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OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind 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
UUP	Ulster Unionist Party

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House of Lords

Friday 28 October 2022

10 am

Prayers—read by the Lord Bishop of Exeter.

Government of Wales (Devolved Powers) Bill [HL]

Second Reading

10.06 am

Moved by ***Lord Wigley***

That the Bill be now read a second time.

Lord Wigley (PC): My Lords, I thank all noble Lords who are down to speak today. In this, my 12th—and perhaps my last—full year in this Chamber, I feel that it is a timely duty to introduce a Bill which, if passed, would be widely welcomed in Wales's Senedd across party lines and would lead to more harmonious working between the Senedd and the UK Government. The new UK Government are clearly aware of that need, as reflected by Prime Minister Sunak's phone call to Mark Drakeford on Tuesday of this week.

The Bill's purpose is to rebalance the relationship between Westminster and the Senedd by formalising a process which should be respected if, for any reason, there is a need to modify the devolved powers within which the Senedd operates. I appreciate that we work within the framework of a unitary state and do not have the checks and balances inherent in a federal constitution. There is an old saying that power devolved is power retained. That truism—if I may use that phrase without impugning the new Leader of the House—is what makes the provisions of the Bill necessary. The aim of the Bill is to provide greater stability than has existed over recent years, particularly since the Brexit vote, which led to the legislative powers of the Senedd being undermined by actions of the UK Government. On several occasions this was against the wishes of Wales's Government, and at times appeared in conflict with the legislative framework within which the Senedd operates.

I speak on behalf of Plaid Cymru, but I know that my objectives are shared by Wales's Labour Government, Labour and Liberal Democrat Senedd Members and Welsh colleagues in this House. I am particularly grateful to the noble and learned Lord, Lord Morris of Aberavon, a distinguished former Secretary of State and Attorney-General, who was down to speak when the Second Reading was scheduled for last month, but who apologises for being unable to be with us today. He has written to me to indicate his support for the Bill, citing our experience during the pandemic as exemplifying the need for intergovernmental co-operation mechanisms to be addressed. I also believe that there are some Welsh Conservatives who accept the case I make today, as it is in everybody's interests to have both stability and clarity with regard to the Senedd's powers.

Devolution in Wales has evolved since the referendum 25 years ago last month. Wales has gained greater self-confidence and a greater willingness to take responsibility for the government of our country within the devolutionary framework agreed by Parliament and ratified by two referenda. Of course, the 1997 referendum was carried by a whisker, which reflected feelings among voters that the proposed model of devolution provided a glorified county council. When the powers of the Assembly were augmented, they were confirmed by the 2011 referendum, with a 2:1 majority supporting primary lawmaking powers. Devolution is here to stay, so it is incumbent on us, in Westminster and Cardiff Bay, to make it work. That requires stability and transparency of powers.

The devolved powers to which I refer fall within the framework of the Wales Acts of1997, 2006, 2014 and 2017, but such legislation should not be regarded as tablets of stone. Devolution is a process, not an event, and it must be transparent and mutually respected. If major constitutional amendments are proposed, as with primary lawmaking powers in 2011, of course it is right that they should be subject to a referendum, as would be the case if a substantial body of opinion in Wales supported independence. Likewise, the Senedd can be abolished only if approved by a referendum. That safeguard is built into the 2017 Act.

However, it would be unreasonable to hold a referendum on every small change in the devolution settlement which may be triggered by other events, as was the case with the consequences of Brexit. If we are to accept that that is the case, we must provide a mechanism whereby changes to the existing powers of the Senedd must not be imposed without agreement. This goes to the heart of the devolution settlement. A failure to understand this is more likely than any other single factor to undermine the union in its present form. Westminster must surely accept that having effectively transferred sovereignty for prescribed areas of government to the Senedd, it cannot, on the pretext of the absolute sovereignty of Westminster, then choose to overrule the Senedd or impose its own policies regardless of the wishes of the devolved Parliament in matters that have been devolved. To do so would make a mockery of devolution. There is surely a need for Westminster to respect its own processes.

Sadly, this has not been our experience over the past decade of Conservative rule. From the early days of the Cameron Government, we saw a glaring example of wanton abuse of power. The Welsh Government had saved money by aggravating year-end departmental underspends to create a capital fund, which, if used properly, was to be used to build hospitals and schools. What did the Treasury do? It clawed back the entirety of the saved funds which had not already been committed. I ask in all seriousness: what message did that send to Wales? Then there was the Silk commission's report set up by the Cameron Government, which recommended the devolution of police powers as is the case for Scotland and Northern Ireland. This was supported by leading Conservatives in Wales, including the noble Lord, Lord Bourne, yet it was rejected. On this, as on other matters, there is a culture of Westminster knows best—that nanny knows best.

[LORD WIGLEY]

This was seen most acutely during the Johnson years. Let me give some examples. First, there was the internal market Bill, which the Welsh Government described as an Act which

"impermissibly, impliedly repeals parts of the Government of Wales Act 2006 in a way that diminishes the Senedd's legislative competence".

That was undertaken by the use of Henry VIII-type powers. Then take the Trade Union (Wales) Act 2017. In June, the Government announced their intention to overturn that Act, passed by the Senedd. It was within the competence to legislate in this matter. It was an Act to constrain public bodies in Wales from using agency workers to break a legitimate industrial action by trade unions. Then there was the European Union (Withdrawal) Act, whereby, in circumstances where EU and devolved laws overlapped, powers will transfer to the devolved institutions at the end of the transition period. The Act passed by Westminster allows UK Ministers to freeze the devolved Government's powers to legislate in those areas.

There are further examples of such undermining of devolved powers in the Elections Act, the Police, Crime, Sentencing and Courts Act, and the way in which the levelling-up fund and the shared prosperity fund are being managed without regard to the Welsh Government's responsibilities for financial matters within devolved competencies. During the Tory leadership campaign recently, we heard Liz Truss announce that she would take steps to construct the M4 relief road at Newport, despite not having the legislative power to do so.

In all these areas, the UK Government may have a legitimate interest, but any action, particularly legislative action impinging on devolved responsibilities, should surely be taken by agreement between Westminster and the Senedd. The Bill provides such safeguards.

The provisions of the Bill are modest. Clause 2 requires that if there is a proposal to sidestep or override powers that have been devolved, that can happen only if there is a vote in which two-thirds of the Senedd's elected Members endorse such action. There may well be times when it is necessary to revisit certain devolved powers because of changed circumstances. Where common sense dictates that there should be a pooling of powers for specific functions, either to the UK Government or to a unique mechanism for dealing with specific issues, I have no doubt that elected Senedd Members will be as sensible and prudent as would MPs, Peers and Governments at Westminster—indeed, perhaps more so. However, where there is a fundamental difference, let Westminster accept that it should not impose solutions on an unwilling devolved legislature, so the Bill requires a supermajority of all Senedd Members to endorse any such changes.

The Bill provides that devolved powers should not be amended or withdrawn without their approval by way of a consent procedure, specified in Clause 2, which would entail the need for the support of two-thirds of Senedd Members. Clause 3 requires a Minister who wishes to introduce a Bill, disregarding the supermajority requirement, to have the matter referred to the disputes avoidance and resolution process outlined in the Cabinet Office policy document, *The Review of Intergovernmental Relations*, published last January, and the Minister is required to lay a report before Parliament at least seven days before the issue in dispute is debated. Clause 4 provides for compensation to be paid, when appropriate, to Senedd Cymru arising from any modification of the powers without the Senedd's consent.

This is a modest Bill to deal with a strongly felt grievance. It provides a framework to avoid the difficulties we have seen in recent years. The Bill may well need to be fine-tuned in Committee, but I ask noble Lords to give it a Second Reading and to do so in a positive spirit that conveys a message to the Senedd that Westminster is prepared to consider these issues constructively and to find a better way of dealing with them than that which we have seen in recent years. I beg to move.

10.17 am

Lord Hunt of Wirral (Con): My Lords, I draw attention to my interests as set out in the register. While I recognise that the Bill is well intentioned, I believe it is at best unnecessary and at worst constitutionally meaningless.

May I start by adding a brief historical context? I served twice as Secretary of State for Wales, under both Margaret Thatcher and John Major, between 1990 and 1993, and then again, briefly, in the summer of 1995. Having been born in the Ceiriog Valley, I regarded my time in that job as the greatest possible honour and privilege. On St David's Day 1979, 11 years before I became Secretary of State, the people of Wales had voted by almost 4:1 against the devolution proposals of the then Labour Government. Over a decade later, I would oft quote that overwhelming result as justification for the then status quo, but I have to say that in my heart of hearts, I knew that opinion was changing. The painfully narrow result in the 1997 devolution referendum left me disheartened. In all candour, I would have preferred a greater margin, even though, at that time, I was arguing against the devolution proposition. We all accepted the result, but I feared that the arrival of devolution would cause division and resentment, rather than the national awakening and sense of unity that its proponents wished to see.

A quarter of a century on, I think we all recognise that devolution is not a stable state of affairs but a process—a continuing process. Certainly, I think there is a stronger sense of nationhood, of national identity, in Wales now than has often been the case in the past. The strong support for devolved decision-making in the 2011 referendum shows that the new system is here to stay, with overwhelming public support.

I still think, however, that the most significant single advance for Welsh identity was not the creation of the Senedd but the introduction and application of the Welsh Language Act and the consequent resurgence, right across Wales, of the Welsh language, bolstered by its place in the national curriculum. It has been transformative.

Most of the credit, of course, should be attributed to my inspirational one-time ministerial colleague Wyn Roberts, the so-called "Bardic steamroller", who graced these benches as Lord Roberts of Conwy, but I gladly also pay warm tribute to other colleagues who are still

with us, most notably the noble Lords, Lord Wigley and Lord Elis-Thomas, for their assistance with that vital legislation.

All of which is highly relevant to the Bill we are discussing today. I understand the motives behind it. As devolution has evolved—separating the Senedd from the Executive, then devolving fiscal powers, then moving from "conferred powers" to "reserved powers" and ultimately recognising the legislature as a true national Assembly—so devolution has become increasingly advanced and entrenched. It saddens me that the noble Lord, Lord Wigley, does not really believe that UK Governments can be trusted to respect and support that process.

I therefore believe the Bill to be unnecessary because the new constitutional arrangements are now so widely accepted and supported, and will endure. The performance of the Welsh Government has been patchy at best, in particular in their handling of the NHS, but no one is looking to take their powers away. The 2011 referendum has clearly established that. If they did, they would pay a heavy political price.

As well as being unnecessary, the Bill also seems to me sadly futile, because, as noble Lords well know, Parliament can always change its mind, and no Parliament may bind its successor. The Bill could be just as easily annulled or rescinded as passed. So, much as I admire the noble Lord and his lifelong quest to raise the standing and pride of Wales and the Welsh people, sadly, I cannot support his Bill.

10.22 am

Lord Murphy of Torfaen (Lab): My Lords, it is a very sad day in some ways, in that Northern Ireland is probably going to the people in elections. That is awful, because the position there will be polarised and solve nothing. At this point, I urge the Government to continue negotiations to try to avoid the difficulties that lie ahead.

But today, we talk about Wales. Like the noble Lord, Lord Hunt, I was Secretary of State for Wales twice, under Tony Blair and Gordon Brown, but I take a slightly different view from him, although I think that, generally, our positions are very similar. Devolution has, of course, evolved over the past 25 years. I have evolved over the past 25 years. In 1979, I was treasurer of the Labour "No Assembly" campaign. I changed my mind as the years went by and, in the end, I fully supported the extension of legislative powers to the Assembly when we had a referendum some years ago. However, since then, Wales might have changed but I am not convinced that Whitehall and Westminster have.

My experience over the years, both as a Labour Minister and in opposition, is that Governments of both parties, Conservative and Labour, have not really understood the intricacies and details of devolution. Basically, the Sewel convention is failing. That legislative consent Motions are brought forward but then ignored indicates that devolution and the relationship between the Governments here in Westminster and in Wales has failed, and that is proven by actions of the last few Prime Ministers. Boris Johnson, for example, had a rather cavalier attitude towards the devolved Administrations, particularly during the pandemic. Liz Truss had no attitude: she did not speak to them, so that was fairly simple to understand. The present Prime Minister, to his credit, phoned the First Ministers of Scotland and Wales on his first day in office, and I hope that presages a new relationship between Westminster and the devolved Administrations because, as the noble Lord, Lord Hunt, said, they are here to stay.

It is good that over the past few months, the Government have looked at the relationship between the devolved Administrations and Westminster and produced a report on intergovernmental relations. I hope the Government will stick by that, because my experience over the years is that, frankly, the institutions we established for dialogue between the devolved Administrations and Westminster did not work very well at all. That has to improve considerably.

But why this Bill? It is necessary in two ways, the first of which is to highlight what I just described—the bad situation that has arisen over 20 years between Westminster and Wales—and to try to improve it. Secondly, in itself it would mean, I hope, that the farce of legislative consent Motions being passed by the devolved Administrations and then being ignored by the Westminster Government would come to an end. If the Trade Union (Wales) Act 2017 is repealed, that will be a great sadness, not simply because of its intrinsic value but, again, because of the relationship between Cardiff, Edinburgh, Belfast, one hopes, and London.

The problem is that because devolution extends to just 10 million people and 60 million people are effectively under an English Government, that inevitably means that people forget about what happens in the devolved Administrations. Eyes glaze over. I have seen it many times in Cabinet: you talk about Wales and people say, "Yes, that's Wales; they look after themselves", but it is not like that any more. It is very different, because the lives of people in Scotland, Wales and, hopefully, Northern Ireland are determined in every respect domestically by their respective Parliaments and Governments.

I hope that, in dealing with this Bill, we look towards a new era of relationships between all the Governments in our country and that we look particularly at the need for what is effectively mutual respect between all those Governments and their public representatives.

10.27 am

Lord Thomas of Cwmgiedd (CB): My Lords, I, too, warmly welcome this Bill, but I regret the circumstances which have necessitated it. I make just four short observations. As the noble Lord, Lord Murphy of Torfaen, said, part of the problem has arisen from the way in which the Sewel convention and legislative consent Motions have been treated. The genius of our constitution is to try to avoid Bills of this kind and to rely on conventions—they are our bedrock—and it is a sad day when something drives us towards such a Bill. Secondly, there can be no doubt whatever that the powers of the Welsh Assembly, the Senedd, are being gradually whittled away.

It is important to realise that when one is debating Bills relating to the Infrastructure Bank or to the control of subsidies, for example, they involve issues of great importance to the UK, and when one tries

[Lord Thomas of Cwmgiedd]
doggedly to raise points about the whittling away of Wales's powers, it is difficult. It does our constitution no credit whatever that much of the success of that depends on the dinner hour. People are appalled to realise that our constitution changes on the basis of the happenstance of where the clause is in the Bill and when it is debated. There should be no whittling away of powers in this way.

Thirdly, there is no legitimacy for what is being done in whittling away the powers. It is interesting to look at the 2019 Conservative manifesto and the true statement in it that the Government had upheld the devolution settlements. It is to the credit of the then Secretary of State that the 2017 Act was a very sensible measure, but they did not, as they promised, strengthen the union or uphold the devolution settlements, so there is no legitimacy in the policy that has been pursued.

Finally, it seems that the Government have taken the view that they want to strengthen muscular unionism, as it is called—a better phrase than that used by the leader of the SNP: "aggressive unionism". What we should be doing in a country of our kind is working co-operatively together, but absent that co-operation it seems that we are driven to a Bill of this kind. That is the reason, regrettable though it is, why I support what is being put forward. I do so because it is clear that, in increasing numbers, the younger generation—indeed, some of the older generation—is looking to the independence of Wales as a way out of this. I deeply regret that this is happening, but cast your minds back to what has happened in Scotland. We must not allow the same to happen in Wales.

However, there is a degree of hope, although I do not believe that it in any way dispels the necessity of considering the Bill. It is clear—at least it looks like it—that the new Administration believe in co-operative unionism and will return to what we saw prior to 2019. I warmly welcome the approach of the Minister in this House; I hope that her approach to these issues will be the kind of approach that the new Government will follow. I too welcome the telephone conversations that took place but, against the background of what has happened, can we trust telephone communications? I fear not. We need to move to a Bill of this kind. It is deeply regrettable that we have been driven to it but I very much hope that we will put it in place, because the mechanisms that our constitution has traditionally offered do not appear to be working. We are therefore moving inexorably towards what I think all of us in this House will regret: greater legalism rather than a spirit of co-operation.

10.32 am

Lord Hain (Lab): My Lords, I strongly support the Bill and congratulate my noble friend Lord Wigley on bringing it forward. The devolution settlement in Wales is being systematically sabotaged by this Government. Their decision to bypass the Welsh Government and directly allocate funding for regional and local development via UK-wide funds is a clear assault on Welsh devolution and fails to meet repeated EU referendum promises that Wales

"will not be a penny worse off"

outside the European Union. Ministers plan to leave Wales with less say over less money in an era of aggressive centralisation. The UK Government's financial assistance powers under the United Kingdom Internal Market Act are designed to usurp functions that sit within the competence of the Welsh Government and the Senedd. Although these powers should never have been enacted, surely they should be used only in a way that has been agreed with the Welsh Government.

Conservative Ministers have overridden the Sewel convention on several occasions in recent years, disrespecting the views of Senedd: first, over the then European Union (Withdrawal Agreement) Bill in early 2020, then through subsequent breaches without even seeking to offer a justification. An example of breaching Sewel was for the United Kingdom Internal Market Act, which, as constituted, means that laws made for England will—with some exceptions and exclusions to be negotiated—have the potential to undermine laws made in Wales applying to goods and services in the same sector, for example on food standards and climate emergency measures.

Economic development has been a clearly defined area of devolved responsibility at every stage of devolution in Wales from 1999 onwards; when I was a Welsh Minister, I helped to establish a Welsh legislature in the Government of Wales Act 1998, and subsequently did so as Secretary of State for Wales in the Government of Wales Act 2006. This area—economic development being devolved—has been respected by every Administration in London for more than 20 years. The current Administration, however, have chosen to use the powers in the United Kingdom Internal Market Act to intervene directly in the Welsh economy by means of the shared prosperity fund and the wider levelling-up agenda, with the express stated purpose of giving the UK Government a higher profile in Wales.

The Welsh Government were excluded from any meaningful involvement in the decision-making processes for these funds; such engagement as there was by the UK Government was superficial, late and limited in its scope. For example, the decision to bypass Welsh Ministers is an overt and deliberate disregard for the constitutional settlement approved by successive referenda and opens the door to progressive, incremental repeal of the devolution settlement with no debate and, more importantly, no consent from the people of Wales.

Moreover, under this Tory Government, Wales has been hit by a tsunami of cuts. According to Lords Library figures, there has been an 11.3% real reduction in the Welsh block grant from 2010-11 to 2018-19, going from £19.4 billion to £17.2 billion. This means that the 11.3% real cut in the Welsh block grant was proportionately much bigger than the 7.2% real cut in overall UK public spending over that period. Tory austerity hit Wales harder than it hit the UK as a whole. Between 2010-11 and 2019-20, the Welsh Government's budget for day-to-day spending per head of the population fell by 6% in real terms, or more than £300 per person. Despite recent increases, the Welsh Government budget in 2024-25 will be £3 billion lower than if it had grown in line with GDP since 2010-11. Overall capital funding falls in cash terms in each year of the current three-year spending review period and will end up 11% lower in 2024-25 than in 2021-22.

However, the economic context against which the Welsh Government agreed earlier this year the budget and multi-year spending review for 2022-25 has changed profoundly, as we all know, and is now significantly worse. In real terms, and owing to inflation, the Welsh Government's budget is now worth at least £600 million less than when they set out the spending plans. The Welsh Government have asked the UK Government to update their spending plans in line with inflation but they have so far declined to do so. I urge the new Prime Minister and Chancellor to provide significant extra emergency funding for the Welsh block grant.

Lord Davies of Gower (Con): Can I just remind the noble Lord of the five-minute speaking time?

Lord Hain (Lab): I will try to finish as quickly as I can.

The Welsh Government, together with the other devolved Governments, have also been pressing the UK Government for greater flexibilities to manage their budget. Their modest proposals include the automatic ability to carry forward late in-year block grant changes into the following financial year. This would provide more time for devolved Governments to adapt plans to accommodate those changes.

The devolved Governments have also called for increases to limits on borrowing and cash reserves. They face different risks to UK government departments and require more autonomy to act as controllers of their own public spending. The current arrangements can lead to very late changes in budget allocations to accommodate changes in funding driven by circumstances in England rather than in Wales.

Then there is the damaging impact of Brexit on Wales. It was allocated up to £2.1 billion between 2014 and 2020 by the EU's European Regional Development Fund and European Social Fund. These would have been worth £1.4 billion between January 2021 and March 2025; in fact, there has been a massive shortfall of £772 million on that figure, so Wales has been short-changed in every respect—and that is without the impact of the loss in rural funding as a result of the shortfalls in EU structural funds, which add up to more than £1 billion.

All in all, the idea of making Brexit work for Wales has simply been a myth. It adds up to shabby and arrogant treatment of Wales by this Government; I appeal to Ministers to stop it.

10.40 am

Lord Empey (UUP): My Lords, I think that I am the only non-Welsh Peer speaking in this debate, although I have Welsh antecedents on both sides of my family and am very proud of them.

It is important that Peers from throughout the United Kingdom participate in these debates, because my anxiety is that we have a patchwork quilt constitution. Devolution is not consistent throughout the United Kingdom. We need a look at our entire constitutional arrangements, including this House and other relationships. I hope that will be how things happen.

"Devolution" of course means what it says; powers are transferred to what is termed a lower level. But what is given can be taken away, and I understand that principle very clearly. As to the point about the Sewel convention and people legislating over the head of the Welsh Senedd, we have spent many hours in this House in the last two years legislating for matters that are devolved in Northern Ireland, even when it was clear that a majority of elected Members there opposed the legislation that was being dealt with in this House and by this Parliament. So there is no consistency in the way that we look on devolution. The Sewel convention is meaningless as far as we are concerned, and that requires a large look at by a proper constitutional review.

We have an attitude of "devolve and forget". We give powers to these institutions, then Whitehall forgets about it. That has been a consistent problem since 1921, when we first had devolution. It was pushed to a desk at the back of the Home Office and forgotten about. Had this Parliament and Whitehall been watching things and participating properly, we could have avoided a lot of the trouble that we ended up in during the 1970s and 1980s and so forth.

I understand where the noble Lord, Lord Wigley, is coming from, but, rather than have bits and pieces of legislation bolted on, there must be an attitude, a change of mind, in Whitehall, as has been referred to. People need to take devolution seriously. If you do not like it, get rid of it; but if you do devolve, you must respect what you devolve, and that is a missing link. There is a lot of work to do in Whitehall to get the mindset right. I have seen it with my own eyes over the years. There is no institutional memory left about how these devolution settlements first arose. There is just a churn over of officials and Ministers, and nobody seems to have a thread of where we are going and where we have come from.

I cannot avoid the opportunity to make some comments on what has happened in the last few days back home, because it has a lesson for all of us. We are now confronted with an election that nobody wants and that will not achieve anything. Sadly, over the last few months, His Majesty's Government have not convened any all-party talks and, from February until a fortnight ago, made no attempt at any negotiations with the European Union. Even then, our politicians, who have a role in administering this, were excluded. That is another example. You cannot have such negotiations over people's heads and exclude them.

I appeal to the Minister to pass on to her colleagues that, instead of wasting millions of pounds coming up to Christmas, in the short term, the Secretary of State, the Government and the Prime Minister should convene talks with the parties and bring those parties into the negotiations with the European Union. We know roughly where the settlement is. We have ideas out there and, instead of punishing the people of Northern Ireland in the middle of the worst crisis that we have ever had, time and money would be better spent holding those discussions. Only negotiations will settle this. Everybody in this Chamber knows that and we should get on with it now. I appeal to the Minister to pass that on to her colleagues in the Northern Ireland Office. That is how

[LORD EMPEY]
we can avoid the crisis—because coming back afterwards, we will have one awful mess, and former Secretaries of State for Northern Ireland in this Chamber know that only two well.

10.45 am

Lord Anderson of Swansea (Lab): My Lords, there was no need for the noble Lord, Lord Empey, almost to apologise for intervening in this debate, because it affects intergovernmental relations. I agree that there has been too much of an element of devolution à la carte between the regions and nations of the UK and, although there was a bad precedent in Kilbrandon, which died a death, there is a serious case for looking at the UK as a whole in the constitution.

Like many who were educated in Wales, I was brought up with the story about the encyclopaedia, where you looked up Wales and found "For Wales, read England". If there is any merit in this Bill, it is about taking Wales seriously. Wales appears to be at the bottom, or near-bottom, of all the poverty indices in the UK. We talk so much in this Chamber about levelling up and north-south relations, but few talk about east-west relations and the problems there are in Wales on our doorstep. Yes, there have been cuts which have adversely affected Wales, and there is the effect of Brexit. All that is of interest, but in my judgment it is not relevant to this Bill. Although I respect the noble Lord, Lord Wigley, very much, and normally follow him down most of paths and share many of his prejudices, I do not think that this Bill will take us much further along the path which I favour.

Let us begin with this. As the noble Lord, Lord Hunt, said, Wales has changed massively over the past decades. Who can forget that in 1979 there was a 4:1 majority against establishing an Assembly, and that the 1997 referendum squeaked by only with the last vote in Carmarthen? It could have been very different. But my contention is that there is no serious voice in Wales, even among the Conservative ranks, which wishes now to reverse that devolution settlement. Yes, there are voices which quite properly say that this legislature should not legislate for Wales and that we should leave the devolution settlement intact. I agree, but where is the mischief which is aimed at in this Bill? Where are the serious elements who say that we should reverse the settlement which we have had? I do not see them. I see a general acceptance in Wales of the Assembly. No one would dare to start reversing that process. Therefore, this is somewhat misplaced.

The real argument is surely, as the noble Lord, Lord Empey, said, how to deal with intergovernmental relations. How do we have that respect, which we do not have at the moment, between the different component parts of the UK constitution? Much has been said about the attitude of the late lamented Liz Truss in relation to Wales and the settlement, and we welcome the initiative taken by the present Prime Minister on his very first day, in contacting the relevant ministers outside Westminster. We have come a long way.

I end on this note. There is surely a general acceptance now that this devolution à la carte has not been working well. There is a much stronger argument, which should be favoured, not for building a settlement with lots that will fail, nor even, as in this Bill, a one-way ratchet—that is not likely to happen—but for looking at Wales and the UK as a whole and building a settlement that will last and will have the capacity to move and to evolve, in the process hopefully leading to a much stronger UK.

10.49 am

Baroness Humphreys (LD): My Lords, I thank the noble Lord, Lord Wigley, for presenting this Bill. These Liberal Democrat Benches extend a warm welcome to it and its contents. In essence, this Bill seeks to protect the powers of the Senedd, ensuring that the powers conferred on it by previous Government of Wales Acts cannot be amended or withdrawn without following either the consent procedure outlined in Clause 2 or the dispute process outlined in its Clause 3.

Why do we need such a Bill? Here is a list to begin with, a list provided by the Commons Library, which says it all: the European Union (Withdrawal) Bill, the European Union (Withdrawal Agreement) Bill, the European Union (Future Relationship) Bill, the United Kingdom Internal Market Bill, the Subsidy Control Bill and the Professional Qualifications Bill. These were all Bills for which the Scottish and Welsh Parliaments withheld legislative consent, indicating that they believe that the UK Government are challenging or usurping the powers of the devolved Parliaments.

All this has not gone unnoticed by the people of Wales. It is partly responsible for the rise in popularity of the YesCymru movement—a movement designed to inform the indy-curious, those who want to know more about independence. We have seen an increasing overreach of the UK Government into areas that are absolutely devolved, and the volume of LCMs the Senedd has considered over the last 12 months has put huge pressure on the Senedd and the Welsh Government's capacity. The Senedd has only 60 Members at present and a small Civil Service to carry out the functions of both the Commons and the Lords, and with which to protect the powers it jealously guards. This is no easy task.

The consent procedure outlined in Clause 2 has merit. It prevents a Minister of the Crown introducing a Bill modifying the powers of the Senedd to Parliament unless it has been approved by a two-thirds majority of all Senedd Members. This would be a strong indication of the consent and approval of the Senedd and its Members. It could be argued that it would provide a mandate from elected representatives in Wales.

It is clear, however, that the UK Government do not have a mandate from the Welsh people to undermine the powers of the Senedd. The Welsh people have voted in favour of creating and extending the powers of the Senedd in two referenda—the last time in 2011, when 63.4% voted in favour of greater powers. Wales also consistently and overwhelmingly votes for pro-devolution parties, as it did in the local government elections earlier this year. It is also clear that consent is the foundation of trust in the political system, and the UK Government erode trust in our political system whenever they decide to undermine the will of the Welsh people against their consent.

From a Liberal Democrat perspective, this Bill is eminently sensible and there is nothing controversial about it. In a federal system, safeguards such as these would be enshrined in the constitution. My party has always been in favour of a federal UK, where the different nations have responsibility for their own affairs while working together on common issues. We recognise that, for even a federal system to work, a federal Government should not be able to remove the powers of devolved nations on a whim or to bind the union together, as our present settlement allows. I am very much in favour of the provisions in the Bill and, together with my noble friends on these Benches, will give it my support.

10.54 am

Baroness Wilcox of Newport (Lab): I joined your Lordships' House three years ago next week, 4 November, the anniversary of the Chartist uprising in Newport—an event of immense importance to parliamentary democracy, when working people demanded their say in how they are governed. Much has changed in the subsequent 183 years, but the principle of people wanting a more democratic and representative political system remains. The political maelstrom that we have seen over the past few months has underlined that need like no other time in our recent history. Our system of governance remains something to support, so that it does not become a platform for individual ambitions scattered at the expense of serving our countries.

I am afraid that successive Tory Governments in Westminster appear to have disregarded the devolution settlement that began in 1999 and has developed over the past 23 years. I am therefore pleased that the noble Lord, Lord Wigley, has tabled this Bill, so that we can bring these issues into the public domain. He has enumerated many salient points, alongside many noble Lords and my noble friends, to support the argument. The noble Lord indeed has a long record in public service, as do my noble friends who were Secretaries of State when I was merely working in a state school. The technical aspects of the clauses in the Bill that the noble Lord, Lord Wigley, has introduced make a great deal of sense in terms of their practical application, based on his lifetime of experience.

The 1 September edition of WalesOnline—one of our most widely read media outlets—reported that a Conservative ex-government Minister admitted that the Welsh public were deliberately misled about how replacement money for former EU funds would be spent in Wales. Quoted in a new book, *Independent Nation: Should Wales Leave the UK?*, former Welsh Secretary Alun Cairns admitted that the Conservative Government never intended for decisions on spending the replacement EU cash to remain in Wales. Wales used to receive a huge amount of money from the EU before Brexit but, in this book, Will Hayward argues:

"He had no idea how the Welsh Government planned to use this money, because the Welsh Government didn't know themselves. He had no conversation, no engagement, no respect for devolution."

The real problem here is a Tory Government who ride roughshod over devolution and are happy to disrespect convention. The Senedd already has the power to refuse legislative consent to UK legislation that affects Wales and it has used that power. Labour is the party of devolution. Unlike the Tory Government, a Labour Government will respect devolution and the Sewel convention. With the commission on the UK's future, Labour is already exploring ways of modernising and updating our constitutional arrangements, improving the process of intergovernmental relations and putting more power in people's hands.

Let me give the House one example of how Westminster has ridden roughshod over the Welsh Government with the EU exit regulations. This instance was the European Union (Withdrawal Agreement) Bill in early 2020. That decision was described as singular, specific and exceptional at the time but the Tory Government have proceeded to breach Sewel subsequently, without even seeking to offer a justification with the United Kingdom Internal Market Act. It created an internal market in the UK, but without shared sovereignty in the EU single market. In the UK internal market as constituted, the overwhelming preponderance of England means that laws made for England will have the potential to undermine laws made in Wales that apply to goods and services in the same sector.

Furthermore, the economy has been a clearly defined area of devolved responsibility at every stage of devolution in Wales. While Labour fundamentally respects this, the Tory Government have chosen to use the powers in the UK internal market to intervene directly in the Welsh economy.

For more than two decades, the Welsh Government have been responsible for assessing the merits of projects in Wales that could potentially receive EU money. They have experienced teams of people who, the Welsh Government say, are well placed to know what is needed in particular parts of Wales. The Welsh Government say that having control of this money minimises duplication of projects. The decision to bypass the Welsh Government is an overt and deliberate disregard.

In conclusion, Diolch yn fawr iawn i'r Arglwydd Wigley—my thanks to the noble Lord, Lord Wigley, for bringing this Bill here. However, this approach has been developed independently of the Welsh Government, rather than being something that they have specifically proposed. They have set out in the June 2021 document *Reforming Our Union: Shared Governance in the UK* their views on a wider set of constitutional reforms, which they believe would protect devolution and, in doing so, strengthen the union. However, the development of this Bill reflects the breadth and depth of concern in Wales around the need for greater protection to be given to the devolution settlements.

I began by quoting a media article and I will end with one. Back in February, the deputy editor of ConservativeHome articulated quite clearly a strategy for doing away with Welsh devolution. What the UK Government should do he said, was simply roll back devolution little by little in a way the public would not notice, and to do so very gradually "without the public perceiving" what the UK Government were doing. I can assure noble Lords that we have noticed very clearly what is being done to us, and the public are

[Baroness Wilcox of Newport]
very strong about what they want in a Welsh Labour Government run by Wales, for Wales, as election victory after victory has shown.

I hope that the phone call from the latest Prime Minister will show that he is better than his predecessors and start that greater respect for and awareness of devolution, and that we see an immediate change of direction in how relations develop between the two Governments. The Welsh people will expect nothing less.

11.01 am

Baroness Bloomfield of Hinton Waldrist (Con): Diolchaf i'r bonheddig Arglwydd Wigley am noddi'r Bil Aelod Preifat hwn, sydd wedi annog dadl mor eang ar ddatganoli yng Nghymru. I thank the noble Lord, Lord Wigley, for sponsoring this Private Member's Bill, which has prompted such a wide-ranging debate on devolution in Wales.

Given the Bill's subject matter, it is only fitting that we have heard contributions from no less than three former Welsh Secretaries, a number of whom have had more than one tenure in office. I welcome these contributions, along with those made by all other noble Lords. I hope I can do justice to them in the time available.

I am honoured to represent the Government on this matter in my role as spokesperson on Welsh affairs in this place. This is a Government who are placing the UK's economic stability and confidence at the heart of their agenda. We are absolutely committed to levelling up all parts of our country, ensuring that we build an economy which attracts investment, innovation and new jobs across the UK.

I know that we all hope for more positive collaboration between the UK and Welsh Governments. Our joint work on city and growth deals in Wales, as well as the recent agreement to establish a freeport, are good examples of what can be achieved when both Governments work together. I therefore was also delighted that both the Prime Minister and the Secretary of State for Wales have hit the ground running by speaking with the First Minister this week. I know that they are keen to build on this over the coming months. I hope this perhaps represents a reset of the relationship between the UK Government and the Senedd.

The Bill before us would provide that the powers of the Senedd could not be removed or amended without the support of two-thirds of its Members, unless formal dispute resolution mechanisms were engaged. There is already an established practice of securing the consent of the Senedd for parliamentary Bills that modify its competence. The Sewel convention makes it clear that Parliament will not normally legislate with regard to devolved matters without the consent of the relevant devolved legislature. This includes instances where the Government may seek to modify the legislative competence of that legislature. The Government are firmly committed to this convention; indeed, the Wales Act 2017 recognises it in statute.

In line with this, the Government engage extensively with the devolved Governments on Bills that include provisions within, or that seek to modify, devolved competence, and have always sought the consent of the relevant devolved legislature in these instances. In the vast majority of cases legislation is passed with consent. This includes most recently the Energy Prices Bill, which, despite its expedited passage, received Royal Assent this week with the consent of the Senedd. This is testament to our determination to work constructively with the Welsh Government.

The inclusion of "not normally" in the convention is significant. It recognises that Parliament remains sovereign. The creation of the devolved legislatures was never intended to dilute this sovereignty. Indeed, the Government of Wales Act 2006, which in its original form was taken through Parliament by the noble Lord, Lord Hain, makes it clear that the powers of the Senedd do not affect the power of Parliament to make laws for Wales. So although Parliament would not normally legislate without the consent of the Senedd, or indeed any of the devolved legislatures, the convention recognises that the power to do so resides in Parliament, and it is for Parliament alone to decide whether it is appropriate to proceed with legislation in these circumstances.

When the UK left the European Union, for example, some legislation needed to be made on a UK or GB-wide basis. This included the Professional Qualifications Act and the Subsidy Control Act. Noble Lords will know that I worked on both of those. We worked constructively to manage the concerns raised by the devolved Governments on both Bills but were ultimately unable to secure their support for either. As a Government with responsibility for the whole of the UK, we had no alternative but to proceed without consent.

The noble Lord, Lord Wigley, also referred to various other pieces of legislation, including the United Kingdom Internal Market Act. The powers of Welsh Ministers and the Senedd are completely unchanged by this legislation. In the light of the Supreme Court's decision to refuse the Welsh Government's request for judicial review, I call on the Welsh Government to work with us now in safeguarding the UK's internal market, which is so vital for the Welsh economy.

The noble Lords, Lord Wigley and Lord Murphy of Torfaen, mentioned the Trade Union (Wales) Act 2017. As they both know, employment and industrial relations are reserved matters. This was confirmed by the Wales Act 2017, which I remind noble Lords was passed with the consent of the then National Assembly. The Government made clear their intention in 2017 to remove the Trade Union (Wales) Act through primary legislation when parliamentary time allowed, to ensure that trade union legislation applies equally across Great Britain. That commitment stands.

We will continue to work constructively with the Welsh Government to ensure that Wales enjoys the maximum possible benefit from our legislative programme, and will of course seek the consent of the Senedd when necessary. In particular, I encourage the Welsh Government to consider the benefits of including Wales in some Bills shortly to come before your Lordships' House. For example, we want Welsh farmers and researchers, including experts in the field at Aberystwyth University, to reap the rewards of the much-needed reforms contained in the precision breeding Bill to

ensure that they are not left behind by their English counterparts. We want the Welsh Government to come onboard, although we still recognise the devolved nature of the reforms.

The noble Lord, Lord Hain, and the noble Baroness, Lady Wilcox of Newport, referred to the financial support that Wales has received. The 2021 spending review set the largest annual block grant in real terms of any spending review settlement since devolution. Over the spending review period, the UK Government are providing the Welsh Government with 20% more funding per person then the equivalent UK Government spending in other parts of the UK. The total block grant to the Welsh Government is £18 billion for 2022-23. As we all know, the Chancellor will make his Autumn Statement on 17 November.

In addition, the broad shoulders of the United Kingdom have enabled us to deliver unprecedented levels of funding to the Welsh Government, in particular through the furlough scheme, which protected more than 470,000 jobs in Wales, and the ground-breaking UK-wide vaccination programme. We also invested more than £167 million to level up communities in Wales through the levelling up community renewal and community ownership funds. This is in addition to Wales's £585 million share of the UK shared prosperity fund, more than £790 million of UK government investment in the four city and growth deals in Wales, which I am delighted to see matches investment from the Welsh Government, and the £130 million fund to finance Welsh business run by the British Business Bank. I endorse the congratulations to the Welsh Government from the noble Lord, Lord Hain, on their commitment to green energy projects. I pay tribute to the leading role that the Senedd has played in achieving this.

The Bill from the noble Lord, Lord Wigley, would constrain parliamentary sovereignty by providing that the powers of the Senedd could not be altered without the support of a supermajority vote, unless formal dispute resolution processes are engaged. I should be clear that the Government have no plans to withdraw or amend the Senedd's powers; I disagree wholeheartedly with the suggestion otherwise by the noble and learned Lord, Lord Thomas of Cwmgiedd.

The Government are firmly committed to devolution. Over the past decade we have delivered two Wales Acts. These were important moments for devolution and confirm our position that devolution is here to stay. The Acts provided further powers for Wales over transport, the environment and elections, as well as powers to introduce its own devolved taxes. As my noble friend Lord Hunt alluded to, this has seen the National Assembly for Wales mature into the Welsh Parliament—the Senedd—that exists today. Now is the time to end the debate about where powers lie and focus on using all the levers at our disposal to deliver for the people of Wales. The Government have significant reservations about the implications of the Bill for parliamentary sovereignty. We already engage extensively with the Welsh Government and the other devolved Governments on legislation that engages the Sewel convention and we seek the consent of the devolved legislatures.

The noble Lords, Lord Murphy of Torfaen and Lord Anderson of Swansea, referred to intergovernmental relations. I remind noble Lords that the UK Government, under the IGR review, now operate on the basis of the working arrangements agreed as part of that review. Between July and September there were 22 meetings, at which UK Government and Welsh Government Ministers were represented. These meetings—where relationships are built, ideas exchanged and decisions on joint approaches made—are important. Regular discussion about how policy changes in different Governments impact on others is essential for the use of mixed-competence levers to best serve all UK citizens. Indeed, collaboration with the devolved Governments is at the heart of our approach to strengthening the union and delivering the best possible outcomes for people across the UK.

I assure the noble Lord, Lord Murphy of Torfaen, that with the newly appointed Prime Minister's PPS and three of the four Government Whips in your Lordships' House having Welsh heritage, there is no chance of the glazing over of any eyes either in No. 10 or in this House. Further, aggressive unionism, as described by the noble and learned Lord, Lord Thomas of Cwmgiedd, is not a phrase that I either recognise or accept. Rather, we are absolutely committed to collaborative unionism.

The noble Lord, Lord Empey, mentioned the dire state of affairs in Northern Ireland and I undertake to alert my colleagues in the Northern Ireland Office to his comments. The people of Northern Ireland of course deserve an accountable, Executive-led Government.

In light of the issues that I have set out, I am afraid the Government are unable to support the Bill.

11.12 am

Lord Wigley (PC): Diolch yn fawr iawn i'r Gweinidog am ei sylwadau ar ran y Llywodraeth. I thank the Minister for her comments on behalf of the Government. I particularly thank colleagues from all sides of the House for their contributions to this short debate, nine of whom are Welsh and one, the noble Lord, Lord Empey, from Northern Ireland. The noble Lord, whose words we always respect, has spoken on a rather ominous day for devolution in the Province. I noted his comments on the need for a comprehensive constitutional review, and I agree wholeheartedly with that. That sort of review could well address the issues that have been raised.

Clearly, I would be a bold man to expect universal agreement on the detailed contents of my Bill, but it is fair to say that there is agreement that steps need to be taken to deal with the issues and tensions to which I have referred. I am grateful to the noble Lords, Lord Murphy and Lord Hain, the noble and learned Lord, Lord Thomas, and the noble Baronesses, Lady Humphreys and Lady Wilcox, for drawing the attention of the House to the need for an improved system to deal with circumstances where there is disagreement between Westminster and the Senedd on the basis of mutual respect, and to avoid whittling away the powers of the Senedd. I note the outright opposition from the noble Lord, Lord Hunt, to the contents of the Bill, which I am sorry to hear, and the reservations of the noble Lord, Lord Anderson.

[Lord Wigley]

I thank the Minister for her response, although she fundamentally based her case on the perception that sovereignty rests here fundamentally and forever, and not in Cardiff. I suppose that is the reality of the situation. That is the problem that we in Wales have to face—is it not?—and it raises all sorts of other questions.

Clearly, being in a party of one in the Chamber, I would be ill advised not to accept that I need to be flexible in Committee, but I want to do so without losing the main thrust of the Bill, which addresses an issue that will not go away. On that basis, I beg to move that the Bill be read a second time.

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

Coroners (Determination of Suicide) Bill [HL]

Second Reading

11.16 am

Moved by ***The Lord Bishop of St Albans***

That the Bill be now read a second time.

The Lord Bishop of St Albans: My Lords, I declare my interest as a vice-chair of Peers for Gambling Reform.

I am glad to bring before the House the Coroners (Determination of Suicide) Bill, now in its third iteration. This latest version is significantly different from the previous two; it has taken on board many of His Majesty's Government's criticisms and attempted to resolve them. Indeed, the Minister who dealt with the Bill in the previous Session, the noble Lord, Lord Wolfson of Tredegar, had hoped to speak today from the Back Benches but has to be in court. He has, however, given his permission to say that he supports the aims of the Bill. Because we have tried to respond to the points made by the Government, I will listen attentively to the Minister as he outlines their response, given that I believe their concerns have largely been dealt with.

The genesis of the Bill is the frustration that many of us in your Lordships' House have felt when we have tried to bring in sensible reforms to the Wild West of online gambling, which is causing untold suffering in communities across our nation. More than a third of a million adults in our country are now diagnosed with a gambling addiction. More than 62,000 teenagers, who in law are not even allowed to gamble, have been diagnosed with a gambling problem. With an estimated more than 400,000 suicides every year due to problem gambling, we need to address this problem in a sensible way. On a number of occasions when I and other noble Lords have raised the issue in the House, the Government have resisted our attempts to bring some order to this sector, simply claiming, "We don't understand the size of the problem." The Bill is a proposal for one way of obtaining more data.

Although the first two versions of the Bill included explicit references to gambling, those have now been removed and replaced with a means to record a wide range of causative factors in suicides. Previously there were concerns that the recording of such factors would interfere with the traditional remit of the coroner and the inquest process. Noble Lords will be aware that for centuries coroners have been given the task of answering the questions "Who?", "What?", "When?" and "How?" but not "Why?". That is a criticism that I have taken seriously. I have endeavoured to ensure that the recording of causative factors explicitly occurs following the conclusion of an inquest and will therefore have no impact on the official death certificate or, indeed, the inquest process.

I point out in passing that many coroners, either informally or through the use of a prevention of future deaths report, already comment on the causes of many suicides. For example, Mr Andrew Walker, a senior coroner from north London, has spoken publicly on many occasions recently following the death of Molly Russell, who took her life by suicide. I quote from his statement:

> "Molly subscribed to a number of online sites … some of these sites were not safe as they allowed access to adult content that should not have been available for a 14-year-old child to see … Molly had access to images, video clips and text concerning … self-harm, suicide or that were otherwise negative or depressing".

Even on the train this morning I read another comment by a coroner talking about the question of "Why?" This is something which is happening, and coroners seem to be doing it fairly regularly.

The Bill requires the Secretary of State to draw up guidance on what factors the coroner must consider and the form in which these factors should be recorded. Furthermore, citing fears from coroners that the Bill would oblige them to record a factor or factors in instances where they feel insufficiently able to make that determination, provisions are included to require an option of "no discernible factor" to be included in the guidance.

Obviously, I would expect and hope that gambling-related harm is included as a factor in the Secretary of State's guidance. Still, the purpose of having the guidance and collection method drawn up by the Secretary of State is to enable a system of generalised data collection which could be streamlined across different coronial jurisdictions. This is crucial, as under Clause 1(6) of the Bill the Office for National Statistics will be required to collect the opinions recorded on the factors causative to suicides in the UK in order to publish them on an annual basis. This information will prove crucial in informing the Government's suicide prevention programme, alongside the research and work performed by charities and other organisations.

Additionally, new provisions are outlined in Clause 1(7) which prevent information relating to risk factors being released in any way that could lead to the identification of the deceased. Clause 1(8) prevents risk factors collected being used as evidence in any court proceedings. These provisions, though unusual, stem from concerns that the Government had about whether the recording of risk could later be used to attribute civil liability to either individuals or businesses. By preventing the disclosures of identities or the use of risk factors as evidence, this concern would be clearly mitigated.

On the technical aspects of the Bill, these updated provisions create a strong framework to enable the recording of factors causative in a death by suicide without interfering with the coronial process, placing undue responsibilities on the coroner or creating judicial difficulties. I hope that this updated version of the Coroners (Determination of Suicide) Bill will commend itself to His Majesty's Government and that they too will recognise the importance of collecting information on the risk factors that cause suicide in the UK.

Suicide prevention cannot simply be about interventions to prevent suicide, though I do not discount the importance of this. People rarely commit suicide without reason. In fact, there is nearly always a reason, known in coronial circles as the "causative factor". It is only by addressing these causative factors that we can have an effective suicide prevention strategy. This necessarily requires accurate knowledge of the main, leading factors driving suicides in the UK today.

A number of Members of your Lordships' House who are part of Peers for Gambling Reform have argued that one cannot reduce the estimated 409 annual gambling-related suicides—that estimate is by Public Health England—without a comprehensive package of better treatment for those suffering and better regulations to curb the excessive harms caused by online gambling.

In 2020 there were 5,224 suicides in the UK. Aside from age, gender, location and method, we know virtually nothing about the causes, which limits our capability to devise strategies to reduce the number of suicides—something which His Majesty's Government have committed to doing. This Bill, in a modest way, would enable the accurate recording of risk factors across various coronal jurisdictions in a safe and secure manner, without compromising the identity of the individual or the inquest process.

I recognise that the ability of the coroner to not record anything might limit the accuracy of the data but I am hesitant to place an unfair burden on coroners, and recognise the importance of taking this forward with their support rather than against their will. Nevertheless, the perfect should not be the enemy of the good, and I believe the framework presented in this Bill will provide a good framework for the collection of this information. I beg to move.

11.25 am

Baroness Berridge (Con): My Lords, I begin by thanking the right reverend Prelate for bringing his Private Member's Bill for the third time before Parliament. If he believed in luck, I would say "third time lucky". I am pleased to see that the Bill has been widened beyond gambling being recorded as a relevant causative factor in a death by suicide.

I wish to briefly address one of the reasons given previously by His Majesty's Government as to why this sensible piece of legislation is not possible and one of the implications for our cultural understanding of suicide. His Majesty's Government have said that if we introduce a statement of relevant causative factors for deaths by suicide then we would have to introduce it for all the causes a coroner might state for a death—namely, misadventure, unlawful killing, accident et cetera. However, suicide as a cause of death stands alone and needs to be treated separately, as it is the only cause of death that will be affected potentially by any introduction of assisted dying or assisted suicide legislation. No one would suggest that we would have assisted dying by way of misadventure or accident; sadly, I think we might end up with unlawful killing. Why would the Government not want to assist parliamentarians to have this evidence when next considering such legislation, which, I might add, I strongly oppose?

The right reverend Prelate outlined the comments from the coroner in the inquest into the tragic suicide of Molly Russell. I have high hopes for the Online Safety Bill and the duty of care it will create to ensure that, when on the internet, children and vulnerable adults do not have access to the type of material Molly viewed. However, any provision, if legalised, on assisted dying or assisted suicide would of course be on the internet, so legislation is also going to have to create a miraculous Chinese wall to ensure lawful assisted suicide information is kept away from other footage, such as that which Molly viewed.

We know from the work done, particularly by the right reverend Prelate, that we would need to potentially block from gambling sites, or prescribe limits on, links to any lawful assisted suicide website. I hope this brief description of this information on the internet outlines the difficulties we would have in this task. I think it might be impossible, but without the causes and factors behind suicides, as outlined in this Bill, it is definitely impossible.

Further, this data would enable more detailed analysis of the role of mental health in deaths by suicide. I am currently serving on the pre-legislative scrutiny committee of the draft mental health Bill. The current Mental Health Act sits on the hard-won moral tectonic plate that suicide is not criminal but to be prevented and not encouraged or aided. Under the Mental Health Act, even when you have capacity—a factor I think many people do not realise—the state can detain you when you are ill and can forcibly treat you to avoid you committing suicide. Recently, a healthy 23 year-old woman in Belgium chose to be euthanised although she was physically fit and well but was mentally unwell after being in the vicinity, although uninjured physically, of a terrorist incident. The data on causes of suicide that this Bill asks for will enable parliamentarians to consider, when looking at assisted suicide, whether it should be given on the basis of psychiatric illness alone. It is a controversial proposal.

The Government have always maintained that assisted dying or assisted suicide is a conscience issue for parliamentarians, but I would argue that not collecting this data is perilously close to the Government leaning in favour of such legislation. A recent peer-reviewed article by Dr Jones, in volume 11 of the *Journal of Ethics in Mental Health*, found that some assisted dying legislatures have seen increased non-assisted dying suicide rates. It is therefore essential for legislators to have such data to assess the risk of increasing the rates of suicide in England and Wales through the introduction of any such legislation.

It is a hard-won principle that the state should protect its citizens from harm, whether from foreign states, third-party actors, other citizens or themselves. I fear that we might tamper with this moral tectonic

[Baroness Berridge]
plate without the necessary data. So I hope that His Majesty's Government will give the Bill the time in the other place that it needs to become law.

11.30 am

Lord Thomas of Cwmgiedd (CB): I also welcome the Bill and wish it well. The reform of the coronial system in 2009 has transformed the way in which it operates. Much of this has been due to the leadership of the successive Chief Coroners, who have substantially improved the way the families of the deceased are treated and inquests conducted—they have improved the whole system. One of the important developments has been the creation and implementation under the Act of the prevention of future deaths reports.

I warmly congratulate the Chief Coroner on what he has done. I stress, for my third point, that the guidance the Chief Coroner has issued and the use of those reports—it is important to read them—show what can come out of the coronial system. This takes me to my first observation: is this requirement extending the jurisdiction and scope of an inquest? I do not think so; we are building on experience, in the way that the great system of our common law has always done. It is a modest step.

We could have a long debate about causation this morning. If you read some of the reports based on cases where suicide has occurred, there are recommendations in respect of ligature points: looking after people who are sent without proper advice on the dangers of mixing alcohol and drugs, or where there has been a lack of surveillance or co-ordination in supervision. All of these essentially extend to looking, in what comes out of the inquest, at the underlying causes of what has happened. I do not believe that one should read Section 5—

"how, when and where the deceased came by his or her death"—

as circumscribing what is proposed in this excellent Bill.

The two reports go beyond the points about ligature and the lack of surveillance; they look at the reports on the death of Jack Ritchie and, more recently—on 13 October this year—of Molly Rose, showing how valuable these reports have been. I reserve this for a future occasion, if it is challenged that this goes beyond the wording of Section 5. Looking forward to the philosophical debate about what is meant by causation, which I will not address at this hour of the morning and could not possibly do within the five minutes allocated, I challenge anyone who suggests that this is not permissible under the wording of the Act.

Secondly, it is said that there may be difficulty in respect of uniformity. My experience of dealing with statisticians and those who look at this area means that I do not believe that this is a practical barrier. This is a matter that the Chief Coroner and the statisticians can look at.

Thirdly—this is my only criticism of the Bill—I do not believe it right that the guidance should be issued by the Secretary of State. It would be much better if it were issued by the Chief Coroner, for two reasons. First, you can see that he is experienced in doing this. The guidance in respect of the prevention of future deaths report has been successively revised and kept up to date, and you can see the care and attention that he has brought to it, with his knowledge. Obviously, this would not be done by the Minister himself, but it is much better for it to be done by someone with the detailed knowledge the Chief Coroner has, rather than a civil servant. Secondly, as coroners are judges and judicial officers, I have the gravest reservations about the Executive giving them guidance about how they are to exercise their functions. That is contrary to the principles of our constitution.

11.35 am

The Lord Bishop of Exeter: My Lords, I support the Bill, mindful of the rise in the number of suicides and attempted suicides in our country in recent years. As a nation, we are adept at collecting statistics but less good at reflecting on them. As TS Eliot lamented, where is the wisdom we have lost in information? When it comes to addressing the underlying causes and triggers of suicide, not having accurate information compounds the problem. The Bill seeks to address a lacuna in our processes.

The available evidence shows that the Covid pandemic sheltered a second pandemic of poor mental health. A friend once described his depression as "malignant sadness". Young people are some of the most vulnerable in our society, and, as we all know, various factors, including gambling debts, can push a depressed person over the edge. In addition to the 409 gambling-related suicides estimated by Public Health England, studies have demonstrated that people who suffer from gambling disorders are 15 times more likely to take their own lives.

If the Government's suicide prevention strategy is to be effective, it is vital that we have as accurate a picture as possible. We have to move from anecdote to evidence, and our coroners are well placed to help us. The Bill provides a simple and effective way of collecting evidence of gambling-related harm. It is not about the apportionment of blame, which is not the role of the coroner, and it does not attempt to restrict or limit the practice of gambling. Rather, it simply attempts to identify the causative factors of suicide. I have no doubt that widening the Bill to record the causative factors of suicide—not just those that are gambling-related—will provide a great deal of useful information for the Government and groups concerned with public health. I am confident that, in its stages in this House, there will be a full and proper opportunity for the questions and concerns of the Government and others to be addressed.

Having talked with some coroners, I am conscious of the pressure that the coronial service operates under—to my mind, it is overstretched and underresourced. That said, the role of the coroner continues to evolve, as we see with increasing use of narrative conclusions, for example. We have to find a way of registering causative factors in a suicide. Registering comorbidities and anonymously collating this body of evidence would enable the Government's suicide prevention strategy to be more effective. I invite noble Lords to join me in supporting the Bill.

11.38 am

Lord Brown of Eaton-under-Heywood (CB): My Lords, I also support the Bill. A flutter on the Derby or even the habit of doing one's weekly football pools

are one thing, but the domination of one's whole life by a gambling addiction is quite another. It is a cancer in our society. Moreover, as poverty tightens, as it is already starting to, I fear that this addiction will grow. By the same token that desperate refugees risk their all in perilous cross-channel voyages, so, too, desperate people are readier to stake their all in the hope of sudden enrichment.

In principle, I supported the right reverend Prelate's earlier version of this Bill last November, although I did not then explicitly accept its express terms. However, since then, it has been very substantially rejigged and improved to take on board a number of the understandable concerns that were expressed in November by the departmental Minister. In its present iteration, I believe that it would now work in practice and fully support it.

In truth, once one enlarges the scope of a coroner's investigation—as this Bill proposes, to a degree—to consider not merely the how, when and where the deceased died but also, to some degree, why they died, one embarks inevitably upon a less certain field of inquiry which risks some measure of inconsistent outcome. But, and this is the all-important "but", as the right reverend Prelate already said in his compelling opening—in doing so he shot one of my foxes; indeed, he shot most of them—let not the perfect be the enemy of the good. There is far more to gain than to lose in this proposal. The Bill would give us an altogether better statistical appreciation of the dreadful effects of gambling addiction upon our society, and a genuine improvement in the measurement of the number of those most extremely and tragically affected: those whose problem spirals and escalates to the point where they kill themselves in desperation.

As I mentioned the last time around, one consistent and cardinal principle has emerged in our coronial law down the years. Today, I will confine myself to a single quotation from the 2020 Supreme Court judgment given by Lady Arden in the case of Maughan, deciding that the civil, not criminal, standard of proof should apply to an inquest to bring in a verdict of suicide. Lady Arden said:

> "The criminal standard may lead to suicides being under-recorded and to lessons not being learnt … The reasons for suicide are often complex. … There is a considerable public interest in accurate suicide statistics as they may reveal a need for social and medical care in areas not previously regarded as significant. Each suicide determination can help others by revealing how suicide risks may be managed in future."

As I suggested in the November debate, this Bill is wholly consistent with that principle and approach: it is important to record as many of the relevant facts as would ensure, in the public interest, that this terrible social evil—the problem of gambling—does not go under-recorded. I hope that this Bill will be given a Second Reading and then sent successfully on its way to fruition.

11.44 am

Lord Trevethin and Oaksey (CB): My Lords, I too support this Bill. Because I agree with everything that has been said so far, I shall try to avoid wasting your Lordships' time by repeating points that have already been made. I declare my interests as a member of Peers for Gambling Reform and as having sat on the Select Committee that looked into the current, and unquestionably unsatisfactory, state of gambling legislation in this country a couple of years ago.

I will make one or two observations about the rather slow developments in relation to the reform of gambling legislation, a matter with which the right reverend Prelate is very familiar. The current position is that we have been waiting quite a long time for the White Paper on reform of the legislation; time will tell as to what that document will say. A document emerged recently that may foreshadow the White Paper: the Government's response to a consultation on the arcane subject of loot boxes, which are arguably an undesirably phenomenon related to gaming online. I will take forward one point from a recent debate on that subject.

The Government's response correctly recognised the compelling evidence of a strong correlation between what might be called the excessive expenditure of money on purchasing loot boxes, on the one hand, and problem gambling on the other. Some might think that a reason for considering taking some kind of action in relation to loot boxes, which are available to children and young people. However, the Government, in their response, declined to take action and preferred to leave the matter to self-regulation, as it is called, principally on the basis that correlation is not causation and that a causal connection between what might be called addiction to loot boxes and problem gambling has not been made out. It is not difficult to foresee a similar type of analysis informing the Government's position in the White Paper, when it eventually emerges. The Government of course are quite entitled to say that evidence is important and that decisive action should be taken only on the basis of evidence.

The Bill before the House is, I suggest, clearly desirable. Coroners use their skills to investigate the often very distressing circumstances relating to sudden death. In the course of those investigations and the inquest process, they acquire a lot of information about the causation of the death. That information is clearly a very valuable resource that ought to inform the development of policy in the near future, in relation to gambling legislation and a number of other possible causes of suicide. Why would we wish to deprive ourselves of that resource? I can see no conceivable, sensible reason for doing so. Accordingly, while the Bill might need some careful attention in Committee, it clearly deserves the support of this House and I hope that it moves forward.

11.48 am

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I congratulate the right reverend Prelate the Bishop of St Albans on his tenacity in bringing forward his Bill for a third time, and for his excellent introduction to this morning's debate. I declare my interest as a vice-chair of Peers for Gambling Reform.

We all seem to be in agreement: deaths because of suicide are devastating for families and friends since, as with all sudden deaths, there is no opportunity to say goodbye, and for those left behind there can be a lingering feeling that they should have noticed and done more to prevent it happening. However, those suffering

[Baroness Bakewell of Hardington Mandeville] from addictions, especially gambling, are often extremely good at hiding just how deeply they have become embroiled and the level of their debt as a result. Where it is possible to assess what drove an individual to take their own life, the coroner should record this. Only by knowing just what the scale of the problem is with regards to gambling will we be able to assess the signs of addiction and intervene to prevent the tragic loss of life. Most people can set themselves limits, gamble safely and enjoy the process, but for others it is a downward spiral into addiction, engulfing them in a sense of hopelessness and lack of control. They think they have conquered their addiction, until emails in their inbox invite them to have five free bonuses.

I raise two well-known case studies where gambling was a contributing factor in a death by suicide. The first is the high-profile case of a young electrical engineer, aged 25, on an annual salary of £60,000 who, in 2017, took his own life after losing £119,000 over five days, having been enticed with VIP designation and given multiple free cash bonuses. The second is a father of two children, a primary school teacher aged 40 who, having previously self-excluded from gambling for two years, began gambling again while on furlough after receiving free bonuses before eventually driving 100 miles to take his own life.

In 2020, ONS data showed that there were 5,224 registered deaths by suicide in England and Wales; 3,925 were males and 1,299 were females. The highest rate of suicide in all age groups was among those aged 45 to 49 years. Young people are also particularly prone to anxiety and depression, which can result in suicide. In Public Health England's gambling-related harms evidence review, it estimated—as we have already heard; I am sorry about that—that there were 409 suicides annually associated with gambling, while the campaign Gambling with Lives argues that research indicates that the number is between 250 and 650 gambling-related suicides each year.

The national suicide prevention strategy was set up in 2012 to support bereaved families affected by suicide, alongside attempting to reduce the suicide rate. The Government have produced progress reports for preventing suicide in England, with the latest in March 2021, when £5 million was made available to support voluntary and community organisations. The Government say that they are working to embed real-time suicide surveillance to collect data on suspected suicides across all areas. Ensuring that coroners record data on suspected gambling-related incidents is key to identifying and monitoring patterns of risk and causal factors.

Under the current law, the coroner is not required to record any opinion on any factors relevant to the death where they have determined that death by suicide has occurred. Nevertheless, as we have heard, many coroners do record these factors. Many noble Lords have commented on the very tragic case of 14 year-old Molly Russell in 2017. Molly was accessing online sites promoting self-harm and disturbing images, which eventually led to her suicide. The coroner's report stated that Molly

"died from an act of self-harm while suffering from depression and the negative effects of online content".

The right reverend Prelate referred to this. If a coroner can record the pressure that online harms caused in a case such as that of Molly Russell, surely they can record when the pressure comes from gambling, much of which is online.

Many noble Lords have made excellent and more knowledgeable contributions than mine. I agree that this Bill should proceed, and I look forward to the Minister's positive response to this short debate.

11.53 am

Baroness Merron (Lab): My Lords, every suicide is one tragic death too many and it is incumbent on us to seek to address the factors that lead people to take their own lives. It is not just a tragedy for the person who has reached the end of the line; it deeply affects their loved ones and communities. I know from the very many debates that we have had in this House how many noble Lords are committed to dealing with and exposing the realities of the factors that drive people to suicide.

I congratulate the right reverend Prelate not just on bringing forward this Bill—again—today and his work on it but for his continued work to challenge harms, particularly gambling harms. We support the general aims and intentions of the Bill. As my noble friend Lord Ponsonby has previously said, one issue it raises is whether the coronial system is the best way to get data to help inform the fight against suicide. Of course, the primary purpose of coroners' courts is to determine how someone died, rather than why they died. The reasons for suicide are, as we have heard today, often complex, and it is so important that quality information is gathered on the circumstances leading to suicide. While gathering data is indeed helpful, it may not be beneficial to categorise reasons for suicide if they do not reflect the complex background to the event—it must be accurate.

The Bill specifies that the Secretary of State must issue guidance on the factors which the coroner must consider in reaching an opinion. It also states that the Secretary of State must include the option for the coroner to record "no discernible factor", or equivalent, as the cause of suicide. The coroner therefore would not be obliged to attempt to record the cause—or causes—of suicide if this cannot be discerned. The Bill also provides that the ONS must publish opinions recorded by the coroner on an annual basis. That challenge that we all seek to resolve on the reliability of data where the reasons for suicide are often complex and may not be conclusive is whether this means of collection will provide the reliability that we absolutely need.

Perhaps I can use the opportunity to raise a few points with the Minister. In April 2022, the Government published a discussion paper and issued a call for evidence to help the development of a new cross-government 10-year plan for mental health and well-being in England. As part of this, they sought feedback on suicide prevention and committed to developing a separate suicide prevention plan. The consultation has now closed. Can the Minister advise your Lordships' House when the new government plan for mental health and well-being will be published?

In July this year, Gillian Keegan, then Minister for Care and Mental Health, said that the Government would consider the evidence base for the causes of suicide as part of the development of the new suicide prevention plan. Can the Minister update the House on this as well? Public Health England previously piloted real-time suicide monitoring systems in areas that had existing surveillance systems in place. Can the Minister advise on what progress, if any, has been made to create a national real-time suicide surveillance system?

In closing, I thank all noble Lords who have taken part not just in this debate but in the debates that have come before and doubtless will come again on how we help to support people—adults and children—not to succumb and find that their only way out is suicide. I am extremely grateful to the right reverend Prelate for leading this debate today and introducing this Bill.

11.58 am

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, may I also congratulate and thank the right reverend Prelate the Bishop of St Albans for again providing the opportunity to debate this important and sensitive issue and for his strenuous and tenacious efforts to improve the Bill to meet the points made in previous debates? In fact, the Bill is now wider than it was before in that it extends to all suicides, instead of just those related to gambling. This is an extremely important area and the Government very much share the thoughts expressed this morning on the importance of gathering quality information on the circumstances that can lead to a suicide.

There were a number of extremely moving contributions this morning. I make particular mention of the need for better data on assisted suicides, the point made by the noble Baroness, Lady Berridge. I also mention her points about gambling addiction, and those made by the noble and learned Lord, Lord Brown. However, despite these efforts, the Government are not yet in a position to support the Bill, essentially for three reasons which I will briefly set out. The central question is the one raised just now by the noble Baroness, Lady Merron, which is whether the coronal system is the right way forward for this exercise. The Government do not support the Bill for three reasons.

First, the Bill is not an appropriate extension of the coroner's jurisdiction. The coroner is there to decide when, where and how somebody died: whether it is accidental death, suicide, natural causes, unlawful killing, open verdict or whatever. To go further and ask why somebody died is to move from the objective to the difficult, subjective, extremely complex, often speculative and very often deeply mysterious question of why somebody chose to take their own life. That would be a major and obligatory extension of the scope of the investigation. It is not a complete answer to say that it would be separate from the verdict and after the verdict, because they still have to do the investigation.

We cannot rely on the information available to different coroners' courts or different inquests being complete; we cannot rely on it being consistent; and it is likely to be fraught with emotion and subjective feelings. To investigate these things may well cause extra distress to the families involved and to the privacy of the family, and may in that sense be counterproductive. It would certainly require considerable extra resources and extra time for a system that is already resource-stretched. It is difficult enough, especially post pandemic, for the coronal system to do its existing job, let alone have this extremely extensive and potentially very difficult new burden imposed on it. In the Government's view there are significant downsides to the Bill, however laudable the objective. We entirely agree that the objective is laudable, and the right reverend Prelate is to be congratulated on putting the Bill forward, but the question is whether it is the right way forward. The main argument being relied on, it seems to us, is that it is essential to have better data about suicides.

The second reason for the Government's position is that our view is that this, as a system, is most unlikely to be able to produce statistical information that is significantly complete, comprehensive or consistent across jurisdictions to be useful for the purposes of setting policy or for the purposes of the ONS to publish reliable, objective information where we are necessarily dealing with subjective, sometimes speculative and sometimes completely unknown reasons as to why somebody killed themself. However laudable it is, we do not accept that the coronal system is the best way forward for collecting more data on the reasons for suicide.

The third reason, which has been mentioned indirectly several times this morning, is that we already have, in effect, a system for publicising and drawing attention to difficult cases, through the establishment of the system for prevention of future death reports: it is already there, essentially. Particular mention has been made of the PFD report into the sad death of Molly Russell, who died from an act of self-harm due to the negative effect of online content. Mention has also been made of the tragic death of Jack Ritchie, a young man who took his life following problems with gambling. In those cases, through the existing system, the coroner could draw attention to the circumstances. We already have a working system, so is it really justified to impose the further obligation, in all cases, to go in sufficient detail into the question of why? The Government's position is that the prevention of future death report system is working well, that it produces the information, and that it would be disproportionate and potentially counterproductive to take the Bill further.

More generally, the Government are committed to expanding and transforming mental health services in England. As the noble Baroness, Lady Merron, mentioned, we have already had a call for evidence on the longer-term priorities for mental health, well-being and suicide prevention. That call for evidence closed on 7 July. I was asked when we are planning to publish our plan, and she raised two other points in reference to the comments of Minister Keegan and what progress we have made in real-time suicide monitoring in various contexts. I am not able to give detailed information this morning, but I will write as soon as I can, because this is an important question that the Government take extremely seriously.

[Lord Bellamy]

For those three principal reasons—the extreme difficulty of investigating the why in every case under the compulsory requirements in the Bill; the difficulty, even if we did investigate it, of knowing whether the information is reliable for statistical purposes; and the existing prevention of future death reports, which fill that gap—the Government oppose the Bill. Finally, I support the comment made by the noble and learned Lord, Lord Thomas, to the effect that it would be constitutionally inappropriate for the Secretary of State to give directions to independent judicial officers such as coroners. That point, in my respectful submission, is entirely right and is a further but subsidiary reason for opposing the Bill.

12.09 pm

The Lord Bishop of St Albans: I thank noble Lords for their speeches. I will not go into them in detail, because we hope to come back to this at a later stage, when we can explore them further. I shall just respond to the Minister though, because it seems to me that there is a potential inconsistency in the reasons he has given.

For example, the Minister said that it is very difficult for the coroner to determine "why". Yet, he conceded in his third point that they are already able to issue the precise reasons why under the prevention of future deaths report, which could not be made unless some sort of view was taken on what had caused the deaths. I totally take the point a number of noble Lords have made, that this is a very inexact way forward; it is certainly not perfect. The Bill has got to its third iteration because at every stage, when people have told me, "I wouldn't do it like that", I have asked them how they would do it. I can see all the problems, but I hope that with the help of noble Lords, not least those noble and learned Lords who have brought their considerable legal expertise—I am delighted to have such eminent judges, people who really understand the law, commenting on this—we can improve it.

Our system of taking Bills through Parliament is one of improving them together. I say to the noble and learned Lord, Lord Thomas: let us look at the issue. Is it the Secretary of State or is it the Chief Coroner? Perhaps he could bring us an amendment on that. Let us sort out these problems. These are areas where I have no experience at all; I am just a jobbing Bishop from the sticks. We have these legal experts here who can help us, so I thank them very much and hope they will enable us to improve the Bill as we bring it back.

I want to go back to the basic facts. There are more than 400 suicides a year. We heard stories in the Select Committee of families who have been rent apart and will never be the same. Take the story of Jack Ritchie. His parents have been in this place several times and are now campaigners. Their whole lives have been destroyed, as they watched their son get destroyed. They could see that it was going to happen but felt powerless to do anything. We have to do something. The Bill may not be perfect but, please, let us see what we can do to improve it so that we can get the data to allow us to inform His Majesty's Government's suicide prevention strategy—not just on problem gambling but on other forms of addiction and other areas. This could be a significant way forward if your Lordships could help me forge it into something better. I beg to move.

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

Women, Peace and Security Bill [HL]

Second Reading

12.13 pm

Moved by ***Baroness Hodgson of Abinger***

That the Bill be now read a second time.

Baroness Hodgson of Abinger (Con): My Lords, it gives me great pleasure to introduce this Private Member's Bill on women, peace and security. I begin by drawing the attention of the House to my interests in the register; in particular I co-chair the APPG on Women, Peace and Security. I am also a member of the steering board for the Foreign Secretary's Preventing Sexual Violence in Conflict Initiative, I am honorary colonel of Outreach Group 77 and I set up and run the Afghan Women's Support Forum.

As many noble Lords know, I have long been outspoken on the topics that fall within this Bill. The ground-breaking UN Security Council Resolution 1325, introduced in 2000 with much support from the UK, recognised the terrible and disproportionate effects of conflict on women. This was addressed through its four pillars of prevention, protection, participation, and relief and recovery. This and the subsequent UN Security Council resolutions on this subject have tried to address the situation, but we all recognise that this is a work in progress, with much more needing to be done.

In its report last year, the UN stated that

"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."

Meanwhile, just last month—in advance of the recent annual Security Council open debate on women, peace and security at the UN—481 NGOs set out in an open letter that there continues to be escalating and widespread conflict, and flagrant attacks on women's bodily autonomy and other fundamental human rights. In the introduction to the Government's 2021 report on the UK's national action plan—sadly published very late, on 19 July 2022—both Secretaries of State, at the FCDO and the MoD, recognised that there have been real challenges to the WPS agenda and the progress of the last 20 years is under threat, a threat exacerbated by Covid-19. The report stated:

"The pandemic revealed the fragility of hard-won progress on WPS, as political commitments risked being rolled back or reversed as attention and resources were redirected to the prevailing public health emergency."

We have also recently seen horrific reports of the use of rape as a weapon in Ukraine and rights for women in Afghanistan have been eradicated. In short, we have to recognise that the rights of women and girls globally have been significantