be a common joint effort, formally recognised, between a party and another organisation. The fact is that most negative campaigning that takes place does not fall into that category, so this clause can have an impact only on those organisations that have a formal relationship—in other words, the Labour Party.

Lord True (Con): I accept the point made by the noble Lord about the wider ambit of negative campaigning, and I hope that is where we will find—whenever we finally get there—a measure of agreement across the House, in the context of, for example, digital campaigning. I agree with the noble Lord and the Committee on Standards in Public Life that third-party campaigning should be transparent, and campaigners should participate on equal terms and be accountable. These principles are already represented in current law.

I have heard what so many noble Lords, and people who have a proud record of commitment to the trade union movement, have said in this debate, and, as the noble Lord, Lord Collins, was kind enough to say at the outset, my officials have met with the TUC and the Trade Union and Labour Party Liaison Organisation, and we remain open to continuing those discussions. I have met with the noble Lord and his colleagues, and I am ready to do so again. We have listened closely, and I have listened again today to their concerns that Clause 27 will unduly limit the close relationship between the Labour Party and some trade unions. Much of the expressed concern has centred around the definition of “joint campaigning” and whether it would capture, for example, trade unions agreeing policy or manifesto commitments as part of the Labour Party’s governance structure. Clause 27 does not alter the definition of joint campaigning as it is commonly understood, and the Electoral Commission already provides guidance on what is and is not likely to constitute joint campaigning under the current rules, and we would expect them to update their guidance were new rules to come forward in the Elections Bill to reflect the extended circumstances. We will come onto statutory guidance later.

The Elections Bill also does not change the definition of “controlled expenditure”, meaning that only spending which may be reasonably regarded as intended to promote or procure electoral success in the lead-up to an election is regulated, whether that is undertaken by a political party or a third-party campaigner. In practice, such activity as formulating policy for inclusion in a manifesto is unlikely to meet the Electoral Commission’s “purpose” or “public” tests, which will remain used to determine whether spending is regulated. It also would not include campaigning or advocacy on issues such as poverty or climate change that are not linked to the electoral success of parties or candidates.

Finally, I want to be clear that under the current rules or under the rules proposed in the Elections Bill, a party being affiliated or having a formal relationship with another campaigner does not in itself automatically constitute joint campaigning. Being an affiliated trade union does not mean that all activity of any other member of the affiliation would immediately count as joint campaigning, unless that activity met the

Commission’s existing tests for joint campaigning. Affiliated groups running related or complementary election campaigns would not necessarily constitute joint campaigning, as the campaigns may be being run independently of each other. Only if the campaigns were being conducted in pursuance of a common campaign plan would both groups need to account for the spending.

I hope my response has gone some way towards at least assuring noble Lords that the Government are listening and have listened to the debate on this subject. I hear the concerns that have been expressed, but this clause is not intended to target trade unions. I have heard the submissions made about unintended consequences, but, as I fulfil my duty to sit here, listen to and respond with great respect to your Lordships—

Lord Lea of Crondall (Non-Affl): Before the noble Lord sits down, would he reflect on the fact that the last two hours have been about something to do with legislation affecting the Labour Party in particular? It would be intriguing to find a similar amount of time in a Bill looking at the Conservative Party in very similar terms.

Lord Scriven (LD): Before the Minister answers that, could I gently remind Members that it is within the *Companion* and courteous not to intervene in debate when they were not here and did not come in until 10 minutes after the debate started?

Lord True (Con): My Lords, I will not follow that. The House is master of its own procedures, but it is up to those who wish to intervene to do so when they wish to give advice to other Members.

What I would say with respect to the noble Lord, and indeed to all those who have spoken—whether they were here at the start or were not—is that I understand that noble Lords on the other side are here because they have a specific concern. The concern or perception that I have heard expressed is that they believe they may be unduly affected. Having heard what has been said, I will endeavour to provide further reassurances and to explore the matter further. If noble Lords opposite and in other parts of the House are ready to do so, I am determined to continue the discussion on these topics beyond today—and indeed imminently, as we move over the next few days.

Lord Harris of Haringey (Lab): Could I just clarify what the Minister has said? First, I am not sure that he has yet satisfied the House—he certainly has not satisfied me—on whether the issue being addressed by this is a hypothetical future situation or whether the Government have examples of where this problem has arisen.

Secondly, he talks about further discussion and consultation. I know that that is the sort of process that the Minister would wish to follow, but I was slightly surprised to receive an email from an organisation that is not by any means political but is taking an interest in the implications of the Bill, to tell me that its information—I am not part of the usual channels—is that Report on this Bill is going to start two weeks today. If that is the case, when are all these discussions going to take place?

Lord True (Con): My Lords, the noble Lord is a very experienced Member of the House and he knows that a Minister at the Dispatch Box is not in the usual channels. The duty of the Minister at the Dispatch Box is to be here and respond to the House, as I have explained, whenever and at whatever hour. I gave an undertaking at the start of Committee that I would sit here for every minute of every hour of every day of this Bill's Committee, Report and Third Reading—whatever the procedures are in respect of the House—and I will do so. I do not think that I want to proceed on that issue.

I have sought to explain the rationale behind this clause, and I have heard the concerns expressed. As far as discussions are concerned, I am sure that the noble Lord can liaise with his own Front Bench and representatives, but—as I think the noble Lord, Lord Collins of Highbury, would accept—my door is open, has been open and will be open on this matter.

So that is the position. I repeat that the clause is not intended to target trade unions. However, I understand the perceptions and practical concerns that have been expressed. In light of that, I hope that the noble Lord will accept that the clause should stand part, at least at this point. I undertake to read very carefully what has been reported in *Hansard* to reflect on the debate, and I hope to have further engagement on this matter. In that light, I hope the noble Lord will withdraw his amendment.

Lord Collins of Highbury (Lab): One of the problems that we have had, and I raised this at Second Reading, is the failure to properly consult. The Trades Union Congress and TULO, the organisation of Labour-affiliated trade unions, were not consulted in the first round, unlike other charities and third-sector organisations. It was only after being pushed by me, in a meeting that the Minister organised, that meetings took place, rather late in the day.

The clause has serious consequences. The Minister talks about the definition of joint campaigning being well-established, but where is it in law? Where can we actually ensure that it will not change and then be captured? That is the problem that the clause has, and I suspect he has been unable to reassure anyone in this Chamber about what it may end up doing. We will have to return to it strongly, and I expect that before Report the Minister will not just meet me but will have proper consultations with the TUC and TULO because it is important that these organisations are properly consulted on something that will have such a huge impact.

Lord True (Con): My Lords, I gave that undertaking in my speech. I accept the reproof but I say to the noble Lord that we have started those contacts—I was not personally involved because I had other engagements at the time but I am responsible for the Bill in this House, though not for its progress up to this point—and, as far as I am concerned, we will continue to do so.

Lord Collins of Highbury (Lab): But timing is of the essence, and we are being pushed. There is a reason why this House's scrutiny of the Bill is so important. How long did the other place take to scrutinise this

clause? No time at all; in the two hours allocated to the Bill, this clause was not included. We can see from *Hansard* that they had no debate on these clauses, but it is a fundamental issue that affects our democracy. I know the Minister is concerned about the time we may take over these issues, but I assure him that I will stay up all night and all day until we get proper consideration of these issues. It is not right that this measure is pushed through without proper consultation and consideration. In the meantime, I will not push my Motion to a vote.

The Deputy Chairman of Committees (Lord McNicol of West Kilbride) (Lab): Does the noble Lord beg leave to withdraw the amendment?

Lord Collins of Highbury (Lab): It is a clause stand part debate.

Amendment 52 withdrawn.

Amendment 52A not moved.

Amendments 53 and 54 had been withdrawn from the Marshalled List.

Clause 27 agreed.

4.15 pm

Amendment 54A

Moved by Lord Hodgson of Astley Abbotts

54A: After Clause 27, insert the following new Clause—

“Guidance by the Commission relating to third party controls

- (1) PPERA is amended as follows.
- (2) Omit Part 2 of Schedule 8A (controlled expenditure: qualifying expenses).
- (3) After section 100 (public inspection of returns under section 96) insert—

“**100A** Guidance by the Commission about third parties

- (1) The Commission must prepare, and may from time to time revise, a code of practice giving guidance as to the application of Part VI of this Act to third parties, including in particular, but not limited to—
 - (a) the kinds of expenses which do, or do not, fall within Part 1 of Schedule 8A, including what categories of person constitute the “public” for the purposes of paragraph 1(1), (2) and (5) of that Schedule,
 - (b) application of section 85(b) to third parties,
 - (c) the relationship between notional controlled expenditure under section 86 and regulation of donations to third parties under section 95 and Schedule 11, and
 - (d) what types of activities and communications between third parties constitute incurring expenditure in pursuance of a plan or other arrangement where the expenditure can reasonably be regarded as intended to achieve a common purpose under section 94.
- (2) The Commission must consult the following on a draft of any guidance or revised guidance prepared in accordance with subsection (1)—
 - (a) the Speaker's Committee,
 - (b) the Levelling Up, Housing and Communities Select Committee of the House of Commons,

- (c) the Scottish Ministers, so far as the draft relates to the Commission's devolved Scottish functions,
 - (d) the Welsh ministers, so far as the draft relates to the Commission's devolved Welsh functions, and
 - (e) a cross-section of persons and organisations representative of third parties within the meaning of section 85(8) of this Act, including civil society groups.
- (3) As soon as the Commission has prepared a draft code under this section, it must submit it to the Secretary of State for approval.
 - (4) The Secretary of State may approve a draft code either without modification or with such modifications as the Secretary of State may determine.
 - (5) When the Secretary of State has approved a draft code, the Secretary of State must lay before Parliament a copy of the draft either—
 - (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under subsection (4).
 - (6) If the draft incorporates any such modifications, the Secretary of State must at the same time lay a statement of the reasons for making them.
 - (7) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State may take no further steps in relation to the draft code.
 - (8) If no such resolution is made within the 40-day period—
 - (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
 - (b) the code must come into force on such date as the Secretary of State may by order appoint, and the Commission must arrange for it to be published in such manner as they consider appropriate.
 - (9) Subsection (7) does not prevent a new draft code from being laid before Parliament.
 - (10) In this paragraph "40-day period", in relation to a draft code, means—
 - (a) if the draft is laid before one House on a day later than the other, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
 - (11) In this paragraph references to a draft code include a draft revised code.
 - (12) The Commission must have regard to guidance issued under this section in exercising its functions.
 - (13) It is a defence for a person or third party charged with an offence under this Act to show that any guidance for the time being issued under this section was complied with in relation to Part VI of this Act."

Member's explanatory statement

This would expand the power for the Commission to produce a code of conduct on what types of expense will be treated as regulated expenditure by third party campaigners at Schedule 8A PPERA, so that it is (i) a duty rather than a discretionary power and (ii) widened to oblige the Commission to provide guidance on other complex areas of election law for third parties, such as the rules around joint spending, and what constitutes a member.

Lord Hodgson of Astley Abbotts (Con): My Lords, I did not intervene in the last serious and lengthy debate. I understood how seriously many Members of your Lordships' House took the issue. I had some peripheral dealings with clubs from the three major parties during

my review and I have to say that the political affiliation was probably rather less important than the quality of the club, its community sense, the price of a beer and the nature of the bingo—all of which are very important—but the weight of political influence being placed on the clubs was not borne out by any evidence I received. That is not to undermine the point being made, but I would not place on the clubs the weight that I heard some noble Lords putting on them in the last hour and a quarter.

I turn to Amendment 54A and I am very grateful for the support of the noble Lord, Lord Blunkett, who I am delighted to see in his place. This is the most important of the series of amendments that I have tabled on the third-party campaigning system. It takes us to the heart of the various concerns about the impact of the present regime on third-party campaigning, in particular—the phrase we have become familiar with, having heard it many times in sittings of the Committee—"the chilling effect" of the 2014 Act.

The problem for third-party campaigners is the lack of certainty in key aspects of the current regulatory regime. There are two particularly important areas. The first—I come back to it—is the intent test. The key phrase—I say it once more—is

"reasonably regarded as intended to promote or procure electoral success at any relevant election",

which is essentially the linchpin of the whole third-party campaigning regime. It is interpreted by the Electoral Commission, which decides whether a course of action infringes that phrase and makes the decision on its own authority entirely. Although I absolutely recognise that the electoral commissioners work hard and successfully to reassure civil society about its fears, and I applaud that, the kernel of doubt and concern remains there to gnaw away at the confidence of third-party campaigners.

When we debated Clauses 14 and 15—I do not want to repeat the remarks I made in those debates—my noble friend the Minister faced very heavy criticism of the extent to which the Bill, as currently drafted, would undermine the independence of the Electoral Commission. As I listened to the debate, the argument seemed to be that the Electoral Commission should be made more independent, given more freedom of action. As I explained in an earlier sitting, I am concerned about such a development. Just as noble Lords did not believe my noble friend would have malevolent intentions, it was argued that he would not be in post for ever, and who could tell who might succeed him and what his successors might do with the powers that the Bill gave them? Similarly, I am not criticising the current Electoral Commission; I make that very clear. I recognise, as I said, that it worked hard with third-party campaigners to reassure them of the practical implications of the intent test. However, the commissioners too will not be in post for ever, and who knows who might follow them?

The noble and learned Lord, Lord Judge, was among those who led the charge and was most critical of the Government in that debate. He and I have made common cause about the inadequacy of the present procedures for scrutinising secondary legislation and I do not resile from that at all. However, the criticism of

[LORD HODGSON OF ASTLEY ABBOTTS]
the Government, if followed through, would create an organisation that would be making tertiary legislation. It would be promoting, making and enforcing regulation in key areas of our electoral system without any vestige of democratic control at all. I argue that this is undesirable.

There is, however, a way to restore this and to restore a decent element of parliamentary—and by parliamentary I mean, parliamentary, not executive—control over the Electoral Commission. This would be achieved by means of codes—codes of practice which have to be approved by both Houses of Parliament. Crucially, as a result, compliance with the code would give a statutory defence, so ending the uncertainty that has caused so much concern about the present regime.

The amendment therefore introduces a new clause that would require the Electoral Commission to prepare statutory codes of practice—powers, by the way, it does not have in the current legislation. The areas to be covered are listed in proposed new Section 100A(1)(a) to (d). Two areas are of particular importance: first, the intent test—the Electoral Commission will be required to produce a code explaining how it proposes to operate that test—and, secondly but no less importantly, we need clarity on what constitutes a member of an organisation. This is important because, once you are a member of an organisation, communicating with you ceases to be a qualifying expenditure for the purposes of the Act. So a third-party campaigner can build membership quickly and have an increasingly wide reach without any commensurately increasing expenditure being imposed on them.

In today's hyperconnected modern world, it is astonishingly easy and cheap to email hundreds of thousands of people about an issue and put on the bottom of the email, "Please tick this box if you want to be a member". I regard this as potentially a very dangerous opening, offering, in particular, the prospect of third parties holding views at the outer fringes of our society being able to build up so-called members, who can then be communicated with free of charge. This would offer such groups a campaigning reach far beyond their real level of support. The Electoral Commission currently has a series of categories—including "committed supporter" and "the public at large"—and I am afraid I am far from convinced that these stand-alone terms will be able to meet the pressures of an age of ubiquitous social media. We need a code for what constitutes "the public"—namely, the opposite of a member—and this is provided for in proposed Section 100A(1)(b).

The rest of Amendment 54A is concerned with process, laying out a list of the groups that have to be consulted by the Electoral Commission: the devolved Administrations, on matters concerning them, and a representative sample of civil society groups. The Electoral Commission must then provide a draft and present it to the Secretary of State, who may approve the code or modify it. If he chooses to modify it, he has to explain why he has done so, so that the difference between what the Minister and the Electoral Commission think is clear. A series of procedures for obtaining the consent of both Houses is then laid out in the latter part of the clause. Crucially and importantly, proposed Section 100A(13) reads:

"It is a defence for a person or third party charged with an offence under this Act to show that any guidance for the time being issued under this section was complied with in relation to Part VI of this Act."

Amendment 54A could provide, first, a high degree of certainty and, therefore, reassurance on certain key issues of the regulatory regime and, therefore, to third-party campaigners. Secondly, by using secondary legislation, it offers the opportunity to keep regulations up to date, reflecting changes in society, social media, public attitudes and campaigning methods, thus reducing the dangers of evasion. Thirdly, it introduces a proper degree of democratic or parliamentary control of the Electoral Commission, thereby perhaps offering the Government part of a way out of the troubles in which they have found themselves in Clauses 13 and 14.

It is a common phrase that the law is too important to be left to the lawyers. I submit to the Committee that electoral law, which goes to the heart of our democracy, is too important to be left to an untrammelled Electoral Commission. I beg to move.

Lord Blunkett (Lab): My Lords, I put my name to the amendment of the noble Lord, Lord Hodgson, in full knowledge of his long-standing commitment to plurality and his excellent report on the previous restrictions placed on third-party campaigning, including by charities, where he rightly pointed out that the chilling effect that has been referred to is as much a danger as the detail of what people are expected to do—in other words, the reflection of what people think they cannot do rather than the actual restriction laid down in the law. Codes of practice will be extremely helpful in the future when we have sorted out the Bill and, I hope, eliminated the attack on the Electoral Commission inherent in Ministers taking power over its policy and strategy direction.

Codes of practice are for clarity and enabling people to do what they do best, which is to take part in civil society in a pluralistic democracy, whether they are engaged in the formal political processes that we have debated under Clause 52 or whether they are involved in the political processes that make up a democratic process within a democratic society. That is civil society action. People will be clear as to what is and is not acceptable. They will adhere to those processes and be able to play their full part.

I was going to say that we have long Committee sittings followed by shorter programmed and amendable sessions on Report, but I heard what the Minister said about listening. Let me make it clear in my short contribution that Committee sessions of this House are valuable only if they impact on whether the Government are prepared to change their mind, and listen to and reflect on the expertise, knowledge and experience of Members of this House. Otherwise, we are spending hours and hours, with some people here into the early hours of the morning, not being listened to by anyone. I therefore appeal to the Minister to fulfil what he committed to in the debate on the previous group and be prepared as a senior Minister, a Minister of State, to take back to colleagues the deep disquiet over a number of areas in the Bill. Otherwise, I hope that this part of the legislature, this House, will stall the Bill. Parts of it are a fundamental attack on our democratic processes.

However, this set of amendments moved and spoken to by the noble Lord, Lord Hodgson, is a clarification and strengthening of the power while bringing about greater accountability in relation to the operation, as opposed to the destruction, of the Electoral Commission. I hope that the Minister will reflect on that.

Lord Kerslake (CB): My Lords, I rise to speak in favour of my Amendment 54 B. There is a lot to commend in the amendment of the noble Lords, Lord Hodgson of Astley Abbots and Lord Blunkett. It is a serious attempt to establish a new accountability framework for the Electoral Commission. I am conscious that we had some debate in the previous group on the issue that I want to touch on. With the benefit of hindsight, it might have been part of that discussion, but I should like to make other points.

My amendment proposes inserting a new clause in the Bill that would require political parties to report on the amount of controlled spending incurred by third parties as targeted spending on their behalf. This is a relatively simple and straightforward amendment in an extremely complex area. It would increase transparency for voters and other campaigners by making it easier to identify in spending returns how much targeted spend has been incurred.

I tabled this amendment for two main reasons. The first reason is to highlight the importance of the report *Regulating Election Finance*, produced by the Committee on Standards in Public Life. There have been a number of comments and contributions on that report, and I am delighted that the noble Lord, Lord Stunell, is in his place. He is too modest to say it, but for me this was an exemplar of how to bring forward a balanced, informed and measured approach to the complex and fast-moving world of election finance.

4.30 pm

The report was published on 1 July last year, two days after the First Reading of the Elections Bill in the other place. The Government's response, in September, was to say that they would look at the CSPL's recommendations as part of any future reforms. I have to say that this was a huge missed opportunity, and we are consequently now having to table amendments that reflect the report's conclusions and recommendations. I note in passing that, although the Government did not think there was an opportunity to incorporate that report into the Bill, they did find the opportunity, in Committee, to incorporate the changes to the voting system for mayors and police and crime commissioners, so I think it would have been possible to take on board what was in the report.

A crucial part of the report are the key principles the committee identified that should underpin our electoral process in a representative democracy and its financing. Those principles are extraordinarily strong, and worth repeating: fairness, open to all, transparency, confidence and trust, simplicity and clarity, accountability, and, finally, an independent regulator. If we test this Bill against those principles, I think we will find it in many ways wanting.

The second reason for tabling the amendment is that, as has already been said, it represents a better and fairer approach to third-party funding than that

proposed in Clause 27. It would bring transparency, and it is based on recommendation 21 of the committee's report, which, as others have said, builds on the Electoral Commission's own 2015 report and the report by the noble Lord, Lord Hodgson. It is a simple and, I believe, practical measure to increase transparency, and I hope the Minister will support it. However, the better, and the right, thing to have done was for the Government, if they needed, to pause this Bill and take proper account of the full recommendations of the committee's report.

Lord Wallace of Saltaire (LD): My Lords, we on these Benches hope that the Government will be willing not only to listen but to accept both of these amendments, either in their current form or in some reshaped form. They would be constructive and non-partisan additions to the Bill.

I recall that the review undertaken by the noble Lord, Lord Hodgson, came about as a result of what some people felt were the botched efforts of the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act, which was rushed through Parliament. Of course, if this Bill becomes law in anything like its current form, I should warn the noble Lord that he—and perhaps not only he but other Members of the House too—will be called on several more times to do post-legislative scrutiny on various aspects of it.

We differ from the noble Lord in one or two respects. We would have fought for Parliament against the executive prerogative of the monarchy in the Civil War; that is where my party comes from. We are therefore in favour of the Electoral Commission being responsible to the Speaker's Committee much more than to the Secretary of State. We will want to consider and discuss between now and Report whether the Speaker's Committee too needs to be further reinforced, and perhaps slightly reshaped. Apart from that, we strongly support where both amendments come from, and we hope that the Government will be willing to incorporate them in further discussions on the Bill.

Lord Mann (Non-Aff): My Lords, the noble Lord, Lord Hodgson, made a distinguished contribution, based on his great experience—although I fear that in identifying Conservative clubs he was thinking of Walsall North Conservative Club, which defines itself online as a pub that has gone out of business, rather than the neighbouring Aldridge Conservative & Unionist Club, which defines itself online both as a social club, which it is, and also as “community and government”. That rather makes my point about some clubs—not only Conservative clubs but also Labour and Liberal clubs.

I want to make one brief comment on Amendment 54B and what the noble Lord, Lord Kerslake, said, and will requote one of the principles he identified, which is clarity. In 1995 I was tasked with ensuring that the Labour Party and the trade unions stayed within the law, as it was emerging under the Nolan committee, to which I presented evidence with my noble and learned friend Lord Morris on behalf of all trade unions. Before the law changed, my experience was that clarity was critical. I was able to go to senior politicians—my noble friend Lord Blunkett was an

[LORD MANN]

exception because he was always exemplary on all financial matters, but not everyone was because politicians are often more enthused about their political campaigns than by exactly how they are funded—and one of my roles was to ensure that everything was within the spirit of the law and within the law we already had on trade union funds. Clarity was critical.

It would probably be a best seller if I cited some of the spectacular examples, but there were some ferocious rows. I explained to people that they were not having that money because the way they were trying to get it was not technically legal, despite the fact that the way they wished to spend it was clearly for social good. Politicians have a weakness when it comes to money, especially when it is to do with elections. Clarity is critical.

When the law changed, and treasurers were about to be elected in my local party, when I was a Member of the other place, I always used to say, “You’ll go to prison if you get this wrong.” That quickly weeded out those who wanted the position of treasurer for some kind of political enhancement and left a tiny number who were prepared to ensure that the finances were in order. They were awkward to me, because I kept saying “That’s perfectly legitimate”, and they would delay income or expenditure because they wanted to be absolutely certain.

That is the beauty of what the noble Lord, Lord Kerslake, is suggesting: a designated treasurer with a duty that they will apply with draconian consequences for breaching the law. I strongly commend this approach and this principle as one of the levers to ensure that transparency is delivered. I think this is rather a good proposal.

Baroness Chakrabarti (Lab): My Lords, I am not an expert on dining clubs, working men’s club or gentlemen’s clubs. Sadly, in these days of the pandemic, even nightclubs are a distant memory.

Lord Collins of Highbury (Lab): Not for me.

Baroness Chakrabarti (Lab): I will get advice from my noble friend on that afterwards.

I am concerned about third parties campaigning in a free democratic society and unintended consequences. My background is as a human rights campaigner, on civil liberties and civil rights in particular. In my experience the nature of those campaigns is that you are always having to side with the opposition of the day—not just the Labour Party but any opposition of the day. Just google me and you will find lots of reasons for my noble friends to be cross with me. I am not expressing hurt feelings on behalf of the Labour Party on this occasion. I am concerned about the ability of human rights organisations and civil society to function in the future, regardless of who is in power.

While I commend the sentiment behind these amendments, I worry about whether the fundamental problem that they attempt to respond to is the one touched on by my noble friend Lord Collins in the last group, which goes back to PPERA itself: the concern about what joint campaigning is and how one is touched by these third-party controls. I totally understand

successive Governments’ concerns about third parties who are proxies for political parties in a way that we have seen in other jurisdictions, where one sees even TV commercials funded by so-called civil society organisations that are proxies for political parties. That drives a coach and horses through any kind of regulation, and I understand that, but, at the same time, as someone who was the director of the National Council for Civil Liberties in 2014 when the legislation came in, I can testify about the chronic anxiety that it caused among civil rights organisations that were really not party political in any sense that would be understood in this place or the other place.

I support the instinct behind the amendments. The Minister has been so kind as to say that he wants to drill down a little more before Report. In whatever time is available in his discussions, I ask him to bear in mind that there are ongoing anxieties about that fundamental problem. It is wonderful to have guidance, but, as we always do with legislation when there are ambiguities and concerns, we say, “Well, we’ll have this regulator who will help. We’ll have this guidance that will help after the fact”—whereas, if we are really talking about rights, freedoms and the constitution, ideally we would have sufficient clarity in the primary legislation itself.

We have heard from trade unions, with their particular link with the Labour Party, but we could be talking about all sorts of charities, NGOs or grass-roots campaigns, from the Countryside Alliance to Liberty, which I worked for. I listened carefully to the Minister on the previous group. This is not about climate catastrophe or poverty—except “It isn’t until it is”. It is not an issue until it seems to be the biggest issue of the day and people think that it is then capable of toppling a Government or making an opposition party. I am looking for that level of comfort and—the word has been used a number of times—clarity, not in just for future guidance but in current law.

Lord Collins of Highbury (Lab): My Lords, I welcome this. I recall the days when the noble Lord, Lord Mann, was telling general secretaries what they could and could not do. There were occasions in meetings where he was the bad cop and I was the good cop—I do not think that things have changed much, really.

The noble Lord talked about clarity and my noble friend Lord Blunkett talked about certainty. That is the nub of this, and I support the proposals of the noble Lord, Lord Hodgson. It is not that I do not trust the Electoral Commission or what it may or may not do; it is because the current system relies on guidance that could change overnight and is not certain. My trade union colleagues behind me know that statutory codes of practice are often used as a way of creating certainty, to ensure that there is a clear defence, as the noble Lord, Lord Hodgson, put it. So the noble Lord and my noble friend Lord Blunkett are therefore absolutely right.

There is a problem at the moment with the regulation, and because there is doubt and uncertainty, the result is “Don’t do it” and inaction. Therefore, this sort of proposal, where we create a statutory framework that could be properly scrutinised—again, I support that—

would create clarity and certainty, and therefore encourage civil society to participate in our democratic process. So I support the noble Lord.

4.45 pm

Lord True (Con): My Lords, it has been an interesting short debate. I would be working against the Government's interests if I was tempted into a philosophical discussion about tertiary law and clarity and certainty. I am quite happy to have that discussion outside the Chamber. However, there are important points raised here. Also, the amendment tabled by the noble Lord, Lord Kerslake, as he acknowledged, rather logically fell into our previous debate. I have undertaken to reflect on the debate on Clause 27, and I will add the remarks from the noble Baroness and the noble Lord, Lord Kerslake, into that. There are existing rules on targeted spending for third-party campaigners—placing a cap on the spending—directed at one political party unless the party authorises further spending, in which case it must already report on that.

With due respect to the noble Lord, Lord Kerslake, I will focus on the very interesting interventions—not that his was not, but on the even more interesting interventions—of my noble friend Lord Hodgson of Astley Abbots and the noble Lord, Lord Blunkett, in the back corner there, whom I thank for his barbed kind words. I hope that the barbs will not be needed as our reflections go forward.

My noble friend Lord Hodgson, as I think is acknowledged on all sides of this House, has considerable expertise in this area. Someone used the phrase that he “speaks for pluralities”. His Amendment 54A would remove a permissive power on the Electoral Commission to prepare a code of practice on the expenditure controls for third-party campaigners and replace that with a requirement on the commission to produce a code of conduct. It then further specifies the contents of such a code.

Even in this short debate I heard noble Lords, including the noble Lords, Lord Mann and Lord Blunkett, using the words “clarity” and “certainty”. While the Electoral Commission has a statutory duty to ensure compliance by political parties and third-party campaigners and does provide extensive guidance to support this, we are certainly not opposed in principle to encouraging the Electoral Commission to improve the current guidance that is on offer. The Government does and will continue to encourage the commission to work with groups that have specific concerns and to aid their understanding of the rules. That is important. Whether we need something further in legislation to ensure that we get the right outcome on guidance—a point that my noble friend is pushing at in his amendment—will need further consideration.

I look forward to engaging with him on this point ahead of the next stage of the Bill, because in debating terms and potentially in practical terms he has raised issues of importance, and the Government will consider carefully what he has said. In that light, I ask him to withdraw his amendment.

Lord Hodgson of Astley Abbots (Con): My Lords, I am grateful to noble Lords who have spoken in favour of my amendment: to the noble Lord, Lord Blunkett,

for his support, and to the noble Lord, Lord Kerslake, who was kind enough to veer off his own track to give approval to this.

This is a new car which I am taking round the track for the first time to see how it corners and whether it will crash. We have not crashed, but I will say that there are some improvements that can be made to the car. The noble Lord, Lord Wallace, referred to procedure and whether guidance should come via the Speaker's Committee to the Secretary of State. What sieves it goes through and in which order are still to be decided, and I quite understand that this could be improved or changed. They key thing is that there must be parliamentary approval from both Houses as the final step. The noble Lord, Lord Mann, and I will sample the delights of the working men's clubs of Walsall and Aldridge at some date in the future.

The problem with putting codes of practice into primary legislation is that they cannot be changed. We are already suffering because PPERA and the 2014 Act have been left behind by events. Therefore, being stuck with a phraseology that has become increasingly out of date has to be balanced against the ability to move on a bit with changes over time through statutory instruments, which have parliamentary approval. Admittedly, this is not very satisfactory but they are discussed. Guidance is not the right word. There has to be a statutory code to give the protection referred to in the amendment.

I am grateful to the noble Lord, Lord Collins of Highbury, for his support and to the Minister for his further consideration. One can ask for no more. I have brought the car back to the starting point without crashing, which is pretty good.

The use of the term “permissive power” is the problem because it trammels freedom of action. Once how it will work has been written down, one cannot suddenly say, “Oh, we don't quite like that bit after all”. This is the heart of the problem with third-party campaigning. The Electoral Commission wants freedom to dance around and third-party campaigners want some certainty as to what is happening. The best way to achieve this is via parliamentary approval of codes produced by the Electoral Commission. I beg leave to withdraw the amendment.

Amendment 54A withdrawn.

Amendment 54B not moved.

Clause 1: Voter identification

Amendment 55

Moved by Baroness Hayman of Ullock

55: Clause 1, page 1, line 6, at end insert—

“(2) Schedule 1 must not come into force until the Secretary of State has made a statement to Parliament on the estimated cost of the provisions.”

Baroness Hayman of Ullock (Lab): My Lords, we now move back to the beginning of the Bill, to Clause 1 on voter identification and the Government's proposals to introduce photographic voter ID at polling stations.

[BARONESS HAYMAN OF ULLOCK]

I have tabled a number of amendments in this group. I thank the noble Baroness, Lady Meacher, and the noble Lord, Lord Woolley of Woodford, for their support for Amendment 55. Amendments 55, 61, 62 and 92 all concern cost, finance and what it will mean if we are looking to deliver the requirement for voter identification of electors at polling stations. Some amendments are to do with making Statements to Parliament on the estimated cost in order that Parliament has proper oversight. There are also amendments around local authority finances because they will have a serious role to play in ensuring that this is delivered appropriately and on time. Amendment 62 concerns the public purse.

First, whenever legislation is brought in that has serious cost implications for local authorities, it is really important that those costs are properly understood and considered. We know that local authorities are under huge pressure at the moment. Such new legislation impacts not just on finances but on resources as well. This is not just about money; it is about people and expertise.

The first three amendments in this group relate to Schedule 1. Amendment 92, to which I shall come later, concerns Schedule 3 but is still about costs. When PACAC held its witness evidence sessions on the Elections Bill, it explored the practical and cost implications of implementing the voter ID proposals.

I just wanted to draw attention to the evidence given by Peter Stanyon, chief executive of the Association of Electoral Administrators. He described the cost as:

“Effectively unquantifiable in many respects.”

I find that quite concerning when you are looking at the impact on local authorities. He said that the Bill is “light on the practicalities because that will come in secondary legislation down the line”.

I am sure the Minister is aware that some of our concerns about the Bill are about the amount that is to come later in secondary legislation. What this means is that noble Lords and Members of the other place are being asked to pass this legislation with a large amount of detail about the cost implications pretty much unknown.

The impact assessment on the Bill, carried out by the Cabinet Office—and discussed at Second Reading, if I recall correctly—estimated the total cost of introducing photo ID at £120 million over 10 years. That includes £15 million to produce the free voter ID cards for those who have no other photographic ID. That £120 million was a best estimate within the ranges that were looked at. The top end was £180 million. We all know how costs tend to go up rather than down with anything brought in by government.

According to the Electoral Reform Society, these costs include £55 million on larger, more detailed polling cards, which will have to be posted in envelopes for the first time, and another £15 million on producing plastic voter cards for the estimated 2.1 million people who may not have suitable ID. Does the Minister believe that this is really a good use of public money? It is worth noting that this is at a time when our NHS, for example, is under immense stress; £120 million could buy 10,316 hip operations or 3,986 new ventilators. I ask again: is this really a good use of public money at this time?

In the evidence to the Committee stage in the other place, Virginia McVea, Chief Electoral Officer for Northern Ireland, was interviewed. She gave evidence about when voter ID was introduced in Northern Ireland. She said that in the early stages “the costs were considerable”. She drew attention to the fact that there was a time cost as well as a financial cost and a resource cost, particularly during election times. In fact, she startled the Committee by saying that she needed 70 extra staff during the election period.

The Local Government Association has said that individually each new provision is technically achievable. However, the Association of Electoral Administrators has highlighted that the cumulative impact of these changes to an already fragile system will create capacity and resilience issues. Due to the increasing complexity of registration and election processes over the last 20 years, electoral services teams already work incredibly hard in the run-up to local elections, with significant amounts of overtime and weekend working. Those of us who have been Members of Parliament also know the extraordinary amount of work that goes on in the run-up to general elections.

There were extraordinary elections in May 2021. Then, many councils used what they call the one-council approach, meaning that they drew capacity from across the council to run local elections, with election staff acting as experts on the process. However, there are concerns that this would not be sustainable in the long term. It also fails to account for the added complexity created by the new provisions, which will also require specialist knowledge to navigate, certainly in the early days.

These changes, which add complexity and further duties for returning officers and the election teams, will also put additional strain on the finite election resources in councils. As a result, additional funding and other mitigations may be required to build capacity, maintain the capability of staff in the registration and election system and ensure—this is really important—the resilience of our electoral processes.

5 pm

The Bill must guarantee that local electoral authorities are properly resourced and given what they feel they need to carry out any new duties and responsibilities. During the evidence session in the other place, it transpired that local authorities had not already been asked for their estimates of what this would cost. How can the Government know what it will cost to fund local authorities adequately if they are not working closely with them on these matters? It is essential that any additional burdens associated with the introduction of new registration and electoral processes are centrally funded on an ongoing basis, so local authorities know exactly where they stand and what finances they will receive. Will this be the case and how will it work?

Are the Government planning any voter education and outreach programmes to inform the public about the changes, and to give people who do not have suitable ID the opportunity and time to apply for the new card? If this is the case, what will be the estimated cost? Have the Government looked into this? If they are not planning to do this, why not?

Another cost to local authorities will be the training of staff to ensure that the new voter ID laws are administered fairly, accurately and efficiently. Local authorities may want to supplement existing training with ID-specific materials and guidelines, and this may require increasing the overall electoral official training time. When photo ID was trialled in 10 areas holding local elections in 2019, over 2,000 people were turned away from the polls. The Government have refused to give any estimate of how many eligible voters could be turned away in a general election due to a lack of photo ID. My concerns are that if we do not have proper training, do not give proper information and enough time and do not build in the costs of that into introducing this legislation, we could have more people being turned away than should happen. No one should be turned away, but it is more likely to happen if those things are not in place.

It is hugely concerning that the Government are proposing very expensive changes to our electoral law that could disfranchise a great number of people. As Unlock Democracy says, this money could be spent on making it easier for people to vote, not harder. In Committee, the Minister, Kemi Badenoch MP, said, when looking to justify the proposals,

“Just because someone is not regularly burgled does not mean that they stop locking their front door.”—[Official Report, Commons, 22/9/21; col. 127.]

In response to this, Liberty eloquently said in its briefing:

“The unintended implication of this analogy of course is that the person in question’s modest security measures seem to be working, leaving them with no reason to change what they are doing. Like our elections, their house is safe and there is no need to spend £180 million on a new lock.”

My Amendment 92 asks the Secretary of State to publish an assessment of the impact of Schedule 3 on local authority finances within six months of the passing of the Act. Schedule 3 regards the proposed changes to the period in which a person can apply for a postal vote. As it will again be local authorities implementing and administering this change, we believe the Government should have a clear understanding of the cost implications on our hard-pressed local authorities.

In this regard, the Local Government Association has said that registration costs relating to all-year-round registrations, postal and proxy votes are entirely the responsibility of registering authorities. Therefore, they cannot be recouped from the relevant authority, as with election costs. This is apparently the case for all election types, including unplanned snap general elections. Has there been any assessment of the likely costs of this? How will the Government fund local authorities to ensure compliance with the new rules?

Baroness Meacher (CB): My Lords, I am not going to take anything but a tiny bit of your Lordships’ time. The noble Baroness, Lady Hayman, has given us a very comprehensive and clear introduction to this group. I have been worried for a long time about local authority funding and the squeeze on it for the past 10 years or so and I have just one question for the Minister: has he consulted with a selected group of local authorities about whether they regard this as a good use of their resources and their money? If not,

will he set in motion a consultation with local authorities about whether they really feel they can take on this added cost and use of their resources?

Baroness Noakes (Con): My Lords, the noble Baroness made some interesting points about the issues that will face local government in implementing these proposals. She referred to the cost estimates, which are of course included in the impact statement, and seemed to say that these were extraordinarily large numbers. There are 45 million electors. At £180 million, the top end of the range, that is only about £3 per elector: we have to get this into perspective. We are talking about proposals that will improve the integrity of our electoral system. This is a very modest cost; can we just get it into perspective?

Lord Woolley of Woodford (CB): My Lords, waiting five hours to speak, you can get a bit anxious. I am not quite sure how you do this on a regular basis. I would have preferred not to be here today; I would have preferred to be in Cambridge, at Homerton College with my students. We have a big event on, and I would have liked to be there with them, but I told them I need to be here discussing the Bill, because of its immense importance, not least to them and their generation. We are making laws that, if we are not careful, lock people out rather than encouraging people in.

I thank the noble Lord, Lord True—I reached out to him to have a conversation and he said, “By all means”. We had a good conversation, and it was a respectful one. I am not sure I persuaded him on some of the fundamental points that I am going to put now, but he said, “Lord Woolley, you need to persuade the House as well”, not least those on the Government side. He said to make sure I have my facts and to make sure I have evidence. We talked about a number of things, two of which I would say the noble Lord, Lord True, violently agreed with. One was the need for comprehensive citizenship in our schools. He said, “What’s not to like about that? We need to empower, to inform, to educate the next generation to understand what happens in this Chamber. Because, if they do not have that, they do not engage in politics.” It is the truth.

I was struck, as the Minister may have been, that a year or so ago hundreds of thousands of young people, black, brown and white, protested with Black Lives Matter up and down the country, demanding justice and race equality. However, many of those hundreds of thousands of people who took to the streets do not vote because they do not see the correlation between their protest and what happens in these Chambers. Having citizenship education, giving them that knowledge, would help their protests to translate into voting. We agreed on that.

We also agreed on the need for the Government and local authorities to ensure that people are encouraged to register to vote. We know that in my community, the black community, particularly among young Africans, 50% are not even registered. So these were the two issues that the Minister and I violently agreed on, yet—think about this for a second—in the Elections Bill there is nothing about citizenship, nothing about how we get people to the polling booths and nothing about ensuring that local authorities and communities

[LORD WOOLLEY OF WOODFORD]
engage in voter registration. You could not make it up. What we are presented with is not how we get people to the voting booth, enhance our democracy or inspire a generation to play their part, which this Bill should be campaigning for; instead we are spending hours upon hours ensuring that people do not fall off the register. Many of us today are not trying to ensure that people can get on but trying to save people from falling off. That is the truth. This is putting the cart before the horse.

The Minister said to me, “Make sure you get your facts”—and rightly so, because we are moved by evidence. I am here to tell the House that the last time I spoke here I inadvertently misled the House. When talking about voter fraud, I said in front of your Lordships that five individuals had been convicted of that offence. I was wrong: there was one, and one caution, out of 47 million people. So when we are looking at facts and justifications, are we telling these young people and our society that we are spending £180 million and are on the verge of losing—how many people might we lose through this legislation?—10, 20, 40, 100, 1,000 or potentially even millions of people because we are saying that there is a problem with voter fraud? How can I go to schools and colleges and tell young people to engage in politics when they see how we are doing politics, and when they see that we are spending millions of pounds but the effect is to take people off the register?

Evidence was asked for. The noble Baroness mentioned the local elections in 2019 and the pilot schemes. In its evaluation, the Electoral Commission noted that between 3% and 7% of those who engaged with those elections were turned away because they did not have the right voter ID, including non-photographic ID. We have to extrapolate what that might mean in a general election, because that is the evidence we are presented with. The Electoral Commission and others suggest that between 50,000 and 400,000 people could show up at a general election, be turned away and not come back—that is against one conviction of fraud. Is it me? Am I missing something here about how bonkers that sounds?

5.15 pm

I want to go back to the college; I want to go back to young people. I want to say that, as the noble Lord, Lord True, has eloquently pointed out a number of times, we must be in the business of listening—listening to arguments and to the evidence. We must show that we will not leave people out and that we will make sure that we bring them in. I have asked before why we are not talking about automatic voter registration that would bring millions of people in rather than taking people off and keeping them out by default. The noble Lord, Lord True, will say to me, to us, “Well, it’s complicated.” It is complicated, but it is worth it. It is worth it because it is our democracy, and the more people we get in, educate and inspire, the more we will strengthen our democracy.

We have an opportunity to reset—to use this legislation and say, “You know what? We’ve looked at the evidence, and we’ve got a lot wrong.” I heard the debate on Tuesday, when the noble Lord, Lord Blunkett, and others said that if we do not put things right, the blind and those with eyesight impediments may not be able to engage. I am talking about young people and people

from African, Asian and Caribbean communities. The report on the 2019 review says that Asian communities in Derby were disproportionately affected by voter ID. We can do better than that. This is our opportunity to tell those communities that we are listening and caring. We must get them to the voting booth by being positive—not by being negative as this Bill shows.

Baroness Verma (Con): My Lords, I did not want to be here either today, because of my fractured foot. The noble Lord, Lord Woolley, and I go back a long way, fighting on the same side on many things. However, I am worried that we are pulling everybody together and thinking that wanting to clean up the system is disenfranchising people.

I have worked so hard locally engaging with people, and the thing I hear back all the time is, “What’s the point of my vote when it’s not going to count?”, because they are not engaged—not, I say to the noble Lord, Lord Woolley, because they do not want to be, but because in cities like mine, they are not encouraged to be engaged. I have talked about those who cannot speak and understand English over and over again in this Chamber, and I am talking about the many women I engage with every single week in my city. I really try hard to get them engaged in what is going on in their city because their rights are constantly being set aside.

I want our voting system to reflect these women’s desires too, just as the noble Lord and I have fought battles against everything else that is discriminatory. I want to remove this inability for them to believe that they matter. They do not matter because, most of the time, the decisions they want to make are made by people who tend to speak on their behalf because they are the only people who are engaging.

It is not just about the £180 million for me—it really is not. I am passionate that we have a system where every single vote counts, whether it is from the poor, white working class in my city or the women I am engaged with. I spoke with many of them about this Bill—before I did this to my foot—and said that I would listen carefully to what was being said. Often as not, I ask for clarification from the Government Front Bench because I want to know that what I am taking back to them will actually empower them and not take power away. A lot of the time, what they said to me was that they want to be the people who matter in this process. At this moment in time, they do not feel that they matter. For me, anything that tidies that up is a great thing.

I of course want young people to be engaged, but more important than the young people coming forward are the people who are there today—the women from my communities and the noble Lord’s communities, and the poor, working class—who do not feel engaged. If that means we have to have something that helps that process, I am all for it. Do not think for one minute I will not challenge my Front Bench if I do not agree with it, but I really want a system that enables us all to feel that we are part of a process where one vote matters. At the moment, there are plenty in my city who do not believe that.

Baroness Pinnock (LD): My Lords, what a wonderful, emotional, eloquent contribution from the noble Lord, Lord Woolley. I have to say I totally agree. Here we are

this afternoon debating the minutiae of the costs of voter ID, when the big issue we are failing to debate and come to terms with is the huge number of people in our country who should be able to vote but are not able to because they are not on the register. It is disproportionately and discriminatively against those from black communities, Asian communities and working-class communities. That is why the contribution from the noble Lord, Lord Woolley, was so powerful.

Baroness Verma (Con): I am tired of this divisiveness that keeps coming up. We have been in this country for a very long time. The divisiveness that has been caused has been caused because we have refused to allow people to be fully engaged. I am going to stand here and say that over and over again. The noble Baroness, Lady Pinnock, can shake her head, but I have heard it over and over again that minority communities do not want to engage. They do, but unfortunately the systems do not always help them.

Baroness Chakrabarti (Lab): I have found this absolutely fascinating—I genuinely have. This is not a rhetorical point. I understand that both the noble Baronesses opposite who have spoken have said they want integrity in the system. The noble Baroness has just said she feels passionate about a lack of engagement and obstacles to people’s engagement—an issue on which I suspect she finds common cause with the noble Lord, Lord Woolley, and everyone in the Committee. My question to the noble Baroness, because I really want to understand her position, is whether she feels that, at present, a significant bar to the engagement she seeks is coming from widespread voter fraud in the communities she is discussing. Is that the problem she feels is the stumbling block and is that why she is a supporter of the Government’s policy?

Baroness Pinnock (LD): My Lords, there was no intention on my part at all to create any division within our communities. I have spent a lifetime in mixed communities, trying to engage people from every background in the political process. That is the point that I was trying to make and I am sorry if the noble Baroness opposite perhaps misunderstood.

Here we are today, talking about the costs of voter ID, which the noble Lord, Lord Woolley, has eloquently said will create an even greater barrier to people being able to vote. At this point, I want to draw the attention of the Committee to the fact that I am an elected member of Kirklees Council and a vice-president of the Local Government Association.

I speak in support of the amendment in the name of the noble Baroness, Lady Hayman—of course I do. In many ways, she is absolutely right. Any changes in the way in which elections are administered will be an additional cost to already hard-pressed council finances. Returning officers have expressed their concern. They know that there is more to it than just creating the new eligible voter ID for those without it.

Additional costs are mentioned in the Explanatory Memorandum, helpfully. What it does not do is list them. I am going to draw the Committee’s attention to what some of the additional costs will be. As we have heard, there is the additional cost of creating a

photographic voter ID card for those who do not have one, the cost of providing screens for voters who do not wish to remove their face covering in front of others, and the cost of additional equipment to make it easier for those with disabilities to vote in person. The latter is one part of the Bill that is positive. There is also the cost of additional polling clerks to check ID in busy polling stations—perhaps financial incentives will be required to encourage polling clerks to fulfil that role because they will now have to check the ID of every voter before they get their ballot paper. There is the cost of effectively communicating the change, and the hidden cost of more trained staff. And so it goes on.

As the noble Baroness, Lady Noakes, has said, the estimate is £180 million—a mere £3 per person. I say to her that, in my council area, that is £1 million a year—and £1 million does not half fill a lot of potholes. If I asked my electors back in Kirklees whether they would rather the council produced voter ID cards for people or filled potholes, I am fairly confident that I know what the answer would be.

Can the Minister confirm that the Government will meet all the additional costs of the changes that they want to make? Can he confirm, given that individual councils will have different additional expenditure based on their demographics, that any government grant will be divided to meet the cost of changes rather than on a formulaic basis? Do the Government believe that extra expenditure is value for money? The noble Baroness, Lady Hayman, raised that issue and I have just given an example. Have the Government consulted with electors on whether they believe that these additional costs are value for money and can be considered a priority in these straitened times?

Schedule 3 relates to the changes proposed to postal voting. There is a very high cost to the requirement to reapply after three years. In my local authority, around 50,000 electors currently vote by post; the postage costs alone are very high. In England there are about 8 million postal voters, so the postage costs for writing out to existing postal voters for them to reapply and fill in the postal voter application would be about £4 million. Is that money well spent in the current circumstances?

5.30 pm

My only disagreement with the amendments of the noble Baroness, Lady Hayman, is that they seek an assessment of the impact on council finances within six months. Councils need and deserve the level of expenditure that they will be required to fund—and know that it will be fulfilled—before this Bill is enacted. Of course, my wish is that these elements of the Bill are never enacted. With those words, I support her amendments.

Lord Grocott (Lab): My Lords, would it not have been nice if, when the noble Lord, Lord Woolley, finished, we could have all said, “Game, set, match and tournament. Let us do the Government a favour, save them £190 million in these straitened times, scrap Part 1 of the Bill and all go for a cup of tea and save ourselves a few hours’ unnecessary work”? There is nothing else to say after that, but I will still say one or two things.

[LORD GROCOTT]

It was so compelling and convincing. I just wonder how the noble Lord, Lord True, whom I have known for a very good while, will react. He knows a lot about elections; he has fought a lot himself. He must know that, when this new system comes into operation—assuming that it does—it will involve a high level of expenditure, not least for explaining to the public what they will now have to do in an election which they did not have to do previously. It will be an expensive operation and will take national newspaper adverts. If it is in the name of public information, so be it.

I wonder what the noble Lord's view is of the integrity of our elections. Two years ago, his party won an election with a majority of 80. I did not like that result one little bit but, sadly, I thought that the election was conducted in my constituency perfectly fairly. It was free and fair. The result was unchallengeable; we did not do a Donald Trump in the constituency. I have been on the wrong end of several election results in my varied career in politics, but I have never doubted the integrity of the election. However, presumably the noble Lord's position is this: we should have quite significant doubts about this 80-seat majority that his party enjoys at present. There must have been voter fraud all over the place, and we have to spend a lot of money to get this right.

We have heard from the noble Lord, Lord Woolley, that there has been the sum total of one prosecution. This whole Part 1 is much ado about nothing—sadly, it is about something, because it will reduce turnout, as we know. However, the problem it is trying to solve does not exist. We will have to go over and over the same argument. I can make so many detailed points about it.

One that struck me is that polling stations can be quite awkward at times if people forget to take their poll cards and think, “I can't vote now, but I am going to vote; I've lived here 60 years”, and all the rest of it. I do not fancy being a poor old poll clerk under the new regime, telling large numbers of people, as I guess they will have to, “Sorry, you cannot vote. You haven't got your ID”. “But I've lived here for 50 years; I don't need ID. The wife and I come down and vote, have a drink on the way back and it's a nice little evening out.” “Yes, but you need your voter ID”.

In the best circumstances, there may be an amiable exchange of views because, in local polling stations, people tend to know each other. However, I can see it turning nasty. I do not fancy being the poll clerk who says, “Sorry, you can't vote.” This is just one specific example. You certainly need to train the poll clerk and warn them of the difficulties which will arise.

I really would like a straightforward answer from the Minister to my question which was so brilliantly dealt with in the speech of the noble Lord, Lord Woolley. Does the Minister think that his Government, with their 80-seat majority, was a result of a free and fair election, or not? If the answer is, “Yes, it was a free and fair election, and I am pleased with my 80-seat majority”, why on earth is he going through all this nonsense to solve a problem which does not exist?

Viscount Stansgate (Lab): My Lords, in a previous debate on this Bill, I heard my noble friend say that he would not have wanted to be an election agent. I have

now heard him say that he would not want to be a poll clerk. So perhaps I should begin by saying that I have been both in my lifetime. Being an election agent was quite a big responsibility, and the law has changed and become more complicated since then.

The noble Baroness, Lady Pinnock, very clearly laid out some of the questions that have been raised. Like my noble friend Lord Grocott, I will wait to hear what the Minister thinks.

I would like now to send a message, if I may, to the noble Lord, Lord Woolley. We have never met. First, I thank him for coming from Cambridge today. Secondly, when the noble Lord goes back to Cambridge, can he please tell his students that it was well worth his while coming here to make his speech? I am a new Member and, shortly before Christmas, I went to visit a secondary school in west London to talk to some politics students about politics. I had a very interesting time, and they raised many interesting questions—not least about this place. Of course, I asked them whether they were interested in politics. Some of them looked fairly vague. I said, “I think you are interested in politics. You just don't realise it.” I asked them a few more questions, including whether they were on the register, because it is essential.

As an election agent, I remember a general election in which I was quite pleased that I had persuaded someone to come with me to the polling station—which was very close by—in order to exercise their vote. From just a single individual, I saw the devastating effect on someone who gets to the polling station and realises that they were not on the register and could not vote. What we are talking about, and what the noble Lord was talking about, was this situation being replicated thousands of times. It is a terrible thing. I am not saying that I made much progress with the students at that west London school, many of whom, unlike me—I am white—

Baroness Chakrabarti (Lab): No, really?

Viscount Stansgate (Lab): Sorry? There was a huge collection of different communities. But it is really essential that we engage with these people.

When the noble Baroness, Lady Verma, said that she wanted every single vote to count, I could not have agreed more. What we are talking about is ensuring that every single vote is available to be counted, and I hope that I might persuade her to change her mind on this. However, we will wait and see what the Minister says. I look forward to going back to that school, or indeed to any other which might invite me.

Lord Rennard (LD): My Lords, the amendments from the noble Baronesses, Lady Hayman and Lady Meacher, and the noble Lord, Lord Woolley, in this group, ask many sensible questions. Perhaps, no question is no more appropriate than that asked by the noble Lord, Lord Grocott, and we all look forward to the Minister's answer to that in particular.

The questions in this group are about the cost to taxpayers which may follow from the Bill introducing compulsory photo ID at polling stations. As the noble Baroness, Lady Pinnock, said, we need to know much more about the extra costs to be imposed upon local

authorities. The Minister himself was a council leader not very long ago. He will know how local authority finances have been dramatically squeezed in recent years—real-terms cuts are perhaps 40%. Meanwhile, they have also retained the burden of statutory responsibilities, including many connected with social care.

The Government's impact assessment suggests that making the changes proposed in relation to compulsory photo ID may cost as much as £230 million over 10 years, with a best estimate of £150 million. But the truth is that we do not really know. The noble Baroness, Lady Hayman, quoted the Association of Electoral Administrators saying that many of these costs were unquantifiable. But the costs of the scheme proposed by the Government are still significantly higher than those of a simpler form of voter identification, as was suggested in the last Conservative manifesto and in the report conducted on behalf of the Conservative Government by the noble Lord, Lord Pickles, who sits on their Benches. So the Government are proposing to go much further than in their own manifesto—a point that should be noted—and in the report by the noble Lord, Lord Pickles. But both proposals for compulsory voter ID, with or without photos, seem to me to have a lot of costs that are not necessarily included in the impact assessment, and neither scheme has been shown to be at all necessary in any way.

The Government claim that there is public support for the proposals on compulsory photo ID, but I doubt there would be much support if people knew that the cost over 10 years could be £230 million, or if they understood that voting at polling stations is as safe as it is at present. Perhaps the public would prefer their money to be spent on hundreds more police officers or more teachers, doctors and nurses. The Government spend a great deal of public money on market research, much of it perhaps for their own party benefit. In that research, they should perhaps test this proposition in one of their surveys: should there be compulsory photo ID at polling stations, or police officers, doctors and nurses? I would like to know the answer.

In my view, the Government are simply not getting their priorities right if they are genuinely concerned about electoral integrity. An estimated 9 million people are not on electoral registers, or are incorrectly registered on them, and are therefore unable to vote. If the Government were really planning to spend money on improving the integrity of our electoral system, they would not have withdrawn funding for the voluntary organisation Bite The Ballot. During a debate on this Bill, the Government praised its efforts. Bite The Ballot organised events such as national voter registration week, and it succeeded in getting many more young people registered to vote, at very little cost. But that little cost—a few thousand pounds—was too much for the Government. Perhaps it registered the wrong people—principally young people.

But the Government can spend, or want to spend, hundreds of millions of pounds on unnecessary compulsory photo ID. If it is a question of money, they could save a lot on electoral registration by making the process as automatic as possible, cutting down the cost of paper forms and personal canvassers. They could deal with it on databases. But they do not

seem to want to save money if that might allow more of our citizens, especially young people, to be able to vote.

Voter identification has been piloted in only a handful of local authorities—and only in local elections. But local elections often have only half the turnout of general elections, so I fear that the number of staff required at polling stations may have to be doubled if they are to check each voter's ID, especially if it is photo ID. The staff may need a lot more training and support. Perhaps, as the noble Lord, Lord Grocott, said, there will be many more arguments in polling stations and more staff needed to resolve them. As he said, there will also have to be a lot of very costly public information about the changes to what the noble Lord, Lord True, often refers to as our “tried and tested” system.

He seems to like our tried and tested system when he opposes any changes that may not favour his party, but he seems quite ready to change the tried and tested system at polling stations, even at great cost, when no such radical change is at all necessary. Perhaps placing a few more police officers on duty at some polling stations might be a cheaper and much more cost-effective way of reassuring people that the voting process is safe, if that needs to be done. Certainly, we do not need compulsory photo ID.

5.45 pm

Lord Scriven (LD): My Lords, I have listened to this debate with a sense of bewilderment and admiration, but I am still not clear what the imposition of compulsory voter ID is going to solve. As the noble Lords, Lord Grocott and Lord Woolley, made very clear, there has been one conviction.

While everyone has been getting passionate, I have been a bit of geek over the past couple of weeks and have read the impact assessment, so I want to go through why these amendments in the names of the noble Baronesses, Lady Hayman and Lady Meacher, and the noble Lord, Lord Woolley, are so important. If the Government decide to go down this path, even though they have not been able to determine that there is a need for it, the costings they are using must be absolutely watertight, otherwise people will find it hard, or sometimes impossible, to get this compulsory photographic ID.

The noble Baroness, Lady Noakes, said that we should not worry because it is £3 per person. She has clearly not read the impact assessment. That is not for every voter. Under the Government's own impact assessment, it is for those who do not have the ID that is required who will need voter ID. According to the Government's impact assessment that is 0.1% to 0.4% of voters. That works about at £150 per card, at the Government's best estimate, to determine a problem that no one can quite work out what it is about.

The Government also say in the impact assessment that the degree of certainty on the final scope of all the costs—the £180, the £230 and the £1 million that have been determined—is so unknown that the costs are preliminary and further work will be needed. Too true that further work will be needed. If you get down to the details, the costs just do not stack up. On basic

[LORD SCRIVEN]

things, the Government are saying that the poll card that we all get will have to go from A5 to A4, yet they say that the postal cost is 80p. A4 is a large letter—so the costs have not been worked out. If these costs were presented by any person doing a basic business studies degree, perhaps at Cambridge with the noble Lord, Lord Woolley, they would get F or F-minus.

The Government have assumed this from one study in Woking. I have no problem with Woking—I am sure it is a very nice place—but it is not demographically made up of the rest of the country, and you cannot work out that what happened in Woking is going to happen in every community across this country. The Government have taken the average cost in Woking, taken it across every constituency in the country and averaged it out.

So let us look at some of the costs and resources. The Government have worked out that every constituency will need 1.64 machines to print these things. What nonsense is 0.64 of a machine? They have worked out the cost of 1.64 machines for each local authority. A number of people have said, quite rightly, that extra polling station clerks will be needed. The Government's impact assessment says that: one for every two polling stations. I worry about the poor polling clerks in my city of Sheffield and in my ward who are going to have to run three miles between polling stations. This is absolute nonsense.

PACAC has been really clear on this. A survey has been done by the Government. It is referred to in the impact assessment, but it does not give the results. The Government say that only 4% of people will need these, but, when asked, 31% of the public said that they would need them, want them or ask for them. PACAC is right to say that, for every 1% extra of the population who asks for one, it is a £10.2 million cost. As PACAC says, 31% takes it up from £150 million to £450 million.

I know that the Minister will say that it will all be guaranteed under the new burdens process. Under that process, there is meant to be a new burdens assessment with the impact assessment. I ask the Minister where that is, because I have not been able to find it. It does not seem to appear. I speak as a former leader of a council and declare my interests as a vice-president of the Local Government Association. If this kind of nonsense accounting is going to be the basis of the new burdens, I can tell you that you will have polling clerks running between polling stations and 0.64 of a machine. It does not stack up.

That is why these amendments are vital. We need proper accounting, proper costs and proper assessments, and then, and only then, will these cards be introduced—if they are to be introduced—speedily and in a timely way, with councils having the resources to deliver the very things which the Government say are required.

Lord Eatwell (Lab): My Lords, there is a great temptation to stray into clause stand part issues, which we shall debate later, and it is unavoidable in the context of these amendments and of our first discussion of this issue. I was struck, as I think all of us were, by the speeches by the noble Lord, Lord Woolley, and the

noble Baroness, Lady Verma. Both spoke in favour of greater participation and greater involvement. I say “hear, hear” to that.

What we are discussing is an additional requirement to vote. At Second Reading, a number of noble Lords—for example, the noble Lord, Lord Hannan—reflected on voting in jurisdictions which have identity cards and said that this was no big deal: you go along with your identity card, you vote, and it is all quite normal. Of course that is so, because that is not an additional requirement to vote; it exists in the society in general for other purposes. What we have here is an additional requirement—an additional impediment to the participation which the noble Lord, Lord Woolley, and the noble Baroness, Lady Verma, seek.

That additional impediment will inevitably reduce participation—by how much we can debate. There have been a number of studies, including the evidence which the noble Lord, Lord Woolley, cited and the study by the Rowntree trust, as to the degree to which participation may be reduced. We can disagree as to which study is the more accurate and the more satisfactory, but it is impossible to argue that this will not reduce participation. That is the true cost of these measures—not the financial cost so much, but the true cost.

In what I call his precautionary mode, the noble Lord, Lord True, at Second Reading—

Lord Hayward (Con): The noble Lord spoke about reducing turnout. Can he identify the evidence that shows that the introduction of ID in Northern Ireland has now reduced turnout?

Lord Eatwell (Lab): I refer the noble Lord to the evidence mentioned by the noble Lord, Lord Woolley, and the study by the Rowntree Foundation. I am quite willing to believe—

Lord Woolley of Woodford (CB): To answer the noble Lord's question, I was citing the review of voter ID from the local elections in 2019. It is difficult to judge what happened in Northern Ireland, but it is easier to judge what happened with these pilot projects in England. That is what the Government set out to look at—to see what happened when people showed up. The Government now want photo ID but, in the pilot projects, it was both photo and non-photographic ID, and that caused significant problems. Imagine if it was just one type—photographic ID, for example—that could double the problem. Bear in mind that people have to be more driven to vote in local elections, where the rates are a lot lower than in general elections—they have to be motivated to go to the polling booth. They are told they do not have the right type of ID, whether it is photographic or non-photographic, and so they have to go home and get the right one, and they do not return—they could not be bothered. The danger is, as has been argued, that potentially hundreds of thousands of people will have that encounter and not return.

Lord Eatwell (Lab): As I was saying to the noble Lord, an accurate study to achieve a careful assessment of the impact of any measure would have to take into account all the circumstances of the time. Over time,

there will be a change in circumstances, and therefore the gross figures may appear as if there has been no impediment. However, if you disaggregate the components of the motivations to vote, it is difficult to believe that the introduction of a new requirement or impediment has a zero effect.

Baroness Noakes (Con): Does the noble Lord believe that this will be a permanent or a temporary effect? As my noble friend Lord Hayward said, voter ID has existed in Northern Ireland for a very long time, introduced by the Labour Government. There has been no evidence of a reduction in voter turnout and, importantly, there is a higher degree of satisfaction with the integrity of elections in Northern Ireland than in England and Wales. I think we ought to ground ourselves in facts—not pilots or the studies by the Rowntree Foundation, but facts.

Lord Eatwell (Lab): I think the noble Baroness would agree that the electoral issues in Northern Ireland are rather different from those in the rest of the United Kingdom.

As I have just said, studying a phenomenon over time requires a careful disaggregation of the effects. Looking at the gross numbers does not tell you anything. Specific studies which carefully disaggregate the impact of particular measures are necessary. I find it difficult to see how one can sustain the argument that introducing a particular impediment to vote will have a zero effect.

As I was about to say, at Second Reading the noble Lord, Lord True, in what I call precautionary mode, referred to locking your door to prevent burglaries even though your house has not been burgled. However, it is striking that if you go to the Isle of Sark, where there are no burglaries, no one locks the door. It is the presence of burglars that encourages people to lock their door. If the incidence of fraud is one, as the noble Lord, Lord Woolley, told us, and the cost now is £180 million, or whatever the number is, to prevent one occurrence, is that value for money?

6 pm

We should be actively seeking measures to do what the noble Lord, Lord Woolley, and the noble Baroness, Lady Verma, encouraged, which is to increase participation and involvement, to increase registration and, perhaps, to think about why we have elections on Thursdays, which are typically working days for so many people. There are a whole series of things that we could be worrying about on the question of increasing participation, but the Government have made the choice to spend a significant amount of money on this particular issue. I would like to hear from the Minister why it is better to spend that sum of money on this issue rather than, for example, on a campaign to increase registration and participation. That seems to be the real cost question that should be faced.

Baroness Scott of Bybrook (Con): My Lords, I thank noble Lords for that long, thought-provoking and interesting debate. I am sorry my noble friend Lord True is not answering on this issue, but this was much more of a stand part debate than one on any specific amendments.

I sincerely thank the noble Lord, Lord Woolley of Woodford, and my noble friend Lady Verma for what they have said today, and indeed for coming; the noble Lord has come from Cambridge today, and I know my noble friend has a really painful foot. I thank them both for coming because, as noble Lords have said, their passion on this issue really shone out.

I think the issue is connected. It is about making sure that as many people as possible take up their democratic right to vote, and we always have more work to do on that. I totally agree with the noble Lord about citizenship in schools—I was a huge supporter of that for the many years that I was leader of a large council—but we also have to listen to my noble friend Lady Verma and the communities that she comes from about the issues in play at the moment that prevent some of her community using their democratic vote. We are going to try, through citizenship in schools and other measures that the noble Lord, Lord Woolley, is taking, to make sure that people can do that. I thank them both for coming and for their input.

Most of what we have talked about today is about communications. Having worked for many years with electoral officers in local authorities, I know that they are very good locally. I thank them for everything they do in targeting their communities; they know those communities and are very good at making sure that they get the message out.

However, when this Bill goes through, the communication of the new way that the electoral system will work as a result of it will be down to the Electoral Commission, which has agreed to deliver comprehensive and targeted communications about the new system. I hope it will work with those local electoral officers—we will make sure that it does—to make sure that it is a joined-up approach so that everyone understands how it will work.

The top line on this issue is that in our manifesto the Government committed to protecting the integrity of our democracy by introducing identification to vote at polling stations. The noble Lord, Lord Grocott, said that we won a majority of 80 seats. Yes, we did, and we won it on that manifesto commitment. That was part of what we offered the electorate at that time.

Lord Scriven (LD): Can I be clear? The House has heard three times from the Government Front Bench about their manifesto. Did the Government's manifesto commit to compulsory voter ID?

Baroness Scott of Bybrook (Con): It was photo identification—

Lord Woolley of Woodford (CB): With respect, it was not photo ID, it was ID. That also means non-photo ID. I am afraid that the goalposts are being shifted, which could have a dramatic effect.

Baroness Scott of Bybrook (Con): I have listened to what the noble Lord said and will check the detail of the manifesto. I will ensure that we write to all noble Lords to make that clear—

Lord Grocott (Lab): I will not intervene again, but I asked the noble Lord, Lord True, whether he could rely on the integrity of the electoral system and the

[LORD GROCOTT]
mechanisms that returned an 80-seat majority. Can the noble Baroness answer that specific question? Is she happy that it was a free and fair election? If she is, why is she bothered about voter ID?

Baroness Scott of Bybrook (Con): My Lords, I am sure that any good electoral system can always be improved and that is exactly what we are doing.

Many countries are doing this; we are not the only one. Italy, France, Spain and Norway—all our European friends, which I am sure the Liberal Democrats will be very pleased about—already have voter identification. Canada, which is not in the EU, also does. But as many noble Lords have mentioned—

Lord Scriven (LD): It is really important that we have a level playing field here. Of the countries that the Minister has just outlined, how many do not have mandatory ID cards?

Baroness Scott of Bybrook (Con): I do not know about mandatory ID cards. All I know is that they have to use voter identification when they vote and that is the important issue—

Baroness Lister of Burtersett (Lab): I am sorry to interrupt but surely the important thing is that if they already have to have an ID card, it is very different from having to get a special ID card to vote.

Baroness Scott of Bybrook (Con): I do not agree with that. I do not think that is necessary. It is in the government manifesto and electoral fraud is not a victimless crime. I know the noble Lord, Lord Woolley, was very clear that there had been only one case of fraud but the impact of electoral fraud on voters can be very significant. It takes away their right to vote as they want to—whether through intimidation, bribery, impersonating somebody or casting their vote for them—

Lord Rennard (LD): I am sorry to interrupt the noble Baroness in her flow but the implication is that a vote is taken away. It is not. There is a process in the polling stations by which if you claim that somebody has already taken your vote—usually because the wrong name has been crossed off by one of the polling clerks—a replacement ballot paper, known as a tendered ballot paper, is given to you. There is no theft and no loss of vote. You get an extra vote. We know from the Electoral Commission's analysis that there were only 1,300 cases out of the 37 million votes cast in the 2019 general election. Most were simple clerical errors. It virtually never happens and if it does, there is a replacement.

Baroness Scott of Bybrook (Con): My Lords, that is if anybody goes back because they have not been intimidated into not going in the first place, I have to say. I respectfully say that this is something that we simply cannot ignore—

Lord Eatwell (Lab): Will the noble Baroness explain the relationship between intimidation and the intimidating need to get photo ID?

Baroness Scott of Bybrook (Con): You need to do both. We are trying to make sure that people in the communities that my noble friend Lady Verma has stood up and very bravely spoken about have the opportunity, as well as others, to take up their democratic right to vote. She rightly pointed out that many people may feel more empowered to participate if they feel more secure in the system—that has come out in research done by the Electoral Commission. In 2021, 66% said they would have more confidence in the system if there was voter ID at polling stations.

Lord Maxton (Lab): I am very reluctant to speak, because I have sat through most of this and I did not take part in Second Reading, but if an ID card is presented at the polling station, is that taken as proof that you have voted or are voting? There is a photographic ID card.

Baroness Scott of Bybrook (Con): If you have the necessary photo ID and your name is on that electoral register—

Lord Maxton (Lab): But surely most countries that the noble Baroness has already said are part and parcel of the extension of this scheme have an ID card.

Baroness Scott of Bybrook (Con): I think that is a different discussion.

Baroness Lister of Burtersett (Lab): This might be helpful, because we were wondering what was in the manifesto. In fact, the Joint Committee on Human Rights quotes from it:

“We will protect the integrity of our democracy by introducing identification to vote at polling stations, stopping postal vote harvesting and measures to prevent any foreign interference in elections.”

There is nothing about photo ID.

Baroness Scott of Bybrook (Con): Can we now move on, please?

Lord Scriven (LD): The Minister might have inadvertently misled the Committee from the Dispatch Box in the figures she has just quoted from the Electoral Commission's survey of 2019. The Government's own impact assessment, on page 42, paragraph 83, refers to that, saying that satisfaction in the pilot areas was 69% of the poll in 2019, whereas it was 83% in those areas where there was no photo ID pilot.

Baroness Scott of Bybrook (Con): I am quoting from the 2021 Electoral Commission winter tracker, which was clear that the majority of the public, two out of three voters, 66%, say a requirement to show identification at a polling station would make them more confident in the security of our elections. That was 2021.

Lord Scriven (LD): The pilot was done in 2019. These are people who actually had the photo ID. When there was photo ID against a control group of no photo ID, the people who were more satisfied with the ballot, post the election, were the people who did

not have photo ID. The Government's own impact assessment says that, and that was signed off by the noble Lord, Lord True, on 20 January this year. Is the Government's impact assessment correct?

Baroness Scott of Bybrook (Con): The noble Lord is conveniently ignoring the experience from Northern Ireland, which is better than the pilots, as one would expect, because they have had it for a very long time. To keep quoting from these pilots as a way of trying to discredit the rollout is a pretty ineffective approach when there is clearly a lot of experience from Northern Ireland which shows a high degree of satisfaction.

Lord Scriven (LD): I will answer the Minister directly. The Northern Ireland experience shows that between 2% and 3% of people, after the introduction, did not vote. If we extrapolate that over here, that is 1.2 million people who would probably be less likely to vote. It has taken 10 years to get back to the equivalent before photo ID was introduced. The noble Baroness shakes her head, but that is the evidence, because I have read it. I have read it and I have seen what the effect in Northern Ireland actually is: it has taken 10 years. The noble Baroness shakes her head, so I ask her to show me the evidence that shows that what I am saying is not correct. What is more, for one conviction, is it worth, for 10 years, 1.2 million people being discouraged from voting in England?

6.15 pm

Baroness Scott of Bybrook (Con): I want to move on, rather than discussing different pieces of information. I will move on to costs. My noble friend Lady Noakes is absolutely right about costs. I will come on to costs to local authorities, but the overall cost has been put at £25 per year per person. That is the estimated cost of the production of the voter card and of raising awareness of voter identification across all polls happening within 10 years. We are not expecting this to be a fixed cost; we are expecting it to reduce over time as voters become more familiar with these arrangements.

Baroness Hayman of Ullock (Lab): I specifically asked about education programmes, the rollout of information and how people were going to know about the changes. What is the cost that the Minister has just given us going to deliver? It does not seem very much to engage electors in a pretty enormous change.

Baroness Scott of Bybrook (Con): As I said, the Electoral Commission has agreed to do much of this. I will come to local authorities now. The noble Baronesses, Lady Hayman, Lady Pinnock and Lady Meacher, quite rightly talked about the costs of this to local authorities. The impact assessment presented a range of costs that could be incurred by the introduction of these measures in order to ensure that local authorities and valuation joint boards are provided with the funding to implement the changes successfully. We will continue to refine our estimates of the future new burdens required to reflect the design of the secondary legislation. Government analysts are engaging with local authorities and valuation joint boards as this model is developed. Work is being done by all those involved.

Any allocation would be subject to detailed consideration of the varied pictures across local authorities and the valuation boards and would seek to allocate funding according to need. As was the case with the introduction of individual electoral registration, new-burdens funding will be provided to cover the additional costs resulting from the changes.

The noble Baroness, Lady Pinnock, asked about the different needs of different authorities. We accept that. The administrative burden will be driven by a variety of factors across local authorities, including their existing capabilities. The allocation of new-burdens funding, including for any additional staffing required, is being modelled and discussed with local authorities and other key stakeholders, working with the programme team in the department. The allocation of the new-burdens funding will take into account the different requirements and characteristics of all local authorities. We are working with local authorities and with the Local Government Association, and we are looking at all the different characteristics of those individual authorities. As a local authority person, I understand this.

Lord Wallace of Saltaire (LD): I want just to check on the question which has already been raised about the extra security costs. While preparing for this Bill, I went to talk to the Bradford electoral registration team. One of the strongest messages that came from them was that a significant number of poll clerks in Bradford were young women. We all know that intimidation is the most frequent election problem in parts of Bradford. When faced with rather aggressive men of one sort or another whose identity is being challenged, young women are going to feel very unsafe. This will require extra staffing and police. Has this been factored in?

Baroness Scott of Bybrook (Con): I cannot tell the noble Lord whether that has been factored in. I will ask the team and come back to him. The fact that local authorities are working with the team means that those sorts of issues will come up and be dealt with.

We have also already established a business change network covering England, Scotland and Wales, specifically to support local authorities with the implementation of the policy changes arising from the Elections Bill. The network allows the regular flow of information both ways between local authorities and officials in DLUHC, acting as a local presence with knowledge of the Elections Bill and supporting and engaging with administrators during the implementation. That is where these sorts of issues need to come up and I expect them to be dealt with in that way.

The noble Baroness, Lady Hayman, brought up training for returning officers. This will all come out of the same network. We continue to work with local authorities to understand their needs and the needs of voters in relation to training on the new electoral system. I think that deals with all the points, so I will now get on to the actual amendments.

These amendments and those in the groups just after place a requirement on the Secretary of State to publish a wide range of reports, impact assessments and reviews, as well as to hold consultations on the

[**BARONESS SCOTT OF BYBROOK**] impacts and estimated impacts of various measures in this Bill. Amendment 55 would prevent Schedule 1 coming into force until the Secretary of State has made a statement before Parliament on the estimated cost of the provisions, in addition to the potential impacts on voter turnout across different demographics.

This amendment is entirely unnecessary. A detailed estimate of costs for all the provisions in the Bill was published alongside it, as was an equality impact assessment. To suggest that the impacts of the measures in the Bill have not been considered in great detail would be a disservice to the many officials in the team who have spent considerable time modelling the various impacts and who are already working very closely with the sector to prepare for its implementation in a thorough and very considered way.

On the financial costs, we have worked extensively with the electoral sector to assess the impacts of the measures and have rightfully modelled a range of costs to account for a number of scenarios. We continue to work to refine these as the detail of implementation planning is settled. Our priority remains ensuring that local authorities have the necessary resources to continue to deliver our elections robustly and securely, and we have secured the necessary funding to deliver that goal.

As is usual for programmes of this kind, any additional funding required will be delivered to local authorities via the new burdens mechanism. Rollout of any funding will be timed to ensure that local authorities can meet the costs incurred. This is not the first time that the Government have delivered a change programme in this area. The Government have worked closely with the sector to deliver a number of national programmes, including canvass reform and the introduction of individual electoral registration, to great effect. This programme, while complex, is no different and we will continue to take the same open and collaborative approach to implementation.

When it comes to publications, the evaluation of and reporting on funding for programmes of this kind are already subject to publication requirements, particularly as this qualifies as a government major programme. Furthermore, we are developing robust evaluation plans and intend to produce a process and impact evaluation of the programme across all policy measures. Therefore, in light of the already published assessments for the Bill and the assurances that existing plans will provide ample transparency, I beg the noble Baroness to withdraw her amendment.

Baroness Hayman of Ullock (Lab): My Lords, this debate has ranged rather wide of the area covered by my amendments, to say the least. Having said that, it has been very interesting. As other noble Lords have said, the noble Lord, Lord Woolley, made a very important and powerful speech. I say to the noble Baroness, Lady Verma, that I am sure that we would all agree that every vote should count—of course it should—and I totally understand what she is saying. The challenge for us, as parliamentarians, is how we change that—that is a debate for another day, but she raised an incredibly important issue that we have to look at very carefully. Perhaps we should look at areas where we could do something to increase empowerment

and engagement—perhaps that is missing from this Bill. I would be really interested to engage more with the noble Baroness to think about how we can support her, from this side, in what she is trying to achieve and to better understand her concerns.

I will not go into the manifesto commitment debate—my noble friend Lady Lister resolved that quite adequately. But she also raised an important concern, as did—

Lord True (Con): In the Queen's Speech in October 2019, the Government announced that they would introduce legislation on voter identification. It was very clearly set out in the guidance and briefing that was given around the Queen's Speech that that would specifically include photo identification and the free identity cards for local authorities. It was an announced and established policy of voter identification, and the manifesto referred to this.

Baroness Lister of Burtersett (Lab): The Queen's Speech and the manifesto are different things, and the manifesto did not say "photo identification".

Baroness Hayman of Ullock (Lab): That is correct. I appreciate what the Minister said about the Queen's Speech, but, again, my noble friend is absolutely correct. Members of the Government keep telling us that this was a manifesto commitment, but it is important to clarify the distinction between a manifesto commitment and what the Government decided to go forward with in the Queen's Speech. We can debate that, I am sure—

Lord True (Con): That was the Queen's Speech before, not after, the general election. It was established before the general election.

Baroness Hayman of Ullock (Lab): In that case, can the Minister explain why it was not detailed in the manifesto?

Lord True (Con): That is because the manifesto referred to clearly established and announced policy on voter identification.

Baroness Hayman of Ullock (Lab): In that case, I will come back to the pilot schemes. If the Government were intending to introduce only photographic ID, and that is what the commitment was, why were pilot schemes run without including photographic identification?

Lord True (Con): My Lords, I think that we should make progress—

Noble Lords: Oh!

Lord True (Con): Certain pilot schemes, which we have discussed, involve photo ID. I should leave it to my colleague to complete the group, and we can move on to the debate on clause stand part. The reality is as I have expressed it—that was the announced policy and what the Government hope to carry forward.

Baroness Hayman of Ullock (Lab): Fair enough—we will move on. I will go back to my amendments and discuss cost, which is where we started this debate some time ago. The noble Baroness, Lady Noakes, said the cost was actually not very much. I have the greatest respect for the noble Baroness’s knowledge around business finance, but most of my concerns are around the costs to local government. It would appear that she has not been a local authority councillor; I have not been one for seven years, but when I was one, looking at how to balance a budget following the government cuts that were in place seven years ago, it was incredibly difficult to find what we needed to cut in order to balance the books—at what we had to deliver statutorily and what we wanted to deliver.

Seven years have passed, and there have been more and more cuts, so it is even more difficult for local authorities to manage their budgets now. That was the point that I wanted to get across with some of my amendments and with what I was saying. This will be difficult for local authorities, and we need clarity around costs and the kind of investment and support that the Government will give local authorities in good time, ahead of these changes, in order to deliver them effectively, efficiently and with staff who are properly trained and understand what is expected of them and of the electorate.

6.30 pm

My noble friend Lord Eatwell made the important point that the additional requirement, if it reduces participation, is another cost that must not be forgotten. The noble Lord, Lord Wallace, talked about the importance of factoring in the security implications. This is not just about the police; it is about the numbers of people there. Particularly in rural polling stations, people can be sitting on their own for a long time. We need to be careful about what we ask of the people who man those polling stations. It is a hugely important job.

The Minister talked about costs and went into a lot of detail. I asked a number of questions, which I know she did her best to answer, but a lot of it is still quite vague—it is about work being done and modelling. I need to go away and have a proper read of *Hansard* to see exactly what she says is happening at the moment. My concern is when all this will be ready. When will this modelling be completed? When will we have some idea of the costs and how they will be managed? On a number of occasions during today’s debate, we have talked about the implications of a potential snap election. Let us say that an election is called in September. Where does that leave us? Let us say that the Bill has gone through and this is what will be required, but the Government are still busy modelling.

Baroness Scott of Bybrook (Con): Let me respond to that. I was not talking about modelling; I was talking about groupings and communications between DLUHC officers and local authority election officers in individual councils to make sure that we know exactly what the issues are for them and what the costs will be for them. Things such as whether they are rural or inner city and need more security are being discussed at the moment with individual local authorities.

Baroness Hayman of Ullock (Lab): Modelling was mentioned, but I appreciate that clarification from the noble Baroness. Again, the question is when this will be ready. When will the rollout be ready? We know that politics is pretty volatile at the moment. The Fixed-term Parliaments Act is going, so my biggest concern is what happens if things are not ready. Is there a back-up plan? I worry that, if the electorate are not ready and local authorities are not ready, we could end up in a bit of a pickle. With that, I beg leave to withdraw the amendment.

Amendment 55 withdrawn.

Amendment 56

Moved by Baroness Hayman of Ullock

56: Clause 1, page 1, line 6, at end insert—

“(2) Schedule 1 must not come into force until the Secretary of State has made a statement to Parliament on the estimated impact of the provisions on voter turnout.

(3) The statement must include an analysis of the impact on voter turnout in different age brackets.”

Baroness Hayman of Ullock (Lab): My Lords, I have a number of amendments in this group. I thank noble Lords who have been supportive: the noble Baronesses, Lady Meacher and Lady Lister, and the noble Lord, Lord Woolley. In the previous debate, where we strayed into other areas, we heard a lot of concern about voter turnout. My amendments in this group aim to draw attention to the potential impact on voter turnout in all the different areas where concerns have been raised.

I will just run through them. We are looking at age brackets. We have heard concerns that younger people could be badly impacted by this. At Second Reading, the noble Baroness, Lady Greengross, raised huge concerns about the impact on older people.

I also have an amendment about the impact on voter turnout of different disabilities. Our last day in Committee started with a debate on what could happen to blind or partially sighted people if the proposals were brought in without addressing the concerns of the RNIB and other people who have sight problems. Other disabilities have also been looked at; access, for example. There is also an amendment on the impact on voter turnout among different ethnicities. The noble Baroness, Lady Verma, who is no longer in her place, talked about this and the noble Lord, Lord Woolley, has done tremendous work looking at this area.

There is an amendment on nations and regions. One of the concerns is the differentials that will come with England and the devolved areas, and how this will be managed regionally. We know from different kinds of evidence that certain regions are more likely to struggle with voter turnout than others. Also, there is the issue of voter turnout in different income brackets. At Second Reading, noble Lords referred to the important research by the Joseph Rowntree Foundation, which was carried out because the Government had not looked at this. They had looked at other areas but not at income level. If any noble Lord has not read the report, it is very important in getting an understanding.

[BARONESS HAYMAN OF ULLOCK]

I draw attention to one or two things the foundation said. It said that low-income potential voters are much more likely not to have photo ID—1% compared with 6%. It talked about how this could mean 1 million low-income voters in Great Britain not having possession of approved photo ID. On top of that, 700,000 low-income adults who would have photo ID felt that they were not actually recognisable and were concerned that their ID would not be accepted. We will have another debate at some point about people being turned away.

I do not want to take up too much time, as we are supposed to finish at 7 pm, but to cover a lot of those different areas, I want to look at the London Voices project. It carried out a survey that asked organisations to describe the impact that they thought photo voter ID would have. The key concerns expressed were that the requirement for photo voter ID

“would reduce democratic participation thus widening the democratic deficit, and impose unfair barriers on already marginalised communities, such as disabled Londoners and Black, Asian and ethnic minority Londoners.”

The report quoted some people in their own words. We have talked an awful lot in this House, but we need to listen to what people on the street say when they are asked about this.

The first one that I want to read out is from Southwark Travellers’ Action Group, which supports Gypsy, Traveller and Roma Londoners. We have not heard enough in their voice. They are very marginalised and we do not take enough account of the difficulties that they often have in civic life. The group said:

“The women who we work with, not all of them, but some of them don’t have either passports or driving licences. So that would be an extra barrier for them. Also just the expense of getting those things ... Sometimes we have people who want to get a new passport but can’t afford it at the moment, so that’s a real problem.”

Haringey Welcome, which supports migrant and refugee Londoners, said:

“Loads of people don’t have a passport, have never travelled outside of the country... it’s clearly the poor and the disadvantaged, who are least likely to be able to prove their identity”.

Central YMCA looks after young Londoners and points out:

“We do have an informal economy in London. Anybody who doesn’t want to accept that is just not facing reality. So, the people in that economy will be very reluctant. And quite a lot of people in that economy tend to be from BAME communities, or from poorer communities. And therefore, you’re actually saying to quite a large part of the demographic that they are going to be excluded from the democratic process.”

Jacky Peacock, from Advice for Renters—aimed at private renters—says:

“Fewer people will vote—some won’t have photo ID, some (particularly refugees) have lived in authoritarian countries and are fearful while for others it’s just one more small deterrent”.

Voice4Change England looks after black Londoners, and says:

“In vibrant civil society, it is incumbent on the government to endeavour to increase political participation by expanding voters’ rights. The US case rightly highlights that the introduction of voter ID legislation reduced voter participation, and it is suggested that this was disproportionately high among racial and ethnic minority groups ... The government should ... address the fact that millions of people are left off the electoral register, to review anachronistic campaign laws”.

Finally, Rachel Coates speaks for Advocacy for All, which represents disabled Londoners:

“I think less people with disabilities will vote as this makes it more complicated”.

I beg to move.

Baroness Lister of Burtersett (Lab): My Lords, I support this group, and I will speak specifically to Amendments 58 and 59, to which I have added my name. But first I will make some points about the group in general. In the Commons the Minister said:

“The Government are committed to increasing participation in our democracy and to empowering all those eligible to vote to do so in a secure, efficient and effective way”.—[*Official Report*, Commons, 17/1/22; col. 83.]

Yet a wide range of civil society groups, the Joint Committee on Human Rights and the Public Administration and Constitutional Affairs Committee have all voiced concerns about how the voter ID requirements will have the opposite effect for marginalised groups. We heard powerfully from the noble Lord, Lord Woolley of Woodford, about that earlier.

When these concerns were raised in the Commons Committee, the Minister tried to turn the tables with the extraordinary response that to suggest that those groups more likely not to hold the requisite photo ID would not be able to access photo cards

“is to unfairly diminish the agency”,

and

“assuming from the get-go that people are disadvantaged on the basis of their background is stigmatising and denies them their agency”.—[*Official Report*, Commons, Elections Bill Committee, 22/9/21; col. 127.]

As the author of a book on poverty, one of the central themes of which is the importance of recognising the agency of those living in poverty, I would point out that agency has to be understood in the context of the myriad structural constraints and barriers they face. The same applies to all the marginalised groups that concern us here. The Bill will increase those barriers further.

I now turn to the impact of Clause 1 on people in poverty, which I am pleased to say has already been touched on by my noble friend. As she said, the official evidence made available and statements made do not address this directly at all, as income status is not one of the parameters researched, even though the indicators of the likely adverse impact on the unemployed and on people in social housing should have set a red light flashing, prompting further research into those on low incomes. That it did not do so speaks volumes. Instead, as my noble friend also said, we are indebted to the Joseph Rowntree Foundation for carrying out the research. I will not repeat the details that my noble friend mentioned, but of the total of all those on low incomes who did not have photo ID, thought that what they had was unrecognisable, or were not sure, only about half said that they would be likely to apply for a voter card, and two-fifths said they were unlikely to, or were unsure whether they would.

That is not to deny the agency of this group, but it might reflect a reluctance to engage with the state in this way, because of a lack of trust, as a number of commentators have observed. Or it may be a function of the sheer hard work involved in getting by in

poverty. Getting by in poverty is itself an example of time-consuming agency, the more time-consuming when also juggling multiple jobs, long hours and/or insecure work.

6.45 pm

Moreover, psychological research has illuminated the

“cognitive constraints of life in poverty”

that can reduce “bandwidth” and mean immediate demands on time can override longer-term planning. People on low incomes are already less likely to vote than better-off people, for a variety of reasons. According to JRF, the gap in turnout increased significantly between 1987 and 2015. Although the trend was bucked in 2017, there was still a clear social gradient in turnout in the 2019 election. Surely we should be doing all we can to increase turnout among this group, not raising new obstacles to it.

With regard to ethnicity, while recognising that there is a real issue here for racially minoritised groups generally, I want to focus, like my noble friend did, on the Gypsy, Roma and Traveller communities, who are particularly disadvantaged in a number of dimensions. There is no sign yet of the long-promised strategy from the Government on doing something about the disadvantages faced by this group. As far as I could see, the report published today, *Inclusive Britain*, does not mention this group. I may be wrong—but the noble Lord is nodding his head, so I do not think that it does. It is one of the most disadvantaged ethnic groups in this country.

The equality impact assessment notes that the Cabinet Office survey of eligible voters

“did not reach a sufficiently large sample size of those who identify as White Gypsy or Irish Traveller to make reliable statistical estimates.”

The document acknowledged:

“Available research elsewhere suggests this group are less likely to hold some types of photo ID”

and are,

“according to the 2011 Census, least likely to have a UK or non-UK passport, with 66% holding a passport compared to an average of 86% across all ethnicities.”

The Traveller Movement carried its own small-scale research that suggested that the proposed ID law would create further barriers to voting for this group, who would struggle disproportionately with the new requirements. It points out that nomadic Travellers and those who live on sites already struggle with access to basic infrastructure, including postal services and internet access, which prevents them from registering to vote, or acquiring other forms of documentation or ID. The movement warns that mistrust of state institutions could act as a barrier to applying for ID or a voter card. Indeed, today’s *Inclusive Britain* report acknowledges more generally that

“there is clearly still a trust deficit which some groups have towards the UK and many of its institutions.”

I suggest that the groups that we are talking about in these amendments are particularly likely to hold such a trust deficit.

The JCHR voiced its concern that

“the Government do not appear to fully understand the potential discriminatory impact of requiring voter ID on individuals who identify as White Gypsy or Irish Traveller”,

and called for the information to be obtained and provided to Parliament to allow for effective scrutiny. I am not aware that any such information has been provided to Parliament. Instead, in their response to the JCHR’s report, the Government said that there had been official-level and ministerial engagement with civil society organisations representing these groups so as to better understand the impact of voter ID on voting patterns, and that lines of communication with these groups remain open. That is good—but not what the JCHR asked for.

More generally, engagement with civil society groups has been a recurrent theme in government pronouncements on voter ID. This is of course welcome, but can the Minister tell us what engagement there has been with organisations speaking on behalf of people in poverty, or in which people in poverty are themselves involved, so that they can bring the expertise born of experience to these policy discussions?

Baroness Meacher (CB): My Lords, I rise in support of Amendments 56 to 60 in the name of the noble Baroness, Lady Hayman of Ullock, to which I have added my name. As I said at Second Reading, one of my biggest concerns about the whole Bill—though it is not the only one—is that the ID requirements could, when an election is closely fought, lead to an entirely different outcome of the election from that which would have been achieved without this ID process. In some cases it could result in a change in the MP elected in particular constituencies where, again, the result is close. Although there are obviously problems about individuals and groups, my biggest concern is that this could tip over or interferes with and distort the result of an election. That is a very serious matter.

The requirement in paragraph 8 of Schedule 1 that the electoral identity document

“must ... contain a photograph of the person”

risks excluding various groups. The noble Baroness, Lady Hayman, went through those groups in some detail, and I certainly do not want to repeat her remarks. A differential turnout in these groups and constituencies will therefore determine to what extent the ID system affects the outcome of elections. I have no doubt that the ID system will affect election results and outcomes, and therefore, in my view, the ID provision should not be included in this Bill at all. However, I do understand that the Government had the election ID proposal in their manifesto. Nevertheless, I think I am completely convinced, certainly by the noble Lord, Lord Kerslake, who did not get to speak on it, that the manifesto did not refer to photographic evidence. I hope the Minister will, therefore, while hanging on to his ID scheme no doubt, agree that these amendments are very important to keep the impact on elections to a minimum. We need the information required by these amendments. It will be difficult to estimate the impact on various groups, and I would be grateful if the Minister in his response would explain how that data will be obtained—assuming of course that he accepts the vital importance of impact assessments, and I am sure he does—before the ID system is introduced.

The noble Baroness, Lady Scott, referred to various countries that have electoral ID documents, but it would be very helpful if the Minister would make

[BARONESS MEACHER]

clear which countries have electoral ID systems that do not have general national ID documentation. I think it was indicated that it would not make any difference; of course, it would make an enormous difference if everybody was automatically required to carry their ID in their pocket or bag. Of course, they would roll up at the polling station with their ID—so I have to say I do not accept that it does not matter. It does; and it would be very helpful if the Minister could give some kind of evidence about efficacy and about the impact on elections in those countries that have electoral ID but not national ID.

A very different concern relates to the delegated powers in relation to the registration officer's power to issue the relevant electoral identity document. For noble Lords not involved in the earlier debate, perhaps I should again declare my interest as a member of the Delegated Powers Committee. The registration officer is under a duty to determine the application "in accordance with regulations". That is a very wide power, which leaves it open to Ministers to determine the conditions that must be met before an applicant is entitled to receive an electoral identity document. We are not going to know that; that will be a ministerial decision under delegated powers. It also allows for the possibility of the registration officer being given discretion in deciding whether or not to issue an electoral identity document to a person. Again, on what grounds? What is actually going to go on here?

The Delegated Powers Committee is wanting an explanation from the Minister about why these provisions are not on the face of the Bill, and it is quite difficult to think why they are not. If the Minister cannot give an adequate explanation, the committee's view is that the delegation in this case is inappropriate. I bring that to the Committee because I think it is relevant, and it is important for people involved in these discussions. I do not know whether the Minister is in a position to respond to this, but, if he is not, maybe he can respond in writing, not just to the Delegated Powers Committee but to Members of this Committee. I hope the Minister will be able to respond, though, to this concern.

Baroness Chakrabarti (Lab): My Lords, to vote is a fundamental right. It is not a new-age right invented the other day; it is a fundamental civil and political right. It is also, for many of us, an ethical duty. If the Government took that view, they would not judge the balance of risk in the way that they currently are. That is where this group relates to the debate foreshadowed in the previous group on financial cost. In that debate, the noble Baroness, Lady Noakes, said that it is worth it to have integrity in the system, but the noble Lord, Lord Woolley, asked whether just one conviction really justified the risk. Now we are closer to the crux of the debate.

Different groups of people have fought for the right to vote over many centuries, all over the world. It is one of the first-order civil rights in a democracy, and an ethical duty. If the Government agreed with me, they would judge the balance of risk rather differently from the way they are currently doing with this one conviction as evidence of a problem. Although it is always hard to prove a negative, any evidence produced

for it—whether in pilots or from well-established civil society research organisations—is batted away and the Minister in the other place says, "Let's lock the house before the burglary happens".

If I am right that it is a first-order civil right, like the right to liberty, you have to judge the balance of risk and put the presumption in a slightly different place. With the right of presumption of innocence and the right to liberty, we put the presumption in a particular direction. We say that it is more important—many Conservatives not in their places would agree with me—that one innocent person does not lose their right to liberty than that even a few more who are guilty go free. If that is how we judge the presumption of innocence in relation to liberty, and if we take participation in free and fair elections as a first-order right of that kind, why do the Government judge the balance of risk in the way they do? Why are they not doing everything possible not just to ensure that those with the right to vote can do so but to encourage the behavioural change we want so that people get the habit of voting and discharge what I think is an ethical duty?

Some other countries say that voting should be compulsory—that it is not just an ethical duty but a legal one. That is a step too far for my libertarian instincts; speaking of which, I fought for many years with many who are not in their places on the Benches opposite, and the current Prime Minister, against the principle of compulsory identification cards for people in this country. Conservatives were some of the most eloquent participants in that debate and the Conservative Party fought elections on manifestos against it, on the basis that this is the kind of free country in which free-born English men and women should not have to carry compulsory ID.

It did not make me many friends among those who are now my noble friends, but that was the argument and principle that united the Conservatives with the Liberal Democrats in 2010—repealing compulsory identity legislation was their flagship policy—and I welcomed it. It seems a little odd now to say that there will not be universal compulsory identity cards for everyone but we will take your vote off you if you cannot afford ID such as a passport or a driving licence. Ministers are shaking their heads on the basis that they will make it possible for all sorts of other kinds of free and cheap ID to be available. We have to take that on trust.

That does not deal with the principled concern—why we require it at all, given that we blew all those trumpets about free-born Englishmen not requiring compulsory ID in the first place—or solve my practical concern about discouraging people who are already discouraged from getting into the habit of voting. The noble Lord, Lord Woolley, made that point so eloquently in the previous debate.

With all the comings and goings and the vivid nature of the debate, I never heard from either of the noble Baronesses, Lady Noakes or Lady Verma, in what way they think fraud is of a significant enough degree in this country at the moment to justify their points about people being shut out of the process by it.

7 pm

Evidence has to go both ways. If people on this side have to make their case about discouragement from voting, they cite Joseph Rowntree, et cetera, but where is the Government's evidence that the system is currently so corrupted by widescale fraud that this kind of measure needs to be introduced, notwithstanding our concerns that people will be disenfranchised in a fundamental way?

Lord Woolley of Woodford (CB): My Lords, I support the amendments tabled by the noble Baroness, Lady Hayman. Seven hours ago, when my back was not aching, there was a good discussion in the Chamber about not rushing through legislation. Do noble Lords remember that? We must not rush it through because, if we do, we are in danger of getting it profoundly wrong.

I was pleased that the Gypsy, Roma and Traveller community has been mentioned. I have worked with them for more than 25 years and know they are one of the most marginalised and politically disenfranchised communities in the country. They have told me that voter ID would severely impact their ability to engage in the democratic process. We know of other groups too. In 2019, in reviewing the pilot scheme, the Electoral Commission said:

"In Derby there is a strong correlation between the proportion of each ward's population from an Asian background and the number of people not issued with a ballot paper."

There is copious evidence to suggest that, if we go ahead with this, black, Asian and minority-ethnic communities will be disproportionately affected. I suggest that we do not make the mistake that we made with Windrush, when we made legislation with the best intentions—one would hope—and the unintended consequences wreaked havoc with the Windrush generation. What we did not do then was have a comprehensive race equality impact assessment.

The Public Administration and Constitutional Affairs Committee, which looked at the Bill, said in December that there is insufficient evidence to suggest that we need this. We should press the pause button. Let us make sure that we get this right. Our children and voters who find it difficult to get to the booth could be even more severely affected. If we pause, have a comprehensive impact assessment and get this right, I am sure that we can get this in a much better state.

Lord Kerslake (CB): Given the lateness of the hour, I hesitate to come in now, but I feel passionately about the importance of tackling the uneven and potentially discriminatory nature of what we are doing here without the proper assessment to which the noble Lord, Lord Woolley, referred.

I shall make two points. The London Voices project is worth reading in detail. I agree with the noble Baroness, Lady Hayman, on that. It involves more than 100 organisations with more than 5,000 staff. They have produced a comprehensive picture of the risks involved in this project. Has the Minister met the London Voices project? If she has not, will she do so as a matter of urgency?

My second point is about the Mayor of London's concerns. He has written and set out very clearly the risks, as he sees them, in London: over half a million

Londoners without a passport; over 2.5 million Londoners without a driver's licence; and something like one in five of those with a disability not having a freedom pass. I could go on. A whole range of people in protected groups do not have the evidence that is required. We may then say that there is a free pass available on application—but look at the JRF analysis, which shows that a large number of those very people are the ones most likely not to apply for the free pass. So, the net effect is that they will be excluded. Can that be what we are looking for here? Have we done enough to be sure that that does not happen? I do not think so.

Viscount Stansgate (Lab): My Lords, I hope that the noble Lord's back, after seven hours, recovers. I was one of some Members who were in this Chamber at 2 o'clock this morning debating and voting on another important Bill.

In view of the lateness of the hour, I want to put only one point to the Minister. The Government understand that their proposals in this area are controversial. They are controversial because they are making a very considerable proposed change to the way in which we conduct elections. Yet at the same time, on all sides of the House, we are agreed that we want to see the maximum possible voter registration and turnout. Looking at this group of amendments, which I rise to support, does it seem unreasonable that the Government should be required to provide a statement on the estimated impact of these provisions on voter turnout? That seems to me a very reasonable request.

Lord Scriven (LD): My Lords, listening to this debate, it is quite obvious that some groups of people are less likely to have access to the voter ID that will be required. We should know much more about the potential consequences of such a major change to our tried and tested system at polling stations before introducing it for a general election. As the noble Lord, Lord Woolley, said, let us press the pause button on this. A single survey commissioned by the Cabinet Office is not sufficient to show that compulsory voter ID will not have many of the same problems that we see with electoral registration, which effectively excludes many people from their right to vote.

We should look in some detail at the report of the Joint Committee on Human Rights on this issue. It drew attention last September as to how:

"The Government must do more to demonstrate the need for voter ID".

The committee said that the Government must also "mitigate the potential barriers to voting its proposals may create."

The Government's response spoke about making elections "accessible", but they failed to justify any additional barriers to voting or to show that they were proportionate to what is shown to be an extremely low level of electoral fraud and one conviction. The Joint Committee on Human Rights said that

"it is estimated that over 2 million people will not have an acceptable form of ID and so will have to apply for a free voter card or lose the ability to vote at the polling station. These proposals are aiming to reduce fraud at polling stations, however the recorded instances of such fraud are rare."

Having taken expert advice, the committee warned that:

[LORD SCRIVEN]

“The impact of the proposals may fall disproportionately on some groups with protected characteristics under human rights law. Older people and disabled people are less likely to have photo ID and some groups such as Black, Asian and minority ethnic communities may be hesitant to apply for the Voter Card. The Committee calls on the Cabinet Office to produce clear research setting out whether mandatory ID at the polling station could create barriers to taking part in elections for some groups and how they plan to mitigate this risk effectively.”

It is worth noting that this is what the impact assessment says about this policy in terms of its effects on voting:

“The analysis does not assess the impact of the policy on voter turnout.”

The Government’s own impact assessment has not even looked at what the effect will be on voter turnout. Why was this not done?

It has been mentioned that some countries have voter ID. To answer the question from the noble Baroness, Lady Meacher, certain states in America do not have compulsory voter ID, and the effect on turnout is that those who are more economically affluent will vote while those who are least economically affluent will not, because they do not have access to voter ID. So there are international comparisons showing that this is a problem.

Because of the lateness of the hour, I will say just this: there will be roughly 2.1 million people for whom mandatory voter ID will be a barrier to exercising their vote. If that is the case, why are the Government pursuing this policy, and why have they not carried out an impact assessment to see its effect on voter turnout?

Baroness Scott of Bybrook (Con): I thank all noble Lords for an interesting debate. I shall respond to a couple of things straightaway. The noble Baroness, Lady Meacher, raised some issues from the Delegated Powers and Regulatory Reform Committee. I have agreed with the Minister that if she does not mind, we will write to the noble Baroness and send a copy to anyone who has taken part in the debate.

Due to the lateness of the hour, and because we are going to have a stand part debate on this same issue at our next sitting, I will be much briefer than perhaps I would have been, because I am sure all these issues will get brought up again. The Government strongly stand by the importance of public participation and engagement, which has come out from many noble Lords today. It is important to us. I reassure the House that we share a joint aim on that front. We all want participation in a strong democratic election system.

Turnout fluctuates from election to election; I think we all know that. If we look at national elections versus local elections versus parish council elections, they all have fluctuating turnout, for many reasons, so it will likely not be possible to isolate the impact of the measures in the Bill on that. It would be quite difficult. I hear the concerns that have been raised but, as I said earlier, the impact of the measures in the Bill have been considered in great detail. In response to the noble Baroness, Lady Lister, I will get her a list of the consultees that we worked with because that is important.

With regard to making sure that all groups, particularly minority groups, engage with the electoral system, register to vote and vote once they are registered, I go

back again to the importance of the local electoral teams in all our local authorities. They are the people who have the experience of the communities that they serve and work within. I myself have a particular interest in the Gypsy, Romany and Traveller communities. If those local electoral teams understand a community locally—I have seen this working locally myself—then they are often the people who can speak to them, find out the barriers for those communities and work through them. I am sure that is same for many other communities across the country.

7.15 pm

The amendments relating to postal voter turnout—which we have not really spoken about—would impose extensive reporting and analysis requirements. They would appear to apply to every election and by-election, including local-level elections for parish and town councils, as well as for district and county councils. If we were to accept the amendments, we believe that they would generate an unjustifiable burden.

The Bill already outlines that there must be three evaluations of the effect of the requirement to show identification on voting. These will consider the effect of the new policy on electors’ applications for a ballot paper. By law, the Electoral Commission publishes reports on electoral events. Its reports will no doubt contain thorough analysis of the impacts of any changes brought about by the Elections Bill. For these reasons, we cannot support the amendments, and I ask the noble Baroness not to press them.

Lord Kerlake (CB): I asked a specific question as to whether the Minister had met the London Voices project and, if not, whether he would be prepared to meet them now.

Baroness Scott of Bybrook (Con): We will write to the noble Lord. We have met, but I shall make sure that we give the noble Lord a clear response on that.

Lord Scriven (LD): I know that it is very late, so I shall be quick. The Minister skipped over this, and it is quite key. There has been no analysis of the impact of this policy on voter turnout. The Electoral Commission will do it retrospectively but I am talking about before it comes in. Why have the Government missed this key issue? They keep telling us from that Dispatch Box that the policy will not have an impact on voter turnout, yet they have done no detailed analysis in their impact assessment.

Baroness Scott of Bybrook (Con): I can confirm that we have not done that impact analysis. The important impact will be after.

Baroness Meacher (CB): The issue of impacting the outcome of elections is seriously important. Will the Minister go away and think about whether the Government should do an impact assessment not only on overall turnout but on differential turnout among different groups—for example, the disabled, the poor and the elderly—to assess the likely impact on election outcomes. All these things are important, but it seems

to me crucial that, in a democracy, Governments should not introduce policies that are going to skew election results. I ask the Minister to take that away and write to us all about what the intention would be.

Baroness Hayman of Ullock (Lab): I thank all noble Lords who have spoken in the debate. I am grateful for the wide support for the amendments and for what we are trying to achieve with them.

The noble Baroness, Lady Meacher, just made an incredibly important point. All through the debates that we have had, there has been a lot of discussion about the importance of democracy, the importance of participation and the importance of widening democracy and encouraging people to vote. It concerns me that the Government are introducing a policy that could have an impact on people's ability to vote without having done an assessment of what the impact on voter turnout is likely to be. Whether or not we want to look at the Irish case or at what has happened in the

United States or in other places, we know that there is likely to be some form of impact. Would it not therefore be good practice and a good way to do legislation to make sure that all those impact assessments are done in advance? That just seems to be logical.

It is late. I shall not speak any more. All I say is that I am sure that these issues will be discussed more when we next sit in Committee, where the clause stand part debate is the first debate. These issues will also definitely come back on Report and will need further debate and discussion. In the meantime, I beg leave to withdraw the amendment.

Amendment 56 withdrawn.

Amendments 57 to 60 not moved.

House resumed.

House adjourned at 7.20 pm.

Grand Committee

Thursday 17 March 2022

Arrangement of Business *Announcement*

1 pm

The Deputy Chairman of Committees (Baroness Healy of Primrose Hill) (Lab): My Lords, Members are encouraged to leave some distance between themselves and others. If there is a Division in the Chamber while we are sitting, the Committee will adjourn as soon as the Division Bells are rung and resume after 10 minutes.

International Women's Day and Protecting the Equality of Women in the UK and Internationally *Motion to Take Note*

1 pm

Moved by **Baroness Stedman-Scott**

That the Grand Committee takes note of International Women's Day and the United Kingdom's role in furthering and protecting the equality of women in the UK and internationally.

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office and Department for Work and Pensions (Baroness Stedman-Scott) (Con): My Lords, it gives me great pleasure to open this International Women's Day debate, but I begin by saying that my thoughts and prayers are with all those affected by the events in Ukraine at this very difficult time. We continue to stand united with our international partners in supporting the Government in Ukraine and condemning this reprehensible assault on its sovereignty and territorial integrity.

I will looking to more positive matters. After years of unfair detention by the Government of Iran, British nationals Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori returned from Iran yesterday. Morad Tahbaz has also been released from prison on furlough. It is the result of tenacious and creative British diplomacy. This outcome is the result of intensive efforts over the past six months. We thank our Omani friends for their help in bringing our nationals home. This is a moment of great relief. We have the deepest admiration for the resolve, courage and determination that all three individuals have shown.

I returned this morning from New York, where I took part in the 66th session of the Commission on the Status of Women. The priority theme of this year's event is "Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes". I therefore feel it fitting that we have the chance today to reflect on our role in the international community in prioritising women and girls, as well as marginalised and vulnerable groups, in responding to humanitarian crises. It is easy to feel

powerless when faced by threats such as the current situation in Ukraine, but the Commission on the Status of Women provides the perfect opportunity to work with international partners to build coalitions to fight those threats. In fact, while I was in New York I was privileged to attend, in part, the concert that the Met put on for the Ukrainian people; that was really emotional. What was even more emotional was that I was able to meet, for a few minutes, the Ukrainian ambassador out there and pass on my message of support. I am pleased that we are negotiating progressive agreed conclusions that will help to protect and promote women's and girls' rights around the world.

I had a busy programme while I was in New York. I met Ministers from a number of other countries to exchange ideas and compare notes. It was fascinating to hear the experiences of Ministers representing countries such as Ireland, Denmark and Sweden. I also led side events to showcase the work that we are leading on gender equality here in the UK. I will tell you more about that work later in my speech. It was my first experience of the Commission on the Status of Women, and I was incredibly proud to have the opportunity to demonstrate the UK's continued leadership on gender and climate change and to highlight the importance of women's empowerment as we recover from the wide-reaching impacts of the pandemic, as well as tackling the challenges to come.

All over the world, International Women's Day is marked in various ways. There are events in local communities and debates across countries, much like the one taking place today in your Lordships' House. As I have said, it is a privilege to be just one part of these celebrations. This year's International Women's Day global theme is "Break the Bias", encouraging everyone to call out bias, smash stereotypes, break inequality and reject discrimination. That is a theme I am happy to champion. With that in mind, and as we move through one of the biggest challenges this country has faced in decades, we need to keep on working to ensure women and girls have equal access to opportunities so that they can thrive. We know that the pandemic has exacerbated existing challenges that women face. Although challenges mean that women need more support to access opportunities in work and life. I am pleased to have this time today to talk about many of the different areas in which the Government are leading the way in supporting women and girls in the UK and around the world.

I want to talk first about women's economic empowerment, because it is critical to our post-pandemic recovery. Covid-19 has prompted even greater potential for wage inequalities for women—although, of course, it is not just women who face these difficulties. Your Lordships will have seen the work that I announced on International Women's Day: a project working with employers to improve pay transparency and a programme to encourage more women to return to STEM careers after taking time out for caring.

Evidence shows that when salary information is not transparent, this has an impact on how people negotiate pay and results in increased inequality in earnings. We need to make it easier for employees to understand if they are being paid fairly and how decisions about their pay are made. That is why we want organisations

[BARONESS STEDMAN-SCOTT]

to be more transparent about what they pay and how it is determined. We want to empower women to negotiate their pay on a level playing field by giving them the information they need to understand the value of their skills and prevent them being held back by their previous earnings.

We are calling on employers to provide salary information on job adverts and to stop asking about pay history during recruitment. We will build an evidence base of the positive impact of this greater transparency and support employers by working with them to develop and pilot a methodology that will enable them to publish salary ranges for all roles in their organisations.

I am also proud to tell the Committee about our progress overseas since last year's International Women's Day. FCDO's flagship women's economic empowerment programme, Work and Opportunities for Women, has now wrapped up activities that allowed the programme to reach more than 100,000 women across south Asia and Africa, providing them with improved access to higher-productivity and higher-return jobs, more diversified roles and improved working conditions in global value chains.

Empowering women of course goes further, and I am pleased that in December 2021 we launched our *Ending Preventable Deaths of Mothers, Babies and Children by 2030* approach paper, setting out our ambitious commitments and emphasising that good health is critical to the empowerment of women and girls.

We know that unpaid care work, especially childcare, is disproportionately done by women. Taking time out of work or limiting work hours can have a big impact on pay and progression. According to the Institute for Fiscal Studies, not working full-time tends to shut down wage progression, especially for more highly educated women. That is why funding childcare services across the country is key.

Since 2010, the Government have doubled free childcare, adding 15 hours per week, worth just over £6,000 per child per year for eligible working parents. In January 2021, nearly 330,000 children were registered to receive 30 hours' free childcare. We have also introduced tax-free childcare. For every £8 that parents pay into their childcare account, the Government add £2, up to a maximum of £2,000 of childcare support a year for each child up to aged 11 and up to £4,000 per disabled child until they are 17. Furthermore, those working universal credit households can also claim up to 85% of their childcare costs, up from 70% under the legacy system.

I am pleased that the Government pledged a new £1 billion fund to create more high-quality, affordable childcare, and we are delivering on this pledge with a £200 million-a-year holiday activities and food programme to provide enriching activities and a healthy meal for disadvantaged children in the Easter, summer and Christmas holidays.

Last year was also a year of UK leadership on girls' education. With the G7, we agreed new targets to get 40 million more girls in school and 20 million more girls reading by age 10 by 2026. In July, we co-hosted the Global Education Summit with Kenya, raising an

unprecedented \$4 billion—£2.9 billion—for the Global Partnership for Education. At the summit, the UK pledged £430 million—our largest ever pledge. At the UK's successful hosting of COP 26 Gender Day last year, we showed that girls' education is essential for responding to the climate crisis.

In 2022, education remains a top priority for our Prime Minister. Earlier this month, he launched a new Girls' Education Skills Partnership programme on private sector investment in girl's education. This is a new programme to support adolescent girls overseas with 21st-century skills to give them the knowledge and qualifications they need for employment and enterprise.

The UK put gender equality at the heart of its G7 presidency last year. We convened a gender equality advisory council to bring fresh ideas and new voices to the G7 discussions, galvanising ambitions on gender equality to ensure that our presidency really delivered for women and girls. Education, and especially STEM, is one of the key areas that the council has been looking at, because we recognise the importance of improving gender representation in these industries. We have made great progress in increasing the number of girls studying STEM subjects, but at present women make up only 24% of the STEM workforce in the UK. We need to do more to get women into STEM careers to meet the demands of today's workforce.

We are encouraging more girls to take STEM subjects at school, college and university. The Government have rolled out several programmes and committed substantial funding to support STEM uptake across all key stages, but there is still more to do, and we must increase the number of women moving from STEM studies to STEM careers. As part of this, we want to support women who are looking to return to the STEM workforce. We will launch a new STEM returners programme to encourage those who have taken breaks to care for others back into STEM, giving them the opportunity to refresh and grow their skills in sectors where their talents are most needed. This pilot will build on previous government returner initiatives and will seek to address the barriers that returners face when re-entering the workplace.

We are committed to improving women's health outcomes and reducing disparities. This Government are making women's voices heard and placing women's voices at the centre of this work. In December, we published *Our Vision for the Women's Health Strategy for England*, which is informed by analysis of the call for evidence. This publication sets out an ambitious and positive new agenda to improve the health and well-being of women across England and reduce disparities. We will publish the strategy this year. Alongside the vision, we published the results of the call for evidence survey. We are grateful to the nearly 100,000 individuals across England who responded to the survey. We will soon publish the analysis of the over 400 written submissions.

We all share concerns about online safety. Tackling online harms, especially when it comes to abuse, is paramount. That is why we announced the online safety Bill, with the aim of making the UK the safest place in the world to be online while defending free expression. Under the new laws, platforms will need to

take swift and effective action against illegal online abuse. They will need to proactively remove illegal content, such as revenge and extreme pornography. They can impose sanctions against offending users, or change their processes and policies to better protect their users.

The biggest social media companies will need to stop the vile misogynistic abuse on their sites. Following consultation with Ofcom, priority categories of legal but harmful content for adults will be set out in secondary legislation. These are likely to include some forms of online abuse, including misogynistic abuse.

We all know that women and girls have been among the hardest hit by the indirect impacts of the Covid-19 pandemic, both in the UK and globally, including a shocking rise in domestic violence. To respond to the urgent need to scale up the prevention of violence against women and girls, the UK began the "What Works to Prevent Violence: Impact at Scale" programme in October 2021, investing up to £67.5 million in the first ever global programme to systematically scale up proven approaches to prevent violence against women and girls worldwide. This is the largest investment by any single donor Government to prevent violence against women and girls globally.

Tackling violence against women and girls is a government priority. That is why in July we published a new strategy on tackling violence against women and girls, to help better target perpetrators and support victims of these crimes. As part of that strategy, the Government also announced a new package of measures which will strengthen protections for those affected by harassment at work. As soon as parliamentary time allows, we will introduce a new duty on employers to prevent sexual harassment in the workplace, as well as explicit protections against workplace harassment by third parties, such as customers or clients. We are also supporting the Equality and Human Rights Commission to develop a statutory code of practice on workplace harassment, and are preparing our own practical guidance for employers on preventing sexual harassment in the workplace, which will be published in due course.

The steps we are taking will not only raise awareness of the nature and prevalence of sexual harassment in the workplace, but motivate employers to prioritise prevention and ultimately improve workplace practices and culture. Every woman should be able to live without fear of harassment or violence, in the workplace as much as anywhere else, and these measures will help ensure that people feel safe and supported to thrive. In addition, I am pleased to say that the UK Government on 7 March strengthened their world-leading efforts to end violence and harassment in the workplace, becoming the 11th country to ratify the International Labour Organization's Violence and Harassment Convention. This is the first international treaty to recognise the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. The UK played a leading role in developing the treaty over two years of negotiations. Attending the ratification ceremony in person at the ILO in Geneva, the Secretary of State for Work and Pensions, Thérèse Coffey, has now completed the ratification process for the UK.

However, it is not just within our own borders that we have a responsibility. The Foreign Secretary has committed to putting women and girls at the centre of the United Kingdom's foreign and development policy, and this will be demonstrated clearly later this year with the publication of the FCDO's new strategy on women and girls. The Foreign Secretary has made sexual violence in conflict one of her top priorities. In November, she announced a new package of funding of over £22 million to end child marriage, support survivors, and fund women's rights organisations on the front lines of tackling violence against women and girls around the world. She also made a commitment to explore all options for global action, including her intention to work towards a new convention on sexual violence in conflict. This is an opportunity to strengthen the international response to preventing these atrocities, supporting survivors and holding perpetrators to account.

The UK is a global leader on action to tackle sexual violence in conflict. We have trained over 17,000 police and military personnel and deployed the UK's team of experts on preventing sexual violence in conflict over 90 times since 2012 to build capacity of Governments, the UN and NGOs. The UK also plans to host an international "preventing sexual violence in conflict initiative" conference in 2022. This will be a key opportunity to show UK leadership and rally international support to agree further action to eliminate this crime, as well as tackling wider gender equality issues.

I feel privileged to open today's debate with so many noble Lords who share my staunch commitment to improving gender equality. I am proud to be part of this Government, and it is an honour to be part of the work we are doing. We will continue to fight for gender equality across the UK and the whole world.

1.20 pm

Baroness Gale (Lab): It is a great pleasure to follow the Minister in today's International Women's Day debate. I congratulate her too on looking so cheerful after flying overnight to be here with us this afternoon. I know she will have attended a great conference; I have been myself and it is inspiring to be there. I thank her for at least turning up today after a stressful time.

I am very pleased to be taking part today but, as I raised with the Minister a week or two ago, why has it taken so long to have this debate? International Women's Day was on 8 March and it is now 17 March, St Patrick's Day. In future, I hope that we will have the debate either on the day or on one of the days either side of 8 March, and that we can have it in the Chamber not Grand Committee. Only 20 Peers have put their names down to speak today, which is the lowest I have ever seen for this debate. Nevertheless, I am sure we will have a good debate.

Although women have come a long way in the battle for equality, there is still a long way to go. If we look at women in politics in the UK, we see that since 1918 there have been only 559 women elected to the House of Commons but 4,500 men. It has taken us 104 years to get 559 women elected, which is not really a very good record. There is still a way to go before there is equality on numbers in the House of Commons, despite the Sex Discrimination (Election Candidates)

[BARONESS GALE]

Act 2002, which allowed political parties to have all-women shortlists of candidates for elections. The Act included a sunset clause; it would have expired at the end of 2015 but was extended by the Equality Act 2010, allowing all-women shortlists to be used until 2030.

Will the Minister agree to look at extending the sunset clause, which will expire in 2030 unless action is taken? It is vital to allow political parties to use all-women shortlists because the elected institutions should look a bit like the people they represent. It is interesting to note that the new devolved institutions do a lot better than old ones. For example, the Welsh Senedd has always had a good number of women elected, and in 2003 broke all records by having 30 men and 30 women elected. That was regarded as a world record; bear in mind that it was in Wales, so it was a really big achievement.

The Labour Party has always made good use of all-women shortlists, which is why we have more Labour women in the House of Commons and the Senedd than all the other parties have together, and other parties are now starting to use the shortlists. We use them not because women cannot achieve, but because in all political parties the local members do not seem too happy about selecting women. We have fantastic women in all the institutions now because of all-women shortlists.

One thing the Government could take action on is to enact Section 106 of the Equality Act 2010. This section says that political parties should keep an audit of candidates to show how many women candidates, BAME candidates and disabled candidates they have. By doing this, each party would have the data and know where it needs to improve. I cannot understand why the Government will not implement Section 106. Does the Minister agree that to solve a problem, one must have the data to identify it? That is the reason for Section 106.

Once political parties publish this data, if they are allowed to do it, it will show for the first time whether any action is required to improve the diversity of candidates. Parties can then take a number of measures that they feel necessary, which is what Labour did to increase the number of women candidates. Does the Minister agree that there is a need for all parties to improve the diversity of candidates, which would eventually lead to all our elected institutions beginning to look like the people they represent?

When the coalition Government was elected in 2010, one of the first things they did was to close down the Women's National Commission. At that time, the commission had existed for 40 years. It had 650 women's organisations as partners and communicated regularly with them, including holding an annual conference. The coalition Government said at the time that the work of the WNC would be brought in-house by the Government Equalities Office.

Can the Minister tell the Committee how the GEO communicates with these 650 women's organisations in the UK, since the coalition Government closed down the Women's National Commission? I have asked this question several times and the answers I get lead me to believe that the GEO does not, in any shape or

form, do any of the work that that commission carried out. This is such a shame, and an indication that the Government have no interest in the work of these organisations, as they do not communicate with them and do not allow them a voice to government, as they had during the time of the Women's National Commission. If we only had that body now, it could have been doing really valuable work during the pandemic, for instance. I am hoping that the Minister can give me a good answer on that.

I also want to ask when the Government are planning to ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, which is better known as the Istanbul convention. This Government signed the convention in 2012 but have yet to ratify it. The UK is way behind other countries, which have already ratified the convention. Can the Minister give an assurance that its ratification will take place in 2022?

I have highlighted several issues which relate to the theme of this debate and suggest three things to the Minister if she wants to see an improvement for women, as I know she does. First, the Minister could discuss implementing Section 106 of the Equality Act 2010 with the Prime Minister and her colleagues. Secondly, the Government should ratify the Istanbul convention in 2022. Thirdly, she could find out how the GEO communicates with the 650 women's organisations—and all women's organisations—and discuss with them how they are ensuring the work that the WNC carried out on behalf of women is being dealt with, as that was the commitment in 2010. Nothing I have seen or asked about leads me to believe that that is now happening now. If the Minister succeeds with this, it will go some way to improving the position of women nationally and internationally.

1.29 pm

Lord Purvis of Tweed (LD): My Lords, it is a pleasure to follow the noble Baroness. I agree with her remarks, especially the ones at the start highlighting the regrettable change from the precedent that she and my noble friend Lady Northover worked so hard to create: the annual debate in the Chamber to allow for all the considerations for International Women's Day to be carried out.

My remarks today will focus more on the international side, as I am the foreign affairs and international development spokesperson for my party. I declare an interest in overseas travel, which I will refer to later. I also commend the Minister on her stamina during her overnight journey. She is respected in the House but I hope she will forgive me because, a little later in my remarks, I will highlight some of the areas where I believe that the rhetoric in her speech is not met with the reality, particularly of development policy.

Before I depart from the Minister, let me say that I very much agree with her on the news of the return of Nazanin Zaghari-Ratcliffe and others. I pay tribute to noble Lords, including those from my own party—in particular my noble friend Lady Northover, who has been such a consistent and doughty campaigner in making sure that the case for those dual nationals held in such circumstances was constantly on our agenda. I commend and pay tribute to her work. The Minister

knows that my noble friend will leave this Committee to cover the Statement in the Chamber; it is absolutely appropriate that she does so, meaning no discourtesy to the Committee.

I wish to refer to the international side in particular, but I will also refer to what the noble Baroness, Lady Gale, indicated is here in Parliament. Recently—two weeks ago—I was in both Baghdad and Beirut. I was supporting the induction of new MPs in Iraq. It has the highest proportion of directly elected female MPs and is in its fifth term of Parliament after democracy was restored. Many of those MPs come from the protest movement and were driven by their disgust at the corruption in government to become active in Parliament. Their impact will be meaningful, I think. Equally, in Beirut, I was supporting a project that mentors women to become candidates in elections and, as the Minister said, overcome bias and implied bias. It is the whole range, from actual violence through to political violence, media violence, implied bias and absolute bias. Many of these women have had to overcome enormous barriers that I have never had to face as a political candidate. They are an inspiration. When it comes to municipal and parliamentary elections, they will have an impact in transforming that system and, in many respects, in tackling the confessional system that is based in many countries around the world. Indeed confessional systems, almost by definition, retain the patriarchy of structures in society, faith and politics, which has meant that the barriers are hard to overcome.

As a former Member of the Scottish Parliament, I was struck when the noble Baroness, Lady Gale, was speaking that, when I was elected to that Parliament, it had 40% representation of women. That has declined slightly, which is regrettable, but it is nevertheless still very strong. I thought I would check the figures. I commend the Labour Party: the majority of its MPs in the House of Commons are women. It has 94 men and 104 women. The Conservatives have 273 men and 87 women. The SNP has 29 men and 16 women. My own party has 13 MPs. Only four of them are men; nine are women. The challenge for us is to retain that proportion when our number of elected MPs grows massively—as will inevitably happen. That is the challenge ahead; we will tackle it with relish.

I will focus the remainder of my speech on development policy, because I regret that, in this area, the Government's rhetoric is not matched by the reality. I have previously spoken in the Chamber when debating the prospect of an international development strategy, and I referenced the discussions I had had with my colleagues from our sister party in Canada, which has developed the first feminist international assistance policy. There are strands in it directing future government policy but through a gender approach, under the titles of human dignity; quality healthcare, nutrition and education; growth that works for everyone; environment and climate action, and climate finance to reduce barriers for women, particularly in the services sector and finance; investments; inclusive governance; and peace and security. All are directed through a gender lens and all form a very strong international strategy. I am on the record in my party for saying that the Government have an opportunity, when they publish their international development strategy, which is likely to be in a number

of weeks, for it have a UK gender focus. I hope it does. If I understood the Minister correctly, there will be a separate women's strategy for development afterwards. That is a missed opportunity. The opportunity that presents itself is to ensure that the entire strategy is a feminist, gender strategy.

Perhaps it speaks to a deeper truth. The Minister said that women are at the centre of the FCDO, but the Government could not even bring themselves to publish a gender impact assessment, which they had carried out internally and which predicted that programmes supporting women and girls would be disproportionately affected across all ranges of development policy and all the areas that the Minister highlighted. The government officials themselves knew that the spending cuts and the unlawful reduction from 0.7% to 0.5% would disproportionately affect women and girls. We have seen that most clearly as a result of the pandemic, which has seen women and girls struggle far more and be disproportionately affected by the global response.

As far as the development policy on physical violence, I regularly review the UN assessments and that on sustainable development goal 5—equality for women—highlights that 736 million women still suffer physical violence. That has been relatively unchanged over the last decade. But, as we learned through a leak, the Government's gender impact assessment for their own cuts highlighted that there would be a 70% to 80% cut in programmes on violence against women internationally. It is simply not credible to say that the UK is a global leader.

The £430 million declaration on girls' education is of course welcome, but it will be over five years and will backfill cuts. Therefore, we know that 700,000 fewer girls will receive the education they would have received if development cuts had not been in place. The Minister refers to the Foreign Secretary restoring cuts to women's and girl's programmes, before the decision to cut overall. That was four months ago, and we are yet to see any programmes restored after the cuts. The 0.5% is capped, so we know that any restoration of those programmes will displace others. When we know that one of the secondary impacts of the Ukrainian crisis has been an increase in food prices, and there is no lift of the 0.5% cap, any support for Ukraine, which is fully justified, will squeeze out other programmes. That £220 million for Ukraine is welcome, but it means £220 million less for other programmes, when we know that women are disproportionately affected in conflict areas.

I will close by giving two examples of such areas. Last week, I was in Sudan. In the country to its immediate south, South Sudan, the UK has through its crown agents, in effect, been supporting the delivery of healthcare. UNICEF put it horrifically:

“Giving birth on the floor, cutting the umbilical cord with a stick. That is the reality for some women in South Sudan”.

We have cut our health support for South Sudan by 10% and, quite unbelievably, there is another round of discussions, which has not yet concluded, about further cuts. In that country, one in 10 babies dies before the age of five.

We also know that women and girls have been disproportionately affected in the horrific conflict in Yemen. More people rely on food programmes there

[LORD PURVIS OF TWEED]

than on many places on earth. The cost of their food has gone up and we have cut our support for women in Yemen by nearly 60%.

It is correct to highlight progress in certain areas and I welcome that. It is also very important that we are self-aware about the damage being done, the moral vacuum being caused and the fact that we are simply not seen around the world as a global leader. When we say that we want to rally international support and we ask others to step up, other countries are having to backfill areas which we have retreated from and cut. That is not the backdrop we should be seeing to the international development strategy. It is not too late. We should lift the target back to 0.7% immediately, we should have a feminist development strategy and we should act on all the worthy ambitions which I hope we all share.

1.41 pm

The Lord Bishop of Durham: My Lords, it is my pleasure to speak in today's debate and to follow the noble Lord, Lord Purvis of Tweed. Like him, I will begin by focusing on international issues. I did put the word around to see if any of my female colleagues were available, because they are more qualified to speak than me, but none of them were today so you have to put up with me. I am glad to have this opportunity.

First, there is much I want to celebrate. As part of my brief, I take special interest in two of the poorest nations on earth, Burundi and Lesotho—one of the others is South Sudan. These nations are making great progress on women's equality. It has been my privilege to visit Lesotho a couple of times and Burundi very many times. I would like to share some examples.

This month, the Women's Investment and Development Bank has been introduced in Burundi. This has been praised by the UN as a step towards women's economic empowerment in that nation. The bank will grant low-interest loans to women's collectives and their development projects, and will provide training on profitable business.

No one will be surprised that another of my particular interests is how the Church operates in these countries. Today, I want to recognise the incredible work of the Mothers' Union worldwide—one branch works tirelessly on this front in Burundi—in campaigning for equality for women and girls all over the world. I also mention the national leader of the Mothers' Union in Burundi, Mrs Claudette Kigeme. She co-ordinates its work and also works with the Five Talents agency, which sets up savings-led rural community groups to train people in growing small businesses.

It has been my and my wife's privilege to visit a number of those small financial units and hear testimonies from, interestingly, sometimes men as well as women of the impact that microfinance has had on their lives and developing their savings groups. It has utterly transformed their lives and empowered the women. Often, alongside the microfinance, they do literacy and business training because they recognise that the best businesspeople in Burundi are the women. They are much more entrepreneurial and much more reliable in running their businesses well. That is where the testimony of the men sometimes comes in. I have

stood in those groups and men have stood up in front of me saying, "My life has been transformed by the way my wife has been empowered—that has developed and changed our whole lives." Mrs Claudette Kigeme was recently honoured for her work by the most reverend Primate the Archbishop of Canterbury, being given the Langton Award.

The second of my friends in Burundi is Mathilde Nkwirikiye. She has led the way in many aspects of fighting for gender justice and equality for women in Burundi. One issue on which she and others are currently working is the right of women to have access to land. Sadly, the law of that land does not currently allow women to inherit land. When you live in an agriculturally based economy, this is a massive injustice which needs to be corrected. Mathilde is one of the women leading the way to see that law changed. Mathilde has championed women's rights, led work against gender-based violence and engaged in international peacemaking. These two women are utterly remarkable. Meeting them, and seeing them at work, has changed my life and I want to honour them.

I turn to Lesotho and the new Bishop of Lesotho, the right reverend Dr Vicentia Kgabe, who was appointed at the end of last year. She is the first woman Bishop of Lesotho, and the third in the Anglican province of Southern Africa. I contacted her about this debate and asked what she would want to say about the situation in Lesotho and southern Africa. She pointed out that she is a leader in a country which is still patriarchal, where top leadership positions remain a male domain. She notes that education remains male-oriented and that exposure, mentoring and support structures necessitated her to work harder than any of the men to counter this. She is a leader of steady and intentional progress on narrowing the gender gap in Lesotho, and stands as a great figure of reconciliation. Sadly, in recent years the story of the Anglican church in Lesotho has been riven with disputes. One reason why Dr Kgabe was appointed as the bishop from outside Lesotho—she was previously in South Africa—was the recognition that a woman leader, at this point, was the most likely person to bring reconciliation in conflict.

After presenting these examples, I have a couple of questions for the Minister. Will she affirm the leading role played by civil society and the Church—as well as other faith organisations—in addressing gender-based violence and working for equality in many poorer nations? Will she confirm the commitment of Her Majesty's Government in using overseas aid and development spending to assist this work? Following the question of the noble Lord, Lord Purvis, will she please tell us when we will return to 0.7%?

There are many more celebrations than challenges, but I turn to the latter. I noted the Minister detailing ways in which the Government are encouraging women here with work incentives and childcare programmes. These are welcome. However, the reality is that the gender gap is arguably at its worst for women with young children. This is especially so where they have a larger family. Noble Lords, noble Baronesses and the Minister know this, and they know my passion for this issue.

The two-child limit is a policy against which I have campaigned since its outset, for a range of reasons, but one reason pertinent to today's debate is its disproportionate effect on women. The Child Poverty Action Group estimates that 29% of households affected by the policy are single-parent families headed by women, compared with only 1% of single-parent families headed by men. The Pregnancy Advisory Service reported that, during the pandemic, respondents to its survey described being

“‘forced’ by their financial circumstances into ending a pregnancy” that they otherwise “would have wanted”. Has the Minister carried out any assessment of the specific impact of the two-child limit policy on women, and the poverty of women with more than two children? I hope that she will consider undertaking one if she has not. I look forward to hearing the Minister's responses, both to the international questions and to this specific question about the two-child limit, in due course.

1.49 pm

Baroness Hodgson of Abinger (Con): My Lords, it is a pleasure to follow the right reverend Prelate, and how wonderful it is that so many men are speaking in this debate today: I think we have nearly as many men speaking as women. Thank you to all the men who are here to support us.

I thank my noble friend, having come back overnight, as we heard, for finding time for this important debate today to mark International Women's Day and for her introduction. I congratulate her on her speech at the CSW at the UN. This is our opportunity to pause and reflect on the status of women both here and across the world.

Before I begin, I draw attention, as normal, to my various roles listed on the register of interests.

This debate is usually a time to celebrate progress and achievements, but this year, I feel that we are in a difficult place. Without doubt, the women who are most at risk and with least rights are those in conflict countries and unstable situations.

The scenes coming out of Ukraine are truly horrific. It feels very close, and I am delighted that the UK is being so strongly supportive and I applaud how generous the British people are in responding to help, donating through the Ukraine Humanitarian Appeal, sending clothes and supplies and offering accommodation. We have seen heart-rending pictures of women and children trying to leave the country and escape the cruel bombardment by the Russians.

However, sadly, Ukraine is only the most recent example of war. The Internal Displacement Monitoring Centre reports that there are currently 45 countries affected by conflict and violence. This is on top of the state of crisis induced by more than two years of the Covid pandemic, which, as the noble Lord, Lord Purvis, told us, has typically hit women and girls hardest.

The UN reports that:

“Violence, conflict, political and humanitarian crises have displaced 82.4 million people from their homes; 115 million people are living in extreme poverty; and 100 million do not have enough to eat—up from 77 million last year. Around the world, from Afghanistan, to Ethiopia, to Myanmar, women's human rights defenders have come under attack and the wave of political violence against women in politics and media has risen.”

In short, the rights of women and girls have been significantly rolled back on all fronts, and I fear we are in no way near this year's theme for International Women's Day of “Break the Bias”.

While the media spotlight is on Ukraine, we must not forget the situation in other conflicts. Only last week, it was the 11th anniversary of the Syrian uprising, and we should not forget the terrible scenes in Afghanistan last August, with the takeover by the Taliban. The UK had spent 20 years helping to bring democracy and order to the country. Was it perfect? No, but it was a great deal better off than it had been in 2001, when it was described as the country that was worst in the world to be a woman, with no women being seen in public. With encouragement and support, so many brave women came forward to take their part in society. There were women MPs, judges, Ministers, diplomats, in the army and police, teachers, lawyers—in all professions—yet today, once again, the women in Afghanistan are being brutally suppressed. Women who had a public life have had to flee for their lives or are still in hiding. Many are stuck in third countries. Once again, they have been airbrushed out of public life.

I have been helping to co-ordinate a group of senior women Afghan refugees here—former Ministers, judges, lawyers and MPs—as they try to come to terms with what has happened and how they would like to see the future for their country. We must not let them be airbrushed out of the international scene and forgotten. I thank my noble friend Lord Ahmad for having helped facilitate those meetings and taking the time to meet these women.

Now more than ever it is vital to include women's voices in peace processes. Evidence that gender equality is essential to building peace and security has grown substantially since UN Security Council Resolution 1325 was adopted in 2000. In fact, involving women increases the chances of longer-lasting, more sustainable peace, yet women continue to be excluded. You cannot build peace by leaving out half the population—look at Syria, Yemen and Afghanistan. We should not have to justify why women should be included; we should ask the men with guns why they are there when they have caused all that misery. How do we ensure that women play a meaningful role and that their voices are heard? Will the Minister agree that the women, peace and security agenda is now more important than ever and should be a core part of every FCDO policy?

I very much welcomed the Foreign Secretary's commitment to increasing spending on women and girls back to previous levels and look forward to hearing the new strategy. I also welcome her renewed energy in the vital preventing sexual violence in conflict agenda. I am delighted that we will have another conference in the autumn. We simply must not give up on this agenda after all the work put in and the progress made; this was always going to be a marathon, not a sprint. We must take care not to risk losing the progress already made by allowing language used around PSVI in international commitments to be watered down. What steps can be taken in tandem to push for greater implementation and to hold perpetrators to account?

[BARONESS HODGSON OF ABINGER]

As we have heard, this week is the Commission on the Status of Women meeting at the UN in New York, which I and others have previously been to. Have we heard anything about it in the press? I wonder whether any of the men present even know what it is. It is the second-largest meeting at the UN during the year, yet there is a conspiracy of silence. We urgently need to make changes to this meeting to ensure that it is used as a platform to amplify the voices of women being persecuted across the world.

I end by quoting Sheryl Sandberg:

"In the future, there will be no female leaders. There will just be leaders."

We may find that they deliver a much more peaceful world.

1.57 pm

Baroness Armstrong of Hill Top (Lab): My Lords, it is a great pleasure to follow the noble Baroness. I have indeed attended the meeting in New York with her in the past and I know her commitment to working with women in conflict areas. I have learned a lot from her about that.

However, the noble Baroness is also right that we are meeting at a very difficult time to talk about this. The pandemic has exposed the risks women face here and around the world. Here, we have seen frightening levels of domestic abuse and sexual exploitation, with perpetrators taking advantage of lockdown. Changing Lives, a charity based in the north-east that I have a long association with, did some work to look at the particular exploitation of young women on the internet. It was really scary and is something that the young women of today have to face in a way that my generation never had to. I hope the online safety Bill can help to deal with that.

Inevitably, I want to talk about the position of women in the developing world, and the increasing evidence that our decision to restrict aid has had negative and really difficult effects on millions of women. High commissioners, as well as charities, are clear that development has not just stalled during the pandemic but gone backwards—by at least 10 years, they tell me. This, of course, affects everyone in the developing world, but it particularly affects women and children. They have been hit by a range of global crises that are almost intersecting. They are at the forefront of the climate emergency, experiencing extreme weather events such as droughts and floods more frequently, and the effect that has on their ability to find water and grow food for their families and villages.

Women are increasingly experiencing a higher burden of care from both climate change and the impact of Covid-19. I was very pleased that the Minister was proud to champion the drive to tackle inequalities. The problem is that at the moment, this is just not working from the Government. I hear the rhetoric and the determination, but on the ground I also hear how much more difficult things are than in the last few years, certainly pre-dating the pandemic.

There is rollback on women's rights globally. Space for engagement by women in decision-making processes is shrinking; inequality of opportunity, which affects

access to health, education and income, is increasing and exacerbating discrimination against women. We think too of the horror of children not even being able to attend primary school in the last couple of years. That means that there is another huge backlog in getting them anywhere near being able to do STEM subjects. I recently met some young people from Kenya virtually. Their schools were closed for virtually two years. The inability to catch up in those circumstances is just terrifying.

Many people and organisations work in this area. Inevitably—I am sure noble Lords will all say "she's doing it again"—I will mention VSO, partly, of course, because I know the level of transformation that VSO can make for volunteers and those with whom they work. However, I will talk about one thing that I am not sure that the Government—or at least the Minister—are really aware of: the change in VSO means that it is a much better organisation now than when I worked for it many years ago. It recruits and trains volunteers within the developing country, not just from this county. That means that it is training the potential leaders for tomorrow. It is giving them skills, confidence and voice.

I met young people in this place three weeks ago, at an event hosted by VSO, who returned from a programme initiated by the coalition Government called ICS. They had been working on gender-based violence in different countries in Africa and in Pakistan. They were remarkable about what they had learned, how that had changed how they saw things in this country, what they were prepared to do and how it was working. That programme finished, and I know that the Government are trying to find ways of getting it going again, even though, of course, all the people employed here and around the world lost their jobs, so we would have to start again to build the infrastructure. The Minister would be inspired if she met some of these young people. That can be organised very easily. I met some of the young people who were part of the African teams, because every team from this country is matched by a team of local volunteers. They too, very clearly, had developed leadership skills and their own confidence, resilience and determination to work on issues that would improve their communities. That is what we need internationally.

Actually, our aid cuts are undermining that. Yes, VSO has been given money for the next three years, but it was a lot less than they were given for a year when I was last on their board. It will continue to work and do what it can, even though it is in far fewer countries than it used to work in. I am sure that it is talking to the Government about reinstating the ICS programme.

There is so much we know that does work, yet we thought, in this country, that cutting aid would be beneficial to us. It is not, because we lose that quality of leadership, determination and knowledge of how things work in the world, and it is certainly not beneficial to the countries that we have been working with. I too say to the Minister that it is absolutely critical to at least restore aid to 0.7%. This is not just about the reputation of the country but about the opportunity of people around the world, and opportunities for people in this country to grow to an understanding of what is going on in the world and contribute to it. That is particularly pertinent for women, because most

of our aid was going on women, children and young people. They are the ones suffering most coming out of Covid, and they are the ones suffering most from climate change. We really do have a responsibility to be better.

2.06 pm

Lord Hussain (LD): My Lords, the International Women's Day debate gives us an opportunity to highlight the empowerment and success of women around the world, as well as the inequalities, discrimination, violence and oppression faced by women in various parts of the world. Violence against women remains a major issue in the development and advancement of women. The violation of women's rights during conflicts remained an issue in the 20th century and, if not corrected, will surely affect women not only in the 21st century but in the next millennium.

As per the reports of various NGOs and human rights agencies, hundreds of thousands of women have been the target of sexual crimes at the hands of armed forces in Rwanda, Bosnia, Myanmar, Kashmir and elsewhere. These NGOs have documented incidents of gang rape of young girls and grandmothers alike. Sexual abuse, sometimes in the presence of male family members, is used as a weapon of war. Rape by armed forces is a gross violation of international human rights and humanitarian law, and it has to be condemned. The report of the UN special rapporteur on violence against women notes that rape is the

"destructive combination of power, anger and sex which incites sexual violence against women. The victims of rape suffer a disorder, anxiety, and the 'Rape Trauma Syndrome' which causes them to constantly relive their rape through a series of flashbacks, dreams, nightmares and body memories."

I focus my comments on the misery and suffering of the women of Kashmir. As Amnesty International, Human Rights Watch, the United Nations Commission on Human Rights and many other credible organisations have time and again stated that the Indian army is involved in illegal detentions, torture, extrajudicial killing and rape in Indian-administered Kashmir. All of this is happening with complete impunity under the Indian Armed Forces (Special Powers) Act.

According to recent reports of Genocide Watch, Kashmir is at the verge of genocide, yet world powers, including Britain, choose to ignore these warnings. According to reports, more than 100,000 people have been killed so far in Kashmir, while thousands of men and women are locked up in prisons across India, and thousands of women are known as half-widows, whose husbands are missing. The discovery of more than 3,000 mass graves adds to their agony—not knowing whether their missing husbands or family members are among those buried in those mass graves. Constant curfews, crackdowns, house-to-house searches, arrests, torture and communication shutdowns have become part of the daily life for women in Kashmir.

There are many well-documented and widely reported rape cases at the hands of the Indian security forces. According to various reports, in 1991, as many as 100 women and girls were gang-raped by Indian troops at Kunan Poshpura in the Kupwara District of Kashmir. Two women, Asiya and Neelofar, were abducted, raped and subsequently killed by men in uniform in Shopian in May 2009. A nine-year-old, Asifa Banu, was abducted

and gang-raped by Indian police personnel and fanatics affiliated with Hindu extremist groups in the Kathua area of the Jammu region in January 2018. The list goes on.

Last week, I received a letter from the chief executive of Luton Borough Council. At the council meeting on 25 January, the following motion was put forward for the council to:

"Raise awareness of the plight of women of Kunan Poshpura village in Kupwara District in Kashmir. These women and girls have been fighting for justice after being gangraped in 1991. Human Right Organisations determine that at least ... 100 women were gang raped by the Indian Army in a horrific event. These women have never received any support from the government of India and still wait for justice. The psychological effect of this has tarnished their lives. Although we cannot change the past, this council can help to raise the public awareness of this egregious event, condemn and abhor violence against women in all its forms and against whomever it takes place and requests both our local members of Parliament and Lord Qurban Hussain to raise this in Parliament to take the matter to the government of India and ask the Supreme Court of India to take all reasonable steps to support these women in their campaign to obtain justice and to request an update report back on this case."

On behalf of Luton Borough Council and more than 1 million British Kashmiris, I put this case before the Committee as a testimony. What have our Government done so far to raise the grave human rights situation in Kashmir with the Government of India? What response have they received? Furthermore, will the Minister promise to raise the issue of human rights in Kashmir—particularly the Kunan Poshpura gang rape—with the Indian Government at the next opportunity and write back to me with the response as per the request from Luton Borough Council?

Finally, given the serious reports of human rights abuses in Kashmir produced by Genocide Watch and other credible NGOs, can the Minister say why India is not included in the FCDO's annual report of human rights priority countries? Can she assure the Committee that it will be included in future reports?

2.13 pm

Lord Farmer (Con): My Lords, it is an honour to follow the noble Lord, Lord Hussain, and his sobering report on the plight of women and children in Kashmir, of which I was certainly not aware. To mark International Women's Day, I wish to step back and look at the gifts and qualities that women bring to the whole of human life, which are often unrecognised and undervalued. If they were more valued and recognised, they would certainly help in furthering and protecting women's equality in the UK and globally.

As American comedian Rhonda Hanes says:

"A man's got to do what a man's got to do. A woman must do what he can't."

The most obvious thing is that women bear and give birth to the next generation. We ignore the qualities that women bring to their roles as homemakers and child-rearers at our peril. Of course, they do so much more than that, and men often now take a home-front role, but women are almost always the central hub figures in families.

This is not just gender stereotyping. Research has found that it is much more common for a woman than a man to know her children's friends, hopes, dreams,

[LORD FARMER]

romances and secret fears, and to know what they are thinking, how they are feeling and when their doctors' appointments are. Although there is infinite variability within the two sexes, there are clear sex-based differences in tendencies flowing from how male and female brains tend to be wired and their respective physiology, hence the Government bringing forward a women's health strategy—and, I hope, a men's strategy, following the report from the APPG for men and boys, of which I am a vice-chair.

Differences are wired into us at the deepest level. For instance, in terms of hearing, women's discomfort level is half that of men. On smell, women are relatively sensitive and men relatively insensitive. On touch, the most sensitive man is less sensitive to touch than the least sensitive woman. On people orientation, baby girls exhibit twice as much eye contact as baby boys by the age of three.

Flowing from all this, the leadership literature is clear as to the many strengths of what has broadly been termed a "female leadership" style. I caveat again that I refer throughout to tendencies, including prosocial behaviour, women's more marked relationship orientation, stronger social competence and the panoramic view that they bring to decisions. They accept ambiguity more readily, are more inherently flexible and honour intuition as well as pure rationality. That is something I have always wondered at; it is extraordinary to see how correct female intuition is. Women more commonly try to take everything and everyone into consideration, and their strong social competence allows them to collect information from all sides and consider all perspectives of a situation. It can also give them titanic powers of persuasion, which I say ruefully from experience.

Many sectors of the 21st-century economic community urgently need the natural talents of women: a capacity to read non-verbal cues; emotional sensitivity; empathy; greater patience; an ability to do and think several things simultaneously; a penchant for long-term planning; and a preference for co-operating and reaching consensus. Harvard psychologist Carol Gilligan's classic study found that women want to connect. While men are self-oriented, women are other-oriented; men are rights-oriented and women are responsibility-oriented. Men have an individual perspective where the core unit is "me"; women have a group perspective where the core unit is "we". Men take pride in self-reliance; women take pride in team accomplishment and focus naturally on empowerment rather than power.

The business guru Tom Peters describes how we have not advanced much since the days in the cave. As a hunter, a man needed vision that would allow him to zero in on targets in the distance, whereas a woman needed eyes to allow a wide arc of vision so that she could monitor predators sneaking up to the nest. That is why, he says, modern men can find their way effortlessly to a distant pub but can never find things in fridges, cupboards and drawers. Women guarded and defended the cave community while the men went out hunting. Men are either switched all the way on or, when in a resting state, only 30% on. Women are never turned off; they are on guard 24/7 and their resting state is 90% on. Men are tuned in or out, seldom in between—I think the Committee gets the picture.

That is why, on International Women's Day, we have to and should celebrate women. We cannot avoid defining who women are or allow them to be stealthily redefined. As we know, women have recently been called "cervix havers", "menstruators", "birthing bodies" and, perhaps most distastefully, "bleeders". Reducing women to their bodily functions is dehumanising and disgusting.

Returning to the definition of "woman", the dictionary is clear that a woman is an adult human female. The Equality Act 2010 is also clear: Section 212 states that "woman" means a female of any age."

This word needs to be politically detoxified so that politicians no longer quake when asked to define it. The most high-profile recent examples of this happen to have come from the Labour Party's ranks, but politicians across the spectrum are terrified of getting on the wrong side of what is just the latest incarnation of a misogynist orthodoxy. There is nothing new under the sun. Without being able to use the word "woman" and understand what we mean by it, women's needs can be obscured and even ignored, but those needs are shared by 51% of the electorate.

It came to this because powerful lobby groups and powerful men insist that anyone can be a woman. I am not a scientist but I know that humans simply cannot change their sex. The noble Lord, Lord Winston, who is a scientist and a professor, categorically said this on the BBC's "Question Time":

"You cannot change your sex. Your sex actually is there in every single cell in the body."

We can change our bodies with hormones and, in some cases, surgery to resemble the opposite sex more closely, but we should not minimise or soft-pedal how difficult this is in practice, and how arduous and costly will be the need for ongoing medical intervention. Unsurprisingly, therefore, fewer than 3% of those who identify as transgender women have undergone such modifications, but many who are naturally sympathetic to trans women—and, of course, trans men—are unaware that the vast majority are still bodily intact.

Yet when a female rape victim asks for a woman to examine her, she needs to be sure that her request will be respected, as does one's elderly mother who requests that only female carers provide her with intimate and personal care. Women in these and similar situations who have objected when confronted with a bodily intact man who identifies as a woman have been called bigots and transphobes. Women's prisons can, and do, contain male-bodied rapists. Newspapers talk about "her erect penis" when describing sexual assault. Female prisoners can be punished for misgendering the natal, intact males in their prison. In sport, women and girls are being beaten, sometimes even injured, by bigger, faster and stronger males in their own sports—women's sports.

Extreme ideologies are breaking down the social norms, the social contract between males and females where we make room for each other's needs and respect the sex-based differences that I have described. One recognised weakness of women leaders' pro-social engagement and willingness to see everyone's point of view is their abandonment of their own interests. Their tendency to want to share success can mean that they doubt their own competence. Women quite simply

do not always feel able to stand up for themselves. When I have argued for women's rights to single-sex spaces in hospitals and prisons, I have been surprised to receive many gentle cards of thanks from those who sign off simply as mothers and ordinary women. The ones who tend to empower others often feel very disempowered in this debate.

Returning to the need to celebrate women, we cannot do that without an agreed definition and freedom to speak the truth respectfully but without fear of being cancelled, pilloried or criminalised. There was global condemnation when Russia meted out that treatment to the courageous Russian female journalist, Marina Ovsyannikova. She did not just hold up a sign—she is a sign and, in my contribution today, she has the final word.

2.24 pm

Baroness Kennedy of The Shaws (Lab): My Lords, I first thank the noble Baroness, Lady Stedman-Scott, for leading this important debate. I have great affection for her and it has been wonderful to see her becoming such a strong and powerful voice on the government Benches, the other side from me. It shows how we can all come together positively to talk about issues such as the importance of addressing the ways in which women's lives are still undermined by misogyny and discrimination and the ways in which women around the world suffer.

I am a lawyer and much of my work is now in the international field. I could have easily made this speech about my work as I see it, day in, day out, on genocide, sexual crimes in conflict and empowering women as parliamentarians. I chair a group of parliamentarians from the MENA region under the Helsinki forum, which helps to address the legislation they would like in their own countries and how they could emulate what happens in other jurisdictions. But today I am going to speak about the domestic situation. I want to ask all in this Room when the last time was that you consciously altered your behaviour, when you were at the bus stop or walking home. A man might struggle to answer that question, but a woman will probably have an example from this week, last week or the week before—or even from going home late last night.

The business of self-safeguarding is built into a woman's life from an early age. We listen to footsteps. We avoid the shadows. We carry our keys in our hands. We avoid roads that are ill-lit or tree-lined. When I leave this House and go home late at night, I walk up the middle of my road that leads to my house from the Tube station, because I do not want to be close to the dark bushes and shadows on the pavement. As children, girls as young as eight or nine are warned to take care, not to be alone when they are coming back from the park or school, to stay with their friends and to keep to strict timetables. By internalising those messages from our parents, women learn that, unfortunately, there are bad men out there. We hear the message about what they might do to us, which is about sexual violation and the possibility of rape. It is about impregnation. Little girls learn that stuff, and it stays with you for the rest of your life. The lessons that women learn, as they receive that care from their parents and caretakers, is that, if they do not keep to

those steps, somehow or other, it will be their fault if something goes wrong. Again, the idea of shame and blame is internalised when women are ill-treated, abused, assaulted or worse. Blame often centres on the victim.

A year ago now, the Scottish Government asked me to form an independent working group to decide whether adding sex to existing hate crime legislation would be an effective way to protect women or whether there should be a stand-alone remedy to deal with misogyny. I was clear from the outset that we do not criminalise thought; it is very important people realise this. There is talk of misogyny being a crime but, fortunately, it cannot be. I hope we hold true to that, because it is the conduct that flows from hate that we address. Modes of thinking, and what happens in that forum internum between our ears, is very precious and has to be protected. Freedom of thought is protected in the Universal Declaration of Human Rights, and in our human rights conventions and laws. Freedom of thought is protected because that is where our ideas, creativity, imagination and ability to deal with the world's challenges come from. It has to be protected, but we do not have to protect the ills that come from hatred, which are also harboured in that space. As I am making clear, it is the conduct that flows from hate that we have to address.

Soon after we embarked on our task, Sarah Everard and Sabina Nessa were brutally murdered and women up and down the country demanded that something be done. Women were correctly making the link, which I emphasise today, between serious misogynistic crimes such as rape, domestic violence and other serious transgressions that women experience, and the other things they experience which are deemed too low level for police attention. Women were saying that, if you do not deal with the men who rub themselves up against people on the Tube or flash at women in public places—and at little girls; they flash at children from school—or the other ways women experience abuse, whether verbal abuse or touching, groping and so on, unfortunately you then create a normalisation which makes it much more difficult to address the more serious stuff. The crushing weight of those experiences for women cannot be dismissed as too trivial to engage the law.

When I started my legal career, men convicted of rape could often walk out of court with a suspended sentence. Domestic violence was described as six of one and half a dozen of the other. Sexual harassment was laughed at. I have spent a lot of my energy arguing for reform of gender-based law, because it was created from a male perspective—not with any conspiracy in mind, but that was the nature of things. A lot has happened, but not enough has changed. These issues are now being treated much more seriously at policy level, but we are still having difficulty with the outcomes. Outcomes are still poor, and you have to ask why. A lot has changed, but the underlying attitudes within the criminal justice system and society as a whole make it very difficult to secure justice for women.

The questions that my working group addressed in the past year came about by examining the testimony of many women and organisations about the verbal insults, denigration, humiliation, gropings, undermining or patronising behaviour, online trolling and sexual objectification they experience. I have to tell you that,

[BARONESS KENNEDY OF THE SHAWES]
cumulatively, it is a horror story. There is no male experience that is comparable—there really is not. I know young men experience violence on the streets, and so forth, but it is very different. Men do not come out of the pub saying, “Text me when you get home, Charlie”, because getting home might pose a serious problem. But women do it all the time; for young women, this is daily practice. As a result, we have proposed that a new misogyny and criminal justice Act for Scotland should be created that will include a new statutory misogyny aggravation. That is something that we in this House voted for but, unfortunately, it was rejected when it went to the other place.

We really should be looking seriously at what women experience. What we have advocated is law for women, challenging the default position that all law is neutral, because that is not working. Women are being targeted by certain kinds of behaviour, and you need targeted law to deal with it. The default position is that, for example, men can be raped and suffer domestic violence too. However, men are not experiencing stuff such as standing at a bus stop where, if a man comes up and starts engaging with you and you ignore him, you start receiving the foulest torrents of abuse. Men just have no idea what women put up with, including talk of the most salacious and disgusting kind and language that would make your hair curl.

I believe that the internet has created a disinhibition, so that people can say things anonymously. But it is now travelling off the internet and out of social media onto the streets. Young women are receiving this in playgrounds, student unions, bars and clubs—talk of sexual matters of the most explicit, crude and horrible kind. Then, when women reject it, they face discussion of how unattractive, fat and ugly they are and that they therefore do not deserve any sexual interest. They go home feeling wretched and miserable. Is it any wonder that they then do not feel able to ask for equal pay or promotion at work or that they do not take up positions in public life? Is it any wonder that they do not make a success of themselves in many of the areas where they should? This really has to be addressed.

We have advocated that an offence of stirring up hatred against women should be introduced into law, that public misogynistic harassment should be made a crime, and that the issuing of threats or invoking of rape or disfigurement, online and offline, should be criminalised. I say “invoking” because online algorithms often create pile-ons, so that a woman, who might be a Member of Parliament, a journalist or a campaigner, receives a threat of rape in language that is difficult for the police to deal with, because it says something like, “Somebody should rape you”, or, “You deserve to be raped”. They do not say, “I’m coming after you”, they are saying, “Somebody should rape you”, but the terror created in the hearts of women is still the same, because they know that there are people out there who are likely to take up that sort of invitation. Those women start not to go out as often and do not participate in public events in the way they might.

I do not think that older age groups understand what is going on, and I do not think that men have any idea that this goes on. It is really important to look at the stuff we looked at as we took evidence. I do not do

social media, and I am glad that I do not—the poor noble Lord, Lord Farmer, is going to receive a whole lot of communications as a result of his speech today—because I take part in too many things that I know will incite the aggressions of folk out there. All I can say is that, when you are required to do it in gathering evidence, it is a shock to the system to see what women in Parliament, women standing for Parliament, women who are journalists, and women who are campaigners are exposed to. The other day I was with the scientists who took part in the Covid matter. Absolutely horrible abuse and insults were poured over them. I heard that the mother of the child who died of a terrible asthmatic attack, who has been campaigning on reducing pollution levels, has also received abuse online. It is unbelievable that any woman who seems to say anything publicly has this happen to her.

I hope that the UK Government will look at the steps being taken in Scotland. I say to the noble Lord, Lord Farmer, that it is very nice to hear a paean of praise about women, but we need to bring up our boys better so that they have some of the attributes he gave to women—sensitivity, caring and thinking about the other. I am afraid our boys are now seeing this porn that comes up on their phone willy-nilly and presenting it to girls. They think that intimacy looks like that and that that is how you perform sexually. They are introducing that kind of thinking into their own behaviours.

This is serious stuff. I hope the Westminster Government will at some point follow Scotland’s lead. I hope we will make the necessary change. Most decent men—they are here in this House—do not behave like this and are willing to be our allies in creating a gear-shift, but we need to start looking at the perpetrator and get off this business of examining the women. Let us look at the perpetrators who are doing this and start dealing with these crimes differently.

2.38 pm

Baroness Cox (CB): My Lords, I am very grateful for this opportunity to commend many women in dire situations who exhibit inspirational courage, resourcefulness and resilience. I am also grateful for the opportunity to request that our Government provide urgently needed support for some priority areas.

My small NGO, HART—the Humanitarian Aid Relief Trust—was founded to provide aid and advocacy for victims of war, conflict, oppression and/or persecution not reached by major aid organisations for political and/or security reasons. We work with local partners, who use the very limited resources we can provide to make transformational changes for their communities. Time allows only two examples of situations where we are privileged to provide such support: Shan Women’s Action Network—SWAN—in Myanmar’s Shan state; and central belt Nigeria, where massacres by Islamist Fulani militants continue unabated. I am very grateful to the noble Lord, Lord Purvis of Tweed, for highlighting the very serious situation in South Sudan. We also support partners there. The situation is dire, as the noble Lord has highlighted.

In Burma—I use this name because it is strongly preferred by our in-country partners—in healthcare, there is currently chaos as a result of the military coup and brutal military offensives against civilians.

I have visited Shan state in Burma many times with HART. As we speak today, its people are trapped in protracted conflict, ruthlessly suppressed by the military regime. Among the thousands of displaced, 70% are women and children, including pregnant women, teenagers who have just given birth and the elderly. They have fled with minimal possessions. Some have lost their farmland and homes, forced to flee to remote villages or into the jungle, and are suffering from hunger and cold, lacking shelter and medical care.

It is within this context that HART's inspirational partner, SWAN, continues to operate. SWAN is a female-led organisation dedicated to gender equality and justice. Staff provide life-saving emergency aid, antenatal care, postnatal care and counselling. They also run safe houses for women and girls affected by domestic violence and provide vocational training sessions for practical support in an emergency.

Without organisations such as SWAN, many more female lives would be lost. Yet SWAN receives no support from within Burma and almost no international support, other than from small organisations such as HART.

I also raise another serious issue faced by health workers in many parts of Burma. In a recent Zoom call arranged by the Tropical Health and Education Trust, I was privileged to talk to nurses inside Burma who are desperate for supplies needed to provide healthcare. Many hospitals are now owned by the military, and attacks on civilians have caused many deaths, injuries and massive displacement.

There is an urgent need for aid for healthcare workers who, in spite of personal danger, are striving to provide healthcare to sick and vulnerable people. Many have been arrested, some have been killed and many more are living in dire conditions, working without funding or essential equipment.

I understand and greatly appreciate that the FCDO has been providing some funding, but I also understand that this funding for nurses is going to stop. In reality, it is even more needed as the situation deteriorates and the impact of Covid becomes more serious. I highlight that very serious problem. Any reduction or cessation of UK support for the Burmese nursing profession would create even more massive problems in the provision of healthcare, especially in remote regions. For example, there have been reports of hundreds of thousands of women deprived of care during childbirth which they would have received before the disruption inflicted by the military coup. This has led to a large increase in maternal and infant deaths. Also, effective treatment of most common conditions—for example, dengue and pneumonia—has become almost impossible, leading to great suffering and many more deaths. Therefore, I urge the FCDO to consider, as a matter of urgency, the provision of significant funding for Burmese healthcare professionals and, in particular in this context, nurses.

I also urge implementation of a policy of working with reliable agencies across national borders to reach those in dire need in remote areas who will not receive aid sent to Yangon. For example, in the past DfID, as it was then, provided cross-border life-saving aid to SWAN. DfID also enabled HART to supply life-saving funds to civilians in Chin state suffering from the

Mawta famine, caused by the flowering of bamboo, attracting a massive invasion of rats, which devour all food supplies.

I mention those examples to highlight the fact that we have well-established relationships with health professionals in-country and across borders who have demonstrated integrity and professionalism. They are now all desperate for funding to provide life-saving supplies to some of the many thousands of displaced people driven from their homes by the military offensives and living in terrible conditions in remote jungle areas. I therefore make a passionate plea to the Government to provide life-saving cross-border aid to reach such civilians living in dire need. As I said, these people will not receive aid sent to Yangon.

I turn briefly to the middle belt region of Nigeria, where tens of thousands have been killed or wounded in horrific Islamist attacks, and where millions are displaced. Just a few days ago, I returned from a visit to some of the worst affected regions and witnessed the ruins of homes, farmland, food stores, churches and an orphanage—all attacked by Islamist Fulani militia in the past seven months. We heard detailed accounts of children slaughtered, a 98-year-old woman burned alive, and people hacked to death by machetes as they ran from rapid gunfire.

Islamist Fulani militia attacks continue to escalate against predominantly Christian villages in Nigeria's middle belt. Thousands of killings have occurred since 2009, with countless others suffering life-changing injuries. It is estimated that around 3 million people in the central belt alone have been displaced by the destruction of their homes, insecurity and fear. Many Muslims who refuse to adopt the Islamist ideology of Boko Haram and the Islamist Fulani militia are also killed. According to Christian Solidarity International, at least 615 people were killed in just the first three weeks of this year by Islamist militants. The number has increased greatly since, as the killings continued during our time there.

The perpetration of atrocities also continues. These are a tiny proportion of the examples. A widow called Beatrice, aged 25 and from Plateau state, told us:

"I returned in the morning but everything was burnt. I went to my home and saw my mother and siblings butchered and burnt."

A young mother called Ruth shared a similar story:

"Fulani militia burnt everything including animals. Hardly anything survived. Ten people were killed ... some were burnt, others shot, others macheted."

Janet, a mother of four children, told me this:

"I found my husband had been killed. I cannot go back to my village. It has been burnt. We are barely managing."

Although Nigeria represents 2.4% of the world's population, it contributes to 10% of global deaths for pregnant mothers and has the fourth-highest maternal mortality rate in the world. Its suffering is impossible to fathom.

So, too, is its courage and resilience. I give just one example: during my many visits to central Nigeria, I have been privileged to witness the phenomenal work of Gloria Kwashi, who is married to the equally inspiring Anglican Archbishop Ben Kwashi of Jos. They are both survivors of horrific Islamist violence and torture. However, Gloria's enormous capacity for

[BARONESS COX]

resilience and love is shown by her ever-expanding family. In addition to her own children, she and Archbishop Ben have adopted 57 orphans in need of care. She also runs a clinic and established a school for about 400 children, and gets up at 4 o'clock in the morning every day to prepare food for the hundreds of students. It makes me feel very humble.

Yet, like so many others in central Nigeria, she receives no support. Despite the escalating needs in the middle belt region, the United Kingdom does not provide any humanitarian assistance apart from a small interfaith mediation programme. Such a minimal response from the British Government is in no way appropriate to the scale and urgency of the humanitarian and security crises in central Nigeria. HART is responding to desperate requests to help with the provision of education and healthcare by supporting the provision of vehicles that take educational supplies to the displaced people forced to flee to remote areas. It will soon provide similar vehicles to take healthcare to these destitute civilians.

Therefore, while I commend the Government on their expressions of commitment to empower women and girls and prevent violence against them, I urge the Minister no longer to turn a deaf ear to the massive suffering of victims of violence in Burma's ethnic states and Nigeria's middle belt. There is an urgent need for an immediate humanitarian response to enable women to receive the aid they need and to maintain the inspirational contributions of the many valiant women who are working to alleviate suffering and promote human rights, freedom, democracy and peace. They are an inspiration and make me feel very humble.

Baroness Kennedy of The Shaws (Lab): You are an inspiration too.

2.48 pm

Lord Clement-Jones (LD): My Lords, I am very pleased to take part in today's debate. Like many others, I am pleased that the noble Baroness, Lady Stedman-Scott, opened it in such a comprehensive way. I certainly do not envy her in responding to it, however, as it has already been so wide-ranging.

I take part today with a somewhat heavy heart, partly because I see the suffering of the women in Ukraine who have to bear such a heavy burden in facing the onslaught of a vicious Russian invasion, whether they stay or flee their homeland. Like the noble Lord, Lord Farmer, I salute the courage of the Russian TV news editor Marina Ovsyannikova, and I of course celebrate the wonderful news of Nazanin Zaghari-Ratcliffe coming home. I also celebrate the growing recognition of the achievements of women in the digital policy space that I speak on frequently.

More broadly, however, contrary to expectations, there has been a deterioration in women's rights and condition in this country in many ways. I was a teenager in the 1960's and it seemed then that growing equality of treatment in all walks of life and respect for women's rights would lead to a better society. In so many areas, I fear that is not the case. As Refuge says in its briefing, women and girls in the UK continue to face appalling levels of violence. More than one in four

women in England and Wales aged 16 to 74 experiences domestic abuse at some point in their lives, and an average of two women a week are killed by their partner or ex-partner—a statistic which has not changed in decades. Women's Aid highlights the fact that 60% to 70% of women accessing mental health services have experienced domestic abuse.

As Refuge also says, technology is increasingly being weaponised by perpetrators of domestic abuse to harass, stalk and abuse survivors. Technology-facilitated domestic abuse—or tech abuse—has a devastating impact on both mental health and physical safety. The Online Safety Bill, published today, will be judged not only by whether it protects children, but also by whether it protects women from this kind of abuse.

Moreover, rape charges and convictions are at a minuscule level. Home Office crime figures show 56,152 alleged rapes in the year to September 2020, but analysis shows that just 1.5% of reported cases produced a charge. The Victims' Commissioner for England and Wales, Dame Vera Baird, said:

"If you are raped in Britain today, your chances of seeing justice are slim. Even though police are now referring more and more cases to the CPS, we have seen a catastrophic fall in rape prosecutions. The latest data show just 1.5% of cases result in a charge. That means that more than 98% of cases do not reach court. This is shameful and has real and profound consequences for victims up and down the country."

The drop in prosecutions has led to fewer convictions. There were 1,074 rapists convicted in the year to December 2020, a record low and a decline of 64% from the 2,991 convictions in 2016. In criminal justice, we have had equivocation about the status of misogynistic abuse and conduct as a criminal offence, as we heard so cogently from the noble Baroness, Lady Kennedy.

In healthcare, the foreword by Dame Clare Gerada to Public Policy Projects' *Redressing the Balance: A Women's Health Agenda* is damning. She says:

"It is my personal feeling that women have no more rights regarding their bodies and healthcare than when I was born 62 years ago. As a GP of over 40 years, I have treated thousands of women. However, throughout the process of crafting this report, I have been shocked to learn that many of the medical interventions and procedures held up by institutions and policymakers are not in place for the good of women's health but serve to prevent women from being in control of their own bodies."

Single-sex wards are under threat, as we have discussed during the passage of the health Bill last night.

As a Clapham resident, I was shocked by the policing of the Sarah Everard vigil, the complacency of the outgoing commissioner and the report of the police inspectorate. I am pleased by the outcome of the recent High Court case brought by the organisers, Jessica Leigh, Anna Birley, Henna Shah and Jamie Klingler. All that brings me on to freedom of speech, which is meant to be so dear to us in this country, and in particular to my party. Given the publication today of the Online Safety Bill and the response to the Joint Select Committee on which I sat, it is a highly topical issue.

I have never been trolled or piled on, but when I see those who engage in legitimate discussion of sex-based rights, such as Kathleen Stock, Maya Forstater, JK Rowling, the noble Baroness, Lady Falkner, and others in my party, cancelled, insulted or moderated out, then I despair. Where does this lead? Can we, for

instance, not talk about the concerns raised by the Cass Review, the independent review of gender identity services for children and young people, for fear of giving offence?

There are a few facts from the Cass review which we must talk about. The number of children and young people being referred to GIDS has increased dramatically in just over a decade—from approximately 50 referrals per year in 2009 to 2,500 in 2020, with a waiting list of 4,600. The large majority of these referrals are now for what the report calls “birth-registered females” who are presenting in their early teens. In 2009, girls made up one-third of referrals to GIDS. In 2016, they made up over two-thirds. I have long worked in the autism field, and it is notable that around one-third of children and young people referred to GIDS have autism or other types of neurodiversity.

In the population as a whole, the percentage of people with autism is approximately 1%. If we are to be able to genuinely celebrate women’s achievements and advance their rights, it is vital that we are able to hold a conversation which is civilized and respectful. We must all be allowed to express our genuine beliefs—or, indeed, facts—without fear of censorship or abuse.

2.55 pm

Baroness Bryan of Partick (Lab): My Lords, it is a pleasure to follow the many impressive women speakers here today and the supportive comments of men.

International Women’s Day is a celebration, but it is also a time to assess our progress in protecting the equalities of women. When we look back over the past year, many of us have been left shaken and distressed. The murder of Sarah Everard, and the behaviour of police officers supposedly protecting the bodies of Nicole Smallman and Bibaa Henry, were bad enough. However, the subsequent investigations revealed that a large number of police officers held deeply troubling attitudes towards women. It has left the impression that a significant number of serving police officers have, at the very least, a lack of respect for women in general—and their women colleagues in particular—and, at worst, a degree of hatred of women that is frightening.

When I have spoken on similar issues in this House, some members thought that Scotland was in advance of England and Wales in the way in which it deals with serious sexual assault and rape. Unfortunately, this is not always the case—as the noble Lord, Lord Purvis, and my noble friend Lady Kennedy can probably confirm. As in other police forces in the UK, there is clear evidence that Police Scotland has misogynists and sexual predators in its ranks. It has failed to protect women police officers, and members of the public, from some officers’ behaviour. A recent employment tribunal found evidence of a sexist culture in the force which left women officers scared to complain, in case they would be left unsupported by male officers when put in dangerous situations. The culture is exposed further by the evidence that over 100 officers faced charges of sexual misconduct, including sexual assault, against members of the public. These are the very people they were supposed to protect. It is hard not to conclude that this culture will deter women who need to report rape or sexual assault.

Two additional barriers exist in Scotland which put women and men off reporting such assaults. The first is the legal requirement for corroboration under Scots law. This requirement remains in place, despite an enquiry in 2011 which recommended its abolition. The report found that 58% of serious sexual offences, which were not pursued due to lack of corroboration, would have had a “reasonable prospect of conviction” in England and Wales.

The second additional barrier is the use of the “not proven” verdict, which is unsatisfactory for everyone concerned. It may allow the accused to escape conviction but it implies that they may have been guilty. The complainer may have to watch someone whom they think is a threat to their future safety walk away. “Not proven” is used disproportionately in rape cases. Rape Crisis Scotland pointed out that nearly 30% of acquittals in rape and attempted rape cases were not proven, compared with 17% for all other crimes and offences.

In March 2021, the Scottish cross-justice review group produced its final report, *Improving the Management of Sexual Offence Cases*. It made significant recommendations for a new approach to cases involving serious sexual offences, proposing that everyone involved in such cases should have sufficient understanding of the crimes involved and the potential impact on complainants. Its main recommendation was for a new national specialist court with trauma-informed procedures to deal with serious sexual offence cases. The judges, prosecutors and defence lawyers, as well as other court officials, would have trauma-informed training. The review further suggested the increased use of commissions for taking evidence, stating:

“It is unquestionable that if a complainer’s evidence, including cross-examination, were captured at as early a stage as possible, much of the trauma arising from the whole trial process would be diminished, the time scale for the complainer’s direct involvement would be greatly compressed and the traumatic effect considerably alleviated. The benefits are such that it cannot be disputed that this is a change which must be made as soon as possible.”

A third proposal for consideration was that sexual offence complainants should have independent legal representation. This recognises the potential tension between the interests of the complainer and those of the Crown. The low level of rape cases that go to trial and the very low rate of convictions show that serious sexual offences are different to most other criminal cases. At every turn, problems arise that prevent a fair trial. These recommendations offer a different approach. I hope that the Minister can recommend this report to the relevant department for England and Wales. For my own part, I hope that the Scottish Government, who have welcomed the report, will soon take action on it.

3.03 pm

Lord Sandhurst (Con): My Lords, I speak today from the perspective of a retired male lawyer—pale and perhaps a little stale. I shall look at where we have come from and where we have got to today because history is important.

I start with the Matrimonial Causes Act 1857, under which, for the first time, men could petition the court for a divorce on the basis of their wife’s adultery. However, a wife wanting to divorce her husband had

[LORD SANDHURST]

to prove not just his adultery but an aggravating factor such as rape or incest. That imbalance continued until the Matrimonial Causes Act 1923, which put husbands and wives on an equal footing, each now able to divorce the other on the grounds of simple adultery.

Women's property rights picked up—that is, for those who had some property—when, in 1882, the Married Women's Property Act allowed married women to own and control property in their own right for the first time. That was, for some at least, a big step forward.

Let me turn to suffrage. Things kicked off in the late 1880s when a woman who fulfilled the necessary property qualifications was permitted to vote in the new London County Council elections. I have a particular interest in this. My great-great-grandmother, the first Lady Sandhurst—by then a widow—questioned why, if she could vote, she could not be a candidate. So, in 1889, she stood in the London County Council elections—in the Liberal interest, I fear. She won the popular vote in the Brixton seat but her defeated and cross Conservative opponent challenged her election in the courts. He argued that, although the statute gave her the right to vote, it spoke only of men as elected members. That argument succeeded and she was disqualified. She was not deterred: in 1890, she was elected president of the Society for Promoting the Return of Women as County Councillors. She would have been very proud of my aunt, her great-granddaughter, who became a county councillor and, later, the chairman of Oxfordshire County Council.

Although the right to vote in general elections was given to women after the First World War, as we all know, there was still discrimination against women because they could not vote until they attained the age of 30. Only in 1928 was that limitation removed. At much the same time, in 1921, we had the Sex Disqualification (Removal) Act. This enabled women to read for the Bar. Helena Florence Normanton was the first woman to take advantage of that Act and join an Inn of Court. In November 1922, she was the second woman to be called to the Bar of England and Wales, following the example of Ivy Williams in May 1922.

Progress for the women was slow at first but, after the war, it got a bit better. In 1949, Normanton and Rose Heilbron both took Silk. The next year, in 1950, Elizabeth Lane took Silk. Lane was appointed the first woman County Court judge in 1962 and, three years later, the first woman in the Family Division of the High Court. I appeared quite often before her; she was a jolly good judge. Now, we have women judges at all levels, including the very highest, even if they are still outnumbered by men.

On a personal level, when I joined my chambers of, I think, 15 or 16 men in 1973, it had no women members. There were growing numbers of women at the Bar; a contemporary of mine was Heather Hallett, now the noble and learned Baroness, Lady Hallett. As the noble Baroness, Lady Kennedy, will know, women undoubtedly needed even more grit and luck to start at the Bar than men—much more. In 1977, we selected the first woman member of my chambers. I recall the initial discussions well. They revolved around two things: first, the lavatory facilities; and, secondly, whether she would leave to have children.

However, we overcome that barrier. Thereafter, at least in my chambers, a candidate's sex was never an issue. We recruited many more women, although I acknowledge that I cannot say the same throughout the Bar. We also learned, in my chambers, to treat women with respect and not to expect them to join in and enjoy so-called banter. Happily, as I speak today, my old chambers has six women as Queen's Counsels and a substantial number of women members. Two former women members now sit on the High Court Bench. One of them, Philippa Whipple, will this afternoon be sworn in as a Lady Justice of Appeal.

So, we make progress and have come a long way. However, when I look at the wider world, there is much still to be done. Childcare is hugely expensive. In most, if not all, families, the burden of running the home still falls more heavily on women. I know; I have a working daughter. The large number of women graduates and the growth of working from home will perhaps see the balance change over time and male partners take a greater share. I certainly hope so.

However, to my mind—we have heard this from other noble Lords today—even more serious than opportunities at work are the incidents of daily life that women have to put up with. Only yesterday, the business pages on the BBC News website had as the lead item that Lloyd's of London had fined a member firm, Atrium Underwriters, £1 million because it had

“admitted charges relating to bullying and misconduct during annual ‘boys’ nights out’ ... These included initiation games, heavy drinking and making inappropriate and sexualised comments about female colleagues”.

That was yesterday, so we men have much to learn. We must all do better.

However, the worst part of this laddish culture is that, as we have heard, the disrespect for women and plain misogyny at its heart is not just unpleasant and demeaning for women but leads to violence. This is not getting better. I looked at the crime figures for London. In 2010-11, some 3,300 rape offences were recorded. Ten years later, in 2019-20, that figure had more than doubled to 7,890. As we know only too well, women are afraid to walk home at night alone. I could go on. Put simply, until we men—I am not perfect myself—treat all women with respect and decency, those numbers will not improve.

More generally, too many women are demeaned. That is why, for my part, I am sorry to see the pressure from some in the transgender debate. In arguing for rights, some advocates pour scorn on women who wish to preserve privacy and personal modesty. Women should not have to give up their hard-won rights before they have even got true, effective equality with men. We have come a long way but have a long way still to go. We can and must do better. Women must not come second.

3.13 pm

Lord Loomba (CB): My Lords, I am grateful for the opportunity to speak in this International Women's Day debate, as I have done every year for the past decade, on the topic of women's equality in this country and around the world. This is a critical time because the impact of inequality is always worse in times of conflict and hardship, so I will focus my remarks on the plight of women fleeing war in Ukraine.

We must pray for all those left behind in Ukraine to face the pitiless Russian forces. They include the old and infirm, who will not or cannot leave their homes, and the men and boys who are forbidden to leave with their families and left to fight the invader. But my concern today is with the Ukrainian mothers who have had to flee with their children, not knowing when or whether their families will be reunited. We know this category forms the majority of refugees from Ukraine, at this stage.

For now, and in many cases perhaps for ever, these are single-headed households. As such, they face a double whammy: the inequality of the refugee, navigating the many obstacles placed in their way as they seek refuge, as we have seen in recent weeks; and the inequality of the single mother who must not only be there for her children, but put food on the table, clothe them and ensure they can go to school and receive medical care. All this is while they deal with, and all too often hide, the trauma of their own experiences and their fears for the partners and parents they left behind.

It reminds us that ensuring the equality of women requires us all to take positive action. This is not a matter of ticking boxes or of theoretical rights. Equality requires us to take the trouble to see the reality of how others live, and respond with the humanity and generosity that we are so quick to claim but so slow to dispense. I will not dwell on the delays we have seen in living up to our promises of generosity, but instead focus on what we can and should do to help these mothers in their hour of need.

Last weekend, the Communities Secretary said we will put our arms around them and give them all the support they need. That is welcome. He also said that the first arrivals under the new scheme could be expected this weekend, so let us do all we can to ensure that the support available to these wretched people, and to the British families opening their homes to them, is fit for purpose. It is not just a matter of welcoming these single mothers as refugees. We can do better than that; we can see they are doubly disadvantaged and do something about it.

The Loomba Foundation, which I chair, is planning an association with Rotary International worldwide, and with it in the UK and Ireland, to raise funds in support of Ukrainian mothers fleeing with their dependent children. We will draw on the Loomba Foundation's extensive experience of the plight of widows, including those widowed in conflict and natural disasters, who all too often face that same double whammy of a sudden change in their status with an increased responsibility for their dependents. The mothers and children fleeing Ukraine are in that situation and we know what it takes to, as the Communities Secretary put it, give them all the support they need.

My plea to the Government today is to do more than matchmaking and providing sums of money to host families and local authorities, essential as this is, but to make sure the dots are connected across national and local government to offer the tailored and joined-up support for these refugees: first, by identifying the likely needs from counselling and health to schooling and economic empowerment, and facilitating a multi-agency response; secondly, by reaching out to mothers

arriving with their children and telling them about the special support that is available; and finally, by setting up a special helpline that they can contact for advice.

Women's inequality has all too often been invisible and ignored, yet the irony is that it is women who are the first emergency service, the people we rely on to look after the children and to care for the elderly and vulnerable. Making women's equality real means understanding and dealing with the barriers they face. That is an investment that always pays off.

3.20 pm

Baroness Bennett of Manor Castle (GP): My Lords, I begin with the good news. I very much welcome the return of Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori and acknowledge that they were victims of geopolitics in which they played no part, as indeed are the women, girls, men and boys in Ukraine.

It is important in a debate such as today's that we look around us. The noble Lord, Lord Purvis, looked at the situation across the political parties. He left one out, however, and I am very proud to say that it currently has 100% female parliamentary representation. Like the Liberal Democrats, we are looking to greatly grow our representation. I am sure there will be some men in the next tranche, but I hope we keep the percentage of females very high.

I associate myself with the remarks of the noble Baroness, Lady Gale, on the location and timing of this debate. I do not know how many people have looked up and thought that we are conducting this debate at the feet of the patriarch. There could hardly be a less appropriate place for it.

When I speak in your Lordships' House, I often seek to share the words of women of today who are less privileged, who do not have access to the Chambers and who do not have a voice. Today, as we speak in the midst of a building filled with portraits and statues of largely dead, white, rich males, I shall seek to allow voices of women from the past to be heard in your Lordships' House. As the noble Baroness, Lady Hodgson, said, there has been a conspiracy of silence. The words and voices of women right through history have so often been suppressed. I will bring a few of those to your Lordships' House today to see what we can learn from their courage, determination and achievements.

I start by looking at tackling and calling out violence. The noble Baroness, Lady Kennedy of The Shaws, spoke very powerfully about the risks women face outside the home today, as they always have, but of course we know that, today and in the past, the greatest risks of violence against women are inside the home. The 15th-century Italian poet and author of *The Book of the City of Ladies*, Christine de Pizan, wrote:

"How many women are there ... who because of their husbands' harshness spend their weary lives in the bond of marriage in greater suffering than if they were slaves ... ?"

I also quote the 18th-century English legal theorist, Sarah Chapone:

"a Man ... he may be as Despotick (excepting the Power over Life itself) as the Grand Signior in his Seraglio, with this Difference only, that the English Husband has but one Vassal to treat according to his variable Humour, whereas the Grand Signior having many, it may be supposed, that some of them, at some Times may be suffered to be at quiet".

[BARONESS BENNETT OF MANOR CASTLE]

We sometimes think that, in the past, women were forced to endure but they always fought back and spoke out. It is really important that we listen—during this Women's History Month, as well as by marking International Women's Day—to our foremothers there. The right reverend Prelate the Bishop of Durham talked about how so much education in other countries is male-orientated. Of course, that is also true of so much of our education system today. I do not know, if we went into a school today, how many pupils would know of the two authors I have just quoted.

Looking at the issue of art, there is another woman who I wish to quote, the Italian Baroque painter Artemisia Gentileschi. I would posit that she produced some of the most wonderful art that has ever been created. She did so after the most awful and difficult origins. She was raped as a young woman in 1611. When she was 18 years old, she was tortured in court to forcibly prove the honesty of her testimony. Artemisia Gentileschi went on to produce wonderful paintings. Among them, and perhaps the most famous, is the biblical story of "Judith Slaying Holofernes". That painting depicts Judith, with a knife, cutting off the head of an enemy, while she is helped by another woman to hold that enemy down. I invite your Lordships' House to imagine what it might be like if that painting were up there, instead of the one that is before us. One of the quotes which comes down to us from Artemisia is:

"As long as I live I will have control over my being."

What an inspirational phrase that is.

I will also look more broadly than the fate of individuals by turning to Hypatia, the fifth-century Alexandrian philosopher and political adviser. One of her quotes which comes down to us is:

"Regardless of our colour, race and religion, we are brothers" and sisters. We might think that we have culture wars today, but the culture wars between pagans and Christians in fifth-century Alexandria were considerably more violent. Those noble Lords who know the fate of Hypatia will know that her body bore extreme scars and the cause of her death was that culture war, but she said that we are all brothers and sisters. Let us listen to this wisdom from women of the past.

Finally, I come to one last person to quote, someone who is much closer to the current day: Wangari Maathai, a Kenyan Nobel Peace Prize winner. She said:

"We are called to assist the Earth to heal her wounds and in the process heal our own—indeed, to embrace the whole creation in all its diversity, beauty and wonder."

Wangari Maathai was talking about a different kind of model to that which existed, not just in past decades or centuries, but past millennia. In a very fast scan, I have gone through women's history over the past two millennia. For those millennia, we have had a man-made system. It has given us the world we have today. It is a world in which people are exploited—particularly, but not solely, women—and in which nature is exploited and destroyed, just as people are also exploited and destroyed.

The Minister, in opening this debate, spoke about the slogan for this International Women's Day, "Break the Bias". I argue that we need something far more fundamental, as all those women from history teach

us. We need to break the system. The system has failed us, and we need a new system with women as leaders at its heart.

3.29 pm

Lord Sikka (Lab): My Lords, it is a great pleasure to speak in this debate—I have learned quite a lot—and to follow the noble Baroness, Lady Bennett of Manor Castle. I am glad that she referred to education because my background is the world of business schools. The language there is entirely male and aggressive. Accounting and finance are all about domination, control, slicing, selling, asset-stripping and plundering. Nobody cares if workers are fired and have no home to go to at the end of the day. None of that ever comes into any accounting calculation. Nobody ever considers the social impact of redundancies, wage reduction and tax avoidance. However, women are more concerned about nurturing, supporting and growing things. There is a stark difference. Women who enter business schools are increasingly forced to leave their feminine selves outside and behind. That is fundamentally wrong. Women need to be valued in their own right in what they bring, not in how they compare to men. That requires fundamental thought. I hope to return to this issue another day in another debate.

I note that the Motion says

"that the Grand Committee takes note of International Women's Day and the United Kingdom's role in furthering and protecting the equality of women".

I wonder what had happened to equity—where is it? Equity is very important too. Without it, many people will never attain fairness and equality. In many ways, equity and equality are elusive. They are always in the process of being made but they never finally are because of many social divisions. That requires constant vigilance, new approaches and searching to deal with social problems. I would have preferred to see equity mentioned as well.

We are in a strange scenario where we have more women in government than ever before yet women's economic progress seems to have stalled or is slowing down. That is a paradox. I wonder whether women in government are increasingly asked or forced, perhaps unconsciously, to adopt male objectives rather than the female approaches to which I referred earlier, such as growing, nurturing and supporting. Again, that needs to be looked at.

Life expectancy has stalled, if not gone into reverse. Life expectancy for women has now declined, according to ONS data, from 83.6 years to 82.6 years. Inevitably, the poorest women are most negatively affected, yet the Government are doing incredibly little to reduce poverty. If anything, inequalities have increased. More people live in poverty than ever before—14.5 million. That was even before the pandemic, the situation is far worse now.

The Equal Pay Act 1970 promised an era of equal pay for equal work but that remains elusive. Women's median hourly rate is 10.2% less than men's. The latest statistic we had from the Government on the gender pay gap for full-time and part-time employees was 15.4%. Why are we yet to reach a goal that we set ourselves 50 years ago? What exactly are the Government doing? I know that we will hear about the many things

that the Government are doing—X, Y and Z—but the facts as indicated by the data pose this question: has enough been done? Why has enough not been done?

We are referring here to women, but, of course, women are not a homogenous category. They are differentiated by age, class, disability, ethnicity and many other social factors. Black women are the least likely to be among the UK's top earners. They face the double hit of gender and ethnicity, which is why I referred earlier to equity. What can we do to lift them up? They are the most underrepresented group in the top percentiles of income in the UK. Some progress could be made by mandatory ethnicity pay reporting but the Government are vehemently opposed to that. It is hard to see how progress on the ethnicity pay gap can be made when the Government accept the principle of gender pay gap reporting for women but not on the basis of ethnicity. That does not help many women; I hope that the Government will revisit it.

Low pay for women results in low occupational pensions, low contributions and, eventually, low pensions. This condemns them and their dependents to poverty and insecurity, especially in later life. We have 1.25 million retired women living in poverty. The Government's response is to cut the triple lock on the state pension, which pushes even more people into poverty. Again, that is unsatisfactory. The state pension for women is always less than for men, according to the statistics published by the DWP. Why does it have to be less? Of course, over the years, women may pay less in, but is that the only way we are measure somebody's value—that they have paid less in so they get less out? Is there no other basis on which to think about it, such as humanity, decency, morality or ethics? The two should really be equalised. The state pension for women needs to be lifted up and should be at least as much as what is given to men.

The Government publish all kinds of budgets—we will have the Spring Statement next week—and lots of other legislation but they are never really accompanied by a gender impact assessment. What is the gender impact assessment of what the Government propose in a budget? We struggle to see it. I raised this last year, when I got a lot of soothing noises from Ministers—I have also raised it at other times in the House—but there have been no developments whatever. We now have income tax being hiked by stealth and national insurance contributions being increased as well, but there is no gender gap analysis. Who will suffer the most? What about single mothers? Will they really suffer the most? The answer, possibly, is yes but absolutely no attention is paid to that.

In his Budget Statement last October, the Chancellor used the word "women" just once in his speech but there was not even one gender-specific policy to help women—not one. However, there was a policy that would hurt women: the cut in universal credit of £1,040, affecting 4.4 million families. The Government took back £4 billion from the poorest and gave it to the bankers. Many of the households affected by that are led by single mothers but no help was given to them at all; they are basically condemned.

There is a gender division of labour in our society. Many women are confined to low-paid jobs, whether in teaching, nursing, social care, supermarkets, hospitality

or other sectors, yet the Government have imposed a wage freeze. Again, they hurt women the most in pursuit of their economic objectives—although I have never really understood what those objectives are.

The take-home pay of many women has declined as a result of these austerity policies and wage freezes. They are therefore prevented access to nutritious food, good education, healthcare and other essentials. There is again a gender issue here.

We have a paradox: a female worker in social care or a supermarket is getting paid and will pay extra national insurance of 1.25 percentage points, but a speculator speculating on how much economic surplus those individuals will generate will not pay anything from the capital gains made from those speculations. They will not pay any national insurance, never mind the extra 1.25 percentage points. Who are the winners? Who are these speculators? Mostly, they are men. At the very least, the Government could see that the gains picked up by men through speculation are shared with women on whose backs they are made. I see no analysis of or sensitivity to these gender issues in the Government's policies.

There is no equity or equality of tax treatment of earned and unearned income. That again has gender consequences, because women in low-paid employment are paying taxes at a higher rate than those who are making money through other sources, such as dividends or capital gains. Again, the analysis shows they are predominantly men. Government policies have also condemned many to use food banks; again women suffer, because they are on low pay.

Take just one more example. We have an increase in homelessness all around us these days. You see it as you enter Tube stations and other places. Two-thirds of homeless Londoners living in temporary accommodation are women, so 42,000 women are homeless in London alone. Of the homeless households living in temporary accommodation in London, 39% are headed by a single mother. Many are homeless because of domestic abuse or poverty, or they cannot afford to pay rents because their income is low and the tax system does not do much for them. Unaffordable housing is a key factor and women bear the brunt of housing policy failures.

The cost of living crisis, on top of cuts to universal credit, housing benefit and sexist policies such as the benefit cap, makes it much harder for women and their families to keep a roof over their heads. The Government can help by reversing the damaging welfare cuts and increasing all benefits, at least in line with inflation. That would help to reduce homelessness among women, single mothers and their children. By building high-quality homes with rents linked to local wages, not what the landlords want, the Government can prevent more women becoming homeless. Let us celebrate this year and I hope the Minister makes some positive promises in return.

3.43 pm

Lord Desai (Non-Aff): My Lords, it is a great pleasure to follow the noble Lord, Lord Sikka. At least I will not feel lonely talking about the economics of gender inequality. First, the title of the debate says "furthering and protecting the equality of women".

[LORD DESAI]

We are really saying that we are combating inequality and hoping that we can reduce it as much as possible.

The central inequality I want to talk about, which is almost eternal, is who does the work. Economists tend to talk about work in terms of paid work. They say there is work then there is leisure, but how does an individual choose how many hours to work? That is all fine, but a lot of work is unpaid and most unpaid work is done by women. We have very little accounting of unpaid work in formal economic analysis and very few policies to deal with unpaid work.

Over a long career in economics, I have explored the idea of citizens' income—basic income, as it used to be called. The argument with basic income for a long time was that it did not actually deal with the gender issue. How it was dealt with was that citizens' income should be available for all voters, paid without asking any questions. But then it was said that, if you paid people just the basic income, without work, they would stop working—and then what would happen? That is an irony about paid work: whether you pay basic income or not, unpaid work has to be carried on, because society lives on unpaid work—not only with cooking, childcare, nursing and care of the elderly, but all sorts of things, such as cleaning the house, that are mainly done by women.

It is a very interesting paradox—not paradox, but something to note—that when something like universal credit or other welfare state arrangements are made, there is a great compulsion to say whether you are seeking work. Unless you are seeking work, you are not eligible to be paid money when you are out of work. It is very interesting, because quite a lot of women will not be able to seek work because of unpaid work demands made on them because of the size of the family and other things, which may make it difficult for them to qualify for universal credit in a world in which that is a requirement.

One problem we will have to face is whether we can fashion a basic income package just for women, or for anybody who does unpaid work. That is especially important in the discussion on the Health and Care Bill. It has often been mentioned that some social care workers are not involuntary social care workers as such, but in a family the social care burden has fallen on the woman, who is around. They are unpaid, in a whole category of unpaid social workers, and we ought to be doing something about unpaid social care workers. One idea would be to create a basic income especially for women. Just as we talk about citizens' income, this would be women's citizens' income. You would have to be of voting age to be able to accrue, earn or receive that basic income.

I recently contributed a piece to something called the *Palgrave International Handbook of Basic Income* with a co-author who was a woman, who was very much the leading light in this joint work. She pointed out that the distinction between paid and unpaid work is central to the issue of gender inequality. Because unpaid work is not compensated, women always have inequality of income relative to men. I know that there is no money in the Government and that they want to cut taxes rather than give money away and so on, but we are about to enter a very difficult economic period

in the next five or six years. We will have stagflation and all those sorts of things, so we will have to take greater care of vulnerable citizens, who are mainly women.

Since the Minister answering for the Government is in charge of giving money away on pensions and all sorts of other things—we always have to go to her and say, “Look, can you give us a bit more?”—she ought to explore the idea that women should be paid something like £50 a day for the weekend. It would be a sort of weekend bonus; nothing very much, but only for working-age women. We ought to experiment with that, because doing so would be an experiment in trying to reduce the inequality gap between men and women who are of working age.

That is about it; I do not want to say any more about this and that, because I am the 17th speaker out of 18. However, I want to make one remark on what the noble Lord, Lord Farmer, said. He mentioned the woke controversy that is going on. It is a peculiar thing that the debate about what and who is a woman. It is interesting. It is a difficult job, because the people who question the word “woman”, and so on, are probably as deprived as everybody else. However, we cannot have the majority suffer because the minority feels that it is deprived.

I am not a lawyer, and this is not a flippant comment, but I think we ought to make a distinction of women by birth and women by choice, and men by birth and men by choice. That kind of usage could become normal, or at least usual. We are not insulting anybody, but there is a question of choice. There should be symmetry for both sexes. If you can say “women by birth” and “women by choice”, it may be that the noise—

Baroness Thornton (Lab): I want to say something to my dear friend and former economics teacher at the LSE: he probably should not go there because this is not about choice. People who are gay do not choose to be so; they are gay. People who believe that they are a woman believe they are a woman. People who believe that they are a man believe they are a man. There is absolutely a debate to be had but, frankly, it is not a choice.

Lord Desai (Non-Affl): This is not the first time one of my proposals has bitten the dust. The fact that I taught the noble Baroness at LSE makes me proud that she has finally sorted me out. That being said, I think I should conclude.

3.53 pm

Lord Young of Norwood Green (Lab): I have the unenviable task of being yet one more pale male.

I do not always agree with the noble Baroness, Lady Bennett of Manor Castle, but I agreed with many things in her contribution. I certainly agree with her that, next year, we should not let us become second-class citizens and have the debate in here again. It should be in the Chamber. The symbolism of it—that this has somehow become a second-class debate, with someone saying, “It'll do, just put it in the Moses Room”—has rightly been remarked on. He was one of my ancestors was perhaps not the most progressive male on the planet, but he was a man of his time. And I cannot help but say to the right reverend Prelate the

Bishop of Durham that the Church fought long and hard to have women bishops. It has to mark its calendar; they should be represented.

I want to return to the last part of the debate. I disagreed with my noble friend Lady Thornton when she endeavoured to say, "Well, this is how it is and we shouldn't go there". Well, the noble Lord, Lord Farmer, did go there, as he had absolutely every right to do. He asserted a view that is held by many—perhaps not by my noble friend, but by many—that there is a biological sex of men and women.

Baroness Thornton (Lab): Please just stop there.

Lord Young of Norwood Green (Lab): No, I am not going to stop—

Baroness Penn (Con): Noble Lords deserve to be heard in their contribution to the debate.

Lord Young of Norwood Green: Thank you, but I was not going to stop anyway.

This is an important debate, and it is an issue that deserves to be aired on International Women's Day, as the noble Lord, Lord, Farmer, did. I want to draw attention to women who I think have been very strong and willing to express a view. My interest in this debate started with JK Rowling, who had the temerity to suggest that there was a word, and it was "women". That produced an unbelievable uproar, and it was followed by Kathleen Stock, who lost her job trying to say the same thing. Interestingly, another woman I admire, also mentioned by the noble Lord, Lord, Farmer, is the noble Baroness, Lady Falkner, who took over a really tough job at the Equality and Human Rights Commission saying much the same thing: that women's safe spaces should be protected and that people have to respect the view that there is such a thing as women, which has nothing to do with saying that we should in any way discriminate against transgender people.

The noble Lord, Lord Clement-Jones, mentioned the very important Cass review that came out recently and found that in the current system, far too many young people are being offered puberty blockers on the basis that they have changed their gender. In fact, 80% of people who presented at the Tavistock clinic with symptoms of gender dysphoria discovered, by the time they reached 18, that they are either gay or lesbian, and that trying to change their body was not the solution to their problems. There was the famous case of Keira Bell, who went to extreme lengths and then realised that that was not the solution to her problems in life.

These are difficult issues. The importance of the Cass review is that it says that there should be clinics around the country and much faster treatment for young people. The noble Lord, Lord Clement-Jones, mentioned young people with autism. I was listening to a group of concerned clinicians recently, and they said that the huge impact of social media on young people is the biggest single factor that makes young girls believe that, somehow, they are in the wrong body. We should not underestimate the impact of social media.

The older I get, the more I find that the women in my life are the most interesting. The women that I have met are inspirational. I shall refer to some of them. I recently came across the woman writer, Bernanadine Evaristo. What an amazing writer. If you have not read her, I recommend her book, *Girl, Woman, Other*, but even more superb is her autobiography, *Manifesto*. It tells you what it is like growing up in a mixed-race family in the 1960s: pretty tough. She fought over the years to establish herself. I was grateful to the noble Baroness, Lady Bennett, because I am a lover of Renaissance art, but it was not that long ago that I discovered Artemisia Gentileschi. There are some wonderful people in the arts.

There are three women I know who I admire. I chair an advisory committee on a social enterprise. The CEO who runs it is an absolutely amazing woman called Jenny Holloway. She pays herself very little. She recruits and trains mostly women in Haringey. They learn how to become machinists and cut patterns to be able to start their own businesses. She single-handedly decided that she would save the Laura Ashley factory in Powys when it closed down, much against my advice because I thought it was mission impossible. She succeeded, and is opening another training establishment in Leicester to stop women there being exploited in the clothing industry.

Ushma Patel is the power behind the throne of the local landlord in my pub. What makes her interesting? We started to chat one night and she told me that she had donated a kidney and not long after that climbed Mount Kilimanjaro. I once thought about climbing Mount Kilimanjaro with two kidneys, never mind one. I take my hat off to Ushma, who is an amazing woman.

My wife does God in our family, as I somewhat irreverently state, but I go along occasionally on high days and holy days. Once I went along and listened to a lay minister, Liz Wolverson, give an amazing sermon. She fascinated me. I learned a bit more about her. She is the diocesan director of Church of England schools in London. She has rescued probably 10 failing schools. She is a tough cookie: she gives the head teacher six months and if they do not improve she waves goodbye to them.

In my opinion, these are really interesting women. There are many more of them. I am an admirer of Kemi Badenoch, the Minister for Women in the Government.

Last but by no means least on my list, I will mention the Minister, the noble Baroness, Lady Stedman-Scott. I did not know a lot about Debbie. We were talking one day and she told me about her life in the Salvation Army, which she educated me about in a way I never knew before. She can sing some damn good salvation songs as well, but I will not get her to do that here. What I admire about her—I checked, and she would not mind me saying this—is that she is out but proud. That takes a lot of guts. Whatever you think about the policies she announces on behalf of the Government, and not everyone will agree with them, nobody can accuse her of not caring.

I ought to hurry up. The Minister talked about more women in STEM. I prefer STEAM, to get the arts in there. It is changing. I am meeting more women in apprenticeships. The Industry and Parliament Trust

[LORD YOUNG OF NORWOOD GREEN]

had a dinner and there were some wonderful women there. There was one young black woman bringing up a disabled child who had joined as a bus driver. I asked, "What's it like being in a bus garage? All the rest are men, aren't they?" She said yes. I asked about the banter. She said, "It's pretty bad, but I've learned to hold my own." The manager of the company was there, and I pointed out to him that it was not about her holding her own but about him improving the management and training in that company.

We should not be too despairing about what is happening. I met two young British Asian women recently who absolutely staggered me. I asked them what they do; I was stereotyping and thought that they were going to be doctors, lawyers, accountants, whatever. One was a civil engineer and the other a quantity surveyor working on HS2. I said, "I've got to go and meet your mum and dad." That is fantastic to see. We should not despair. The other young woman apprentice I met was a paralegal, interestingly. That is another route into it.

Are attitudes changing? I think they are. People laugh when I say this, but I see more men pushing children in buggies than I ever used to. Have things changed fundamentally? No. There is a lot more progress to be made, of course. Men need to be more involved in childcare.

Nobody has referred to the impact of the pandemic we have been through, with lots more working from home. Women have suddenly begun to think, "Why do I have to commute five or six days a week? I want more time, especially if I'm going to be involved in childcare." I agree with some of what the noble Lord, Lord Desai, said.

There has been a lot of talk about single parents and I agree that childcare costs are very important. Too many fathers are still abdicating responsibility and we do not do enough about that. But what is the single most important thing we could do for a single-parent family? Get somebody in that family into work. That has one of the most profound influences. Then children do not grow up in a family where generation after generation seems to think that they do not need to join the world of work. They do; it is fundamental. The example set by a mother being in work is important.

You can criticise universal credit—people frequently do. Some do so because they do not really know much about the system, I have to say. But let me say this. First, I understand the concern about the £20, but people forget about the taper change, which made quite a difference when people were in work. Secondly, the most staggering achievement of the universal credit system is the digitisation. Some 6 million extra people were able to go on to universal credit during the pandemic. That was an astonishing achievement. Many women were able to take advantage of it.

On pay equality, pay for work of equal value, I look at my son and daughter. I am really proud of Laura, my daughter. She is an advanced clinical practitioner in A&E at Northwick Park Hospital and worked right through the pandemic. She is absolutely brilliant. She is twice as qualified as her brother, Paul, but earns half as much. Why? Because he is in IT. That is the value that we put on them.

This has been a fascinating debate. I would like to end by mentioning the woman who I admire most—the one who has put up with me—Lady Margaret. She is amazing. She is a very skilled craftswoman, but is modest about her achievements. She brought up the family mainly, in my absence. She has a very sharp sense of humour. Recently, we were looking at a bottle of wine in Marks & Sparks. It was quite expensive, so I said, "What are we celebrating?" Quick as a flash, she said, "Well, we're still alive." That is something we all need to celebrate. I have enjoyed taking part in the debate and look forward to mission impossible for the noble Baroness, Lady Stedman-Scott, as she covers the waterfront.

4.08 pm

Baroness Northover (LD): My Lords, I am also grateful that I am still alive. I thank the noble Baroness, Lady Stedman-Scott, for introducing this very wide-ranging debate so comprehensively. I am very glad that we have had a debate for International Women's Day, though I echo the complaints voiced by my noble friend Lord Purvis of Tweed, the noble Baronesses, Lady Gale and Lady Bennett, and others that it did not take place close to the day itself or in the Chamber. I pay tribute to the Conservative Peers who successfully put pressure on their leadership, who had no plans to schedule this. The wonderful noble Baroness, Lady Gale, played a key part years ago in making sure that we would hold this debate.

I hope noble Lords have forgiven my absence while I went to contribute on the Statement on the release of the Iranian detainees. It is hugely welcome that Nazanin and Anoosheh are now back home. Of course, as the noble Baroness, Lady Stedman-Scott, noted, in the context of this debate, it is wonderful to welcome Nazanin back, caught up as she was—and as so many women are—by events beyond her control.

I am grateful to my noble friend Lord Purvis, not only for his outstanding speech but for taking a full note of the speeches that I missed. Of course, had we been in the Chamber I would not have had this conflict.

We know that there is no country in the world, yet, where there is gender equality. We know that the Scandinavian countries lead in this regard, and that the least developed countries see the greatest gap between the genders. That is where it is most stark.

As I listened to the noble Baroness, Lady Gale, I had a sense of *déjà vu*—no doubt the noble Baroness, Lady Thornton, will as well. The same questions remain unanswered since those first debates in your Lordships' House and the wonderful team that I see arrayed behind the Minister should be well prepared. They and their forebears will have been passing the same notes to the Minister, year in and year out. Why, for example, have we not ratified the Istanbul convention, as raised by the noble Baroness, Lady Gale? Why does GEO move from department to department, inadequately supported? When will our Parliaments reach gender parity? Why are we not centrally addressing the position of women in the UK, let alone overseas? They are all so familiar.

So what has happened since we last debated the position of women in the United Kingdom and the wider world? In the UK, as worldwide, the pandemic

has hit women harder than men, even though the disease itself may not discriminate. The noble Baroness, Lady Armstrong, picked up the point about how it has hit women harder. Why is that so in the United Kingdom? The same reasons apply elsewhere: women are more likely to have been working in sectors that were disrupted, to have to care for children and to home-school them, and to have responsibility for elderly relatives. All this means the pandemic has hit them harder. We know too, as noble Lords have mentioned, that domestic violence rose and that fewer resources were available to assist women in that circumstance. Women's Aid has noted that around two-thirds of women seeking access to mental health services, which themselves are scarce, have suffered domestic abuse. As it points out, gender inequality is both a cause and consequence of violence against women and girls—the sharpest end of women's disadvantage in this country and worldwide.

My noble friend Lord Clement-Jones highlighted the appalling situation we are now in on holding people to account over violence against women and girls. A number of other noble Lords mentioned this. It is appalling to see the awful trolling of women online which my noble friend mentioned. So many women MPs receive death threats; how could we encourage our daughters to come into politics today? The noble Baroness, Lady Kennedy, has urged that we move forward urgently in this area. She has a remarkable record on this and pointed to the proposed misogyny criminal justice Act for Scotland. We have been debating having that for England and it has been pushed back. The noble Baroness, Lady Bryan, pointed to the lack of progress in Scotland.

Now, as we come out of the pandemic, theoretically, we face the economic consequences. As the noble Lords, Lord Sikka and Lord Desai, and others indicated, unless you have economic equality you will have no other form of equality. The Government warn of constrained budgets, despite hugely rising fuel costs and inflation hitting the price of food and clothes. Again, this hits the poorest the hardest, as we have heard, and women are on average poorer than men. The noble Lord, Lord Sikka, and the right reverend Prelate the Bishop of Durham pointed to the way in which women are terribly disadvantaged economically, including through the extraordinary restrictions on universal credit for families beyond two children.

As the noble Lord, Lord Sandhurst, rightly noted in his fascinating speech, women still carry the greater burden of caring. As we look internationally, we know that the situation can be dire for many women and girls around the world. As we know, in theory, almost as many girls are now in school as boys, which is welcome. However, in reality, the level and quality of schooling differs. The boys are in the better schools and are in school for longer; this brings enhanced life chances. How, therefore, will the Government deliver the global education commitments made in 2021? We have already heard about the 58% gap in economic participation and opportunity, and the gigantic gap in political empowerment.

What did we do in the middle of a worldwide pandemic? We cut aid. Here I must endorse my noble friend Lord Purvis of Tweed's speech and his castigation of the Government over their cut in aid. It is all very

well saying the same things we hear year in and year out: "We support women and girls internationally, we are supporting education" and so on. No country has gender equality, and it is worst in the poorest countries. That is where our aid is supposed to be going. So, if we cut aid, of necessity we damage the position of women and girl. It is no wonder that the FCDO did not want to publish its impact assessment. The conclusion could not be otherwise: the cuts would hurt women.

No amount of "we can't afford this" can possibly excuse such an action from one of the richest countries on the planet. The first thing to do is to restore the level of aid. If the Minister cannot do that then no amount of notes from the officials behind will answer that basic question. My noble friend Lord Purvis is right that women and girls must be front and centre in our new, upcoming international development strategy. Will this be the case?

I now put forward the key area of sexual health and reproductive rights. This is absolutely essential to women and to their families, communities and countries. It is of fundamental importance as a pillar for achieving all other areas of gender equality. I recall, when I was a DfID Minister, being in a community where we supported family planning. The image will always stay in my mind of a young woman, probably in her teens, with twins attached to her, sitting on the ground with other small children under five playing around her. She was exhausted. We know exactly why family planning would help her—and she would know too, if she could give any energy or attention to it at all. Fewer children in a family means more of them in school, and the mother is better able to earn a living and more likely to be able to take advantage of the possibilities of microfinance, as the right reverend Prelate the Bishop of Durham mentioned.

We all know that we face the climate emergency, which the noble Baroness, Lady Armstrong, mentioned. This will roll back women's rights globally. The poorest and most vulnerable women and girls are often the most vulnerable to climate change, and often lack the resources required to adapt to it to ensure the protection of their livelihoods and well-being. With increasing drought, women and girls are expected to travel longer distances to collect water and firewood, exposing them to further sexual and gender-based violence. The destruction of households and livelihoods has become a reality for communities hard hit by climate change. In some cases, this loss of livelihood leads to increases in transactional sex and the risk of teenage pregnancies. Women are especially vulnerable in conflict, which will be promoted by climate change. I pay tribute to the noble Baroness, Lady Hodgson, for her work in this area over so many years, including her necessary work in the role of women in peace in Syria and, now, in Afghanistan.

When the West went into Afghanistan, I recall that at first people said that nothing could be done about women's rights because of the culture, but that was turned around so that the key change that occurred in Afghanistan was a dramatic improvement in women's rights, and the noble Baroness played her part in that. It is heart-breaking to see that the Taliban is back in control, so much has been reversed, and families are in such desperation that you now hear of people selling

[BARONESS NORTHOVER]

their kidneys. I am glad that we passed that amendment in the health Bill, whichever night it was when we were here so late. Could the Minister update us on what engagement we are having in Afghanistan, having had so little influence over the United States, despite post-Brexit claims? It has cut and run without our being able to exercise any influence over it whatever.

We see even now the impact on women of Russia's invasion of Ukraine, with women fleeing with their children and leaving behind their menfolk, their lives potentially changed for ever, as the noble Lord, Lord Loomba, and others have mentioned. There was the mother who was hurt in the attack on the Mariupol hospital, then losing her own life and that of her baby. During disasters, health services are often limited and, at times, not available, which means that more women give birth without much-needed medical support. The noble Baroness, Lady Cox, has spoken of the pressures in Sudan, Nigeria and elsewhere, while the noble Lord, Lord Hussain, spoke of the situation of women in Kashmir and elsewhere.

Then there is the double or multiple discrimination to which the noble Lord, Lord Loomba, has often pointed. The noble Lord, Lord Sikka, mentioned this in relation to the UK—and, of course, it applies even more internationally. In his work on widows, the noble Lord, Lord Loomba, emphasises that they suffer the double discrimination of being women and widows. Older women can suffer particular discrimination, and then there is the double discrimination against women with disabilities and the multiple discrimination against women with disabilities, who are widows and who are simply women.

The sustainable development goals demand that no one is left behind—but the cuts that have been meted out undermine all that. There is so much that we will need to do to deliver those sustainable development goals in only a few years' time. We are not on track, even in the United Kingdom, to deliver the SDGs, and certainly not worldwide. The pandemic has meanwhile shown that we are all globally interconnected, and the war in Ukraine has shown the geopolitical tectonic plates shifting. How this will settle out is yet to be seen, but we must ensure that, whatever the outcome, the position of women and girls and the need to fight for gender equality is not left behind.

This has been as wide-ranging a debate as ever, and I certainly welcome the fact that we have something of a gender balance here—and so it should be. I look forward to hearing what the Minister says in reply. I think she will see that she has an uphill task and that words need to be matched with actions. She knows, if anyone does, that we can see through empty words.

4.23 pm

Baroness Thornton (Lab): Hear, hear. First, I apologise to the Committee for my seated comments to my noble friend Lord Young. I want to say something to the noble Lords, Lord Farmer, Lord Young and Lord Clement-Jones, who all meant very well by what they said—and I think we could all agree about the need for careful and respectful debate, and not taking for granted or assuming what people might think or what they might be saying. The only thing that I would say

to them is that I have been a feminist all my life. One thing that you learn as a feminist, and as someone who has been active in women's politics, is that you need to be in control of the battles that you fight. I say to them that it is great that they feel as strongly as they do, and please support me and my feminist friends in any way you can, but actually the fight is ours.

I intend to make a speech that is about breaking the bias and about ending the prejudice and discrimination that women face on a daily basis in 2022. As other noble Lords have said, of course, who could not be absolutely choked up when we heard little Gabriella saying "Mummy" to her mummy? Goodness me, is it not wonderful that that family is reunited? I pay tribute to my honourable friend Tulip Siddiq, the MP for that family. I also wish everybody a happy St Patrick's Day.

I thank the Minister for getting us this debate because, like other noble Lords, I am sure that she will agree that it deserves to be in the main Chamber; so I will just ask her to put it in the diaries of the Leader of the House and the Chief Whip for next year and mount a campaign—one that we will all join her in—to make sure that we get the debate that we want on the special day on which we want it. I did, however, visit Central England Co-op's wonderful International Women's Day debate at the National Memorial Arboretum last week, and spent a very lovely morning there. It was not New York, but it was actually a great event. My job there was to speak about bias in my life and lessons to be learned, so I thought I might mention a few biases that I have known and experienced.

The first example I want to mention involves my late mum, Jean Thornton, the eldest of 11 children in a working-class family in Batley and Spennings. I cannot remember a time in my life when I was not aware that my mum was top of her class in her primary school. She was very ill and failed to be able to take her 11-plus exams, and despite the fact that her teachers were really very keen that she should take it, her family did not arrange for her to re-sit it, but they did send her brother to the grammar school the following year and could not afford two sets of uniforms. She felt that missed opportunity literally all her life, which is why I can remember it: I have always known this story about my mum missing that opportunity and suffering from that bias.

Even though she made a great success of her working life and her public life and had seven children of her own, it did make her very ambitious for us, her six daughters. I am the eldest of seven. When the head teacher suggested—and it has to be said that I was definitely a troublesome, campaigning sixth-former—that I might not be university material, and should settle for a teacher-training college, I was not actually sure that he would escape with his life. I did, indeed, head to the LSE.

When I was in my early 30s, in the 1980s, I decided to take a pop at getting selected as a parliamentary candidate in Bradford, when one of our Labour MPs had died. Those of you who have subjected yourself to the ordeal of trying to be selected to fight a parliamentary seat will know that you have to attend a lot of meetings to sell yourself to the members of the local party. However, two of the meetings for this parliamentary selection were held in local working men's clubs in

Bradford, and I, as a woman, could not enter. I had to be signed in and escorted through the club; so while I watched all the other candidates, who were all men, waltz into the selection meeting, I had to wait until the secretary came to sign me in and escort me to the meeting.

At the time, I probably did what most of the women here would have done: I just got on with it. I made the best speech that I could and, needless to say, I did not get selected. It did, however, harden me, and it gave me a campaigning zeal to change the Labour Party selection rules and to ensure that there would be a great pipeline of women ready to stand for election. So in 1997 we saw the 100-plus Labour women, and now more than half of our Parliamentary Labour Party are women.

We have all experienced bias, be it minor but annoying. For example, I am fairly sure that when I came to your Lordships' House in 1998, Conservative women here in the House did not wear trousers. I do not know if there was a rule or what, but it simply was not done.

Baroness Kennedy of The Shaws (Lab): It was the same in the courts.

Baroness Thornton (Lab): Yes, it was the same in the courts. In 1998, women Peers had two little toilets that were by the Chamber. The men still had the splendid Victorian ones, but we gained the one just around the corner within a few years.

Then, of course, the bias goes to the downright dangerous and discriminatory. I have an admiration for the organisation Pregnant Then Screwed. This is partly because, when I was pregnant with my first child, I was without doubt the most senior person in the whole co-operative movement to have ever taken maternity leave; I was not that senior, actually. The chair of the committee for which I worked simply thought that I was being awkward and unco-operative by not saying exactly when I would return to work after my baby was born. Today, I would have known to take out a complaint and have them in a tribunal as quick as you like, but I did not know and so just had not as happy a time during my pregnancy as I should have had.

In the medical and health world where I work, there is still a clinical bias whereby medicines and devices are designed for and tested on men. This is changing but, of course, it is potentially dangerous and certainly can be very uncomfortable. The bias, otherwise known as misogyny, in our police, which has been mentioned already, has appalling consequences for both individual women and their treatment. We know about Sarah Everard but, more recently, a young girl was strip-searched at her school, including the removal of her sanitary wear, by two police officers. She was traumatised by her treatment, which took place without her mother or an adult present.

We have the lowest rape convictions for an age, as noble Lords have mentioned. As Dame Vera Baird said, 1.5% of rape cases reach court, meaning that 98% do not. We have long argued for the inclusion of domestic abuse and sexual offences in the definition of "serious violence". We argued for violence against women and girls to be a strategic policing issue, given the same prominence as terrorism and organised crime.

We argued for safeguards to be set out on the extraction of data from victims' phones. We argued for a lifting of the limit for prosecution of common assault or battery in domestic abuse cases. We argued for a review into spiking, so that we can get to the bottom of this appalling practice. None of these measures were included in the Government's original Bill. They are all there as a result of the campaigning work of women's organisations, the Labour Party and, I have to say, the Liberal Democrats and other Members of your Lordships' House. We have changed the law for women for the better. The Government have been asked some pertinent questions by my noble friend Lady Kennedy about ensuring that misogyny is made a hate crime and publishing a perpetrator strategy at the end of the month, as the Domestic Abuse Act requires. The Government must adopt these measures.

Turning to health, the area in which I work, we need the women's health strategy to be produced. I am pleased that the Secretary of State has now said that it will be. The UK has been found to have the largest female health gap in the G20 and the 12th-largest globally. Research has shown a gender health gap in the UK where many women receive poorer healthcare than men and are routinely misunderstood, mistreated and misdiagnosed. There is still a great deal of work to do.

I want briefly to turn to the international issues mentioned by several noble Lords. I just want to add my voice and say this: what a short-sighted, counter-productive decision it was to reduce funding for women and girls across the world at every single level. This was mentioned by the noble Lord, Lord Purvis, the right reverend Prelate the Bishop of Durham, my noble friend Lady Armstrong—virtually everybody. We need to return the funding for women and girls to its pre-2020 level; this requires the return of the £1.9 billion in programming. We need it now. We cannot afford not to find it.

I want to mention two other issues. One is to do with bias and tone. Both the current Secretary of State for Health and his predecessor have called out my honourable colleague Rosena Allin-Khan at the Dispatch Box because they did not appreciate her tone. That makes me quite angry because when men do that and say to women, "You're not using the right tone, my dear", what they are actually saying is, "You shouldn't be speaking at all. Please speak only with our permission". I place that on the table but, do not worry, my honourable friend Rosena is absolutely aware what is happening: those men are saying that she should not be speaking.

Finally, the Labour Party is the party of equality. We are the party of the Equal Pay Act, the Sex Discrimination Act and the Equality Act. We understand that our society, our economy and our country are poorer if women cannot play their full part. Women hold the key to a stronger economy. My noble friend Lord Sikka was quite right and I have been asking, all the time I have been in the House, for gender impact assessments. We have been asking for them for many years, so I plead with the Minister to add that to her to-do list.

International Women's Day is always a bittersweet moment. It celebrates how far we have come, which is a great distance—certainly a great distance in the time

[BARONESS THORNTON]

I have been in your Lordships' House—but also notes, with regret, how far we still have to go. It is a chance to recommit ourselves to the struggle for women, the girls of today, and our daughters and granddaughters of tomorrow. Women across the country and the world deserve security, prosperity and respect. We think a Labour Government would give them that but, for as long as we are still on these Benches, we will push the Government to deliver it.

4.37 pm

Baroness Stedman-Scott (Con): Well, my Lords, here's to mission impossible. I will do my very best to answer as many questions as I can. I am sure that I will not be able to answer them all but, with my officials, I will make sure that I write a letter, that every question is answered, that the Committee will all receive a copy and that it goes into the Library. I can tell noble Lords that it is definitely not a second-class debate and I can tell the noble Baroness, Lady Northover, of my great mantra: it is not what you say, it is what you do; and it is not what you promise, but what you deliver. That is what we should all be judged on.

If I may have a moment to say to the noble Lord, Lord Young: William Booth was absolutely at the head of equality. He commissioned men as lieutenants, captains and all the rest of it, but there were as many women holding the same ranks. There was no differential.

Lord Young of Norwood Green (Lab): He was ahead of his time.

Baroness Stedman-Scott (Con): He was. We have heard some powerful, moving and challenging questions today from across the Room, and I thank all noble Lords who have contributed. The richness of this debate shows how important it is that we have the opportunity to mark International Women's Day and highlight the wide range of challenges that disproportionately affect women and prevent them accessing the opportunities to help them thrive.

I will deal with one of the elephants in the room, which is not having this debate on the day that so many wanted it. I remember being asked about this in an Oral Question. I went to find out and am advised—I have no reason to disbelieve it—that the usual channels agreed time for the debate as soon as was possible. I will make the case, as much as I can, to have it on a better day.

Baroness Thornton (Lab): We will help you.

Baroness Stedman-Scott (Con): I have agreed to meet you to do that and I stand by that.

I will start by talking about Ukraine; there are many things to talk about in that respect. The noble Lords, Lord Clement-Jones and Lord Loomba, and others mentioned it. We are absolutely committed to supporting Ukrainian women and girls, recognising the critical contribution that women are making on the front line and in communities affected by the conflict. Somebody told me that women were making Molotov cocktails to try to keep back the Russians. All power to their elbows.

We are particularly concerned about the impact of the conflict on women and girls. They will be more exposed to the risk of violence, particularly sexual and gender-based violence. We acknowledge the vital work of civil society organisations. I think I am a poacher turned gamekeeper in that respect, so noble Lords can be assured of my support for good civil society organisations.

I reflect that, when I stood with the Ukrainian ambassador to the UN on Monday, he asked me to do one thing: come back here and ask everybody, regardless of whether they were politicians or not, to help these women and children integrate into our communities when they come to our country. If we do not, sex traffickers will get hold of them. They will be forced into prostitution, there will be forced adoptions—the list goes on. I gave him my word that I would do that. I ask noble Lords to get that message out to make sure that we can stand by the ambassador's need.

I did not attend all of the concert at the Met but I was there. A Ukrainian bass sang the Ukrainian national anthem. He fell into the arms of the conductor afterwards, such was the depth of despair he felt. Let us all continue to stand by these dear people who need us.

I will answer the question about the Istanbul convention. The UK remains strongly committed to ratification of the Istanbul convention. Almost all the obstacles to ratification have now been removed. We should be in a position to ratify the convention quite soon. [*Laughter.*] I did not think that was funny; I was being serious.

The noble Baroness, Lady Gale, and the noble Lord, Lord Purvis of Tweed, mentioned political representation. They gave some figures about the balance of people. We must congratulate the Greens on their 100% record; that is worthy of mention. We will come later to the issue of women in political life and the abuse that goes with it, if I get to answer that. The Government continue to keep Section 106 of the Equality Act 2010 under review but remain of the view that political parties should lead the way in improving diverse electoral representation through their own selection.

The noble Lord, Lord Purvis of Tweed, talked about the development strategy having women and girls right throughout it. The Government will publish a new international development strategy this spring. That will guide our work for the coming decades and beyond. The new strategy will prioritise spending on life-saving humanitarian aid and support women and girls. The Foreign Secretary is committed to that, and will go through the business plan and strategy development.

The noble Baroness, Lady Armstrong, the noble Lord, Lord Purvis, and others talked about an equality impact assessment of the ODA cuts. We treat equality issues seriously. The UK is a leading global voice on women and girls, LGBT people, disability and wider human rights. We have processes in place through spending reviews and FCDO business planning to ensure that we meet our legal obligations. The equalities assessment was a snapshot in March 2021 aimed at predicting how spending decisions for 2021-22 would have an impact on protected groups. As we move through the project cycle, we will review the actual impact of the spending.

On scrutiny and transparency, which was also raised, we fulfil our international legal and public transparency commitments and continue to be accountable to Parliament and taxpayers for how we spend UK aid and to mandate our partners to be transparent.

The right reverend Prelate the Bishop of Durham mentioned Lesotho. One thing that came out of this week was that someone asked the question: why are women not in the room when decisions are made, because the decisions would be very different? We want women in the room, women in the chair and women in the lead.

I come to the question asked many times by the right reverend Prelate about the two-child limit. The last time I answered it, I got told off for being a little discourteous, so let me be as polite as I can. Nothing has changed since I answered the question last time and there is nothing else I can say that will help him.

The right reverend Prelate the Bishop of Durham and my noble friend Lord Sandhurst mentioned childcare. This will be critical to get women in work, back to work and into better jobs. I had the pleasure of talking to people from Australia, New Zealand, Canada and Denmark, and we formed what you could call an unholy alliance. We will exchange information about what happens in our countries and see whether we can learn from each other to make improvements. Childcare is critical, because this issue is stopping women taking more hours and progressing, and we should redouble our efforts to find solutions to make that better.

The right reverend Prelate asked about the official development assistance budget for women and girls. The Foreign Secretary has been clear that we intend to restore funding to women and girls and to humanitarian programmes. Our spending review 2021 highlighted that we will increase aid funding for our highest priorities. We are bound by the International Development (Gender Equality) Act 2014 to ensure that gender equality remains at the heart of the UK's work on international development and humanitarian crises.

In November, the Foreign Secretary announced that she would restore ODA funding for women and girls to pre-cut levels. The baseline year and timing of restoration is under discussion as part of the Foreign Office's business planning process. So it will be done, but I cannot say when. That is one that I will not let go until he gets the answer he needs.

To mark International Women's Day, the UK was proud to launch new funding for women's rights organisations and civil society actors, and there is a £220 million pot of humanitarian aid, to which we are making our largest ever aid match. It will contribute to the Disasters Emergency Committee Ukraine Humanitarian Appeal, matching the first £25 million donated, so it is not insignificant.

My noble friend Lady Hodgson asked about the new convention to hold perpetrators of sexual violence to account. As part of the network of liberty, the preventing sexual violence in conflict initiative remains a key focus for the UK Government, and the Foreign Secretary has made tackling sexual violence in conflict one of her top priorities. In November 2021, the Foreign Secretary announced her intention to work towards a new convention on sexual violence in conflict,

and it is an opportunity to strengthen the international response to prevent such atrocities, support survivors and hold perpetrators to account.

My noble friend Lady Hodgson and others asked about Afghanistan and what is going on there. I will write on that point.

The noble Baroness, Lady Armstrong of Hill Top, talked about a rollback of rights. The UK is recognised as a world leader in defending and promoting women and girls' rights. We have a reputation for addressing often neglected or difficult issues on the global stage, such as sex education and relationships, access to safe abortion, female genital mutilation, child marriage and gender-based violence. In negotiations at the UN and in other multilateral fora, the UK stands firm against organised attempts to undermine women and girls' rights, including a big discussion at this year's Commission on the Status of Women.

I also say to the noble Baroness, Lady Armstrong, that I would be very pleased to learn about the VSO, so if she would like to jack up a meeting, I will be there. I was listening to a very powerful story from a Minister from Chad about how their water has completely run out, so they cannot grow food or look after themselves. It was heart-rending.

On engaging with women's organisations, I have held a series of round tables with women across England to discuss the impact of Covid-19. I also hosted a round table at the UN with civil society organisations. If there is an organisation noble Lords think I should speak to, please let me know and I will endeavour to meet it.

The noble Lord, Lord Hussain, mentioned Kashmir. We recognise that there are many human rights concerns in Indian-administered Kashmir and Pakistan-administered Kashmir. We encourage all states to ensure domestic law is in line with international standards. The British high commission in New Delhi and our network of deputy high commissioners work closely with Indian civil society and non-governmental organisations to promote gender equality and tackle gender-based violence. The noble Lord asked me to write, so I will do so afterwards. Time is not on my side today, that is for sure.

My noble friend Lord Farmer made a really good point about somebody—I cannot say her name, so I will not embarrass myself. She is a sign and we should make sure that we give our support in that way. My noble friend also spoke about sport. It is something that everyone in the country should feel able to take part in. It is for sporting bodies to set the guidelines about trans people in sporting competitions.

The noble Baroness, Lady Kennedy—I nearly called her a noble friend, as that is what often comes out; we are friends—talked about violence against women, women not being able to walk down the street for fear of what might happen and the terrible verbal and physical abuse women experience. I will take back the point she made about what is going on in Scotland. I am advised that we will be publishing a new hate crime strategy in due course, which will take the Law Commission's recommendations into account. Let us be under no illusion: it is serious stuff and needs to be dealt with.

[BARONESS STEDMAN-SCOTT]

The noble Baroness, Lady Cox, who I agree is an inspiration on international issues, asked about support for Burma. Myanmar is a focus country for the UK National Action Plan on Women, Peace and Security, as well as the Preventing Sexual Violence in Conflict Initiative. The UK has sought to integrate support for GBV survivors across its humanitarian and development programme and has provided flexible funding to women and LGBT-led organisations. The UK is also supporting the UN LIFT Fund to reduce the risk of trafficking and support survivors. The term “deaf ears” was mentioned, so we will turn the volume up on that and do our best.

My noble friend Lord Sandhurst and the noble Baronesses, Lady Kennedy and Lady Thornton, raised the issue of sexual harassment. It is just not on: every woman should be able to live without fear of harassment or violence in the workplace as much as anywhere else. As the debate about the future of the workplace proceeds, the Government are committed to making sure that people feel safe and supported to thrive.

The noble Lord, Lord Clement-Jones, made a very important point about freedom of speech. I fully support him, and I know that I can count on all noble Lords to be respectful of each other's views. If we do not show respect, we will not get the debate that we need. We might not agree with each other on certain things, but we have to have an open and honest debate.

The noble Lord, Lord Loomba, was delighted that he was working with Rotary International and Rotary in this country. It is a great organisation, and sometimes

the things it does do not get the credit they deserve, so perhaps he will go back and thank them from me for what they are doing with his efforts to make money for this important appeal.

The noble Lord, Lord Purvis of Tweed, raised the issue of South Sudan. On Sudan, Her Majesty's Government are committed to continuing to support sexual and reproductive health rights for 2022 and 2023, and our female genital mutilation funding will continue until next year. On South Sudan, as part of our humanitarian assistance and resilience-building, we have a programme called HARISS. We fund a six-year, £25 million UK-funded programme. International medical corporations work with communities and local authorities to raise awareness of gender-based violence to improve safety for women in their communities, and to provide confidential and survivor-centred case management and psycho-social support.

I am out of time, and I am feeling that I have failed noble Lords miserably in answering their questions, but I have the answers, so, as I said, I will write to noble Lords and make sure that all their questions are answered—so my officials will have homework to do. They will not be passing me notes but writing letters. If I may bring the debate to a conclusion, I thank all noble Lords for their contributions. I stand ready to do my bit as much as I am able to on this particular issue and, especially, to stand up for women. With that, I beg to move.

Motion agreed.

Committee adjourned at 4.58 pm.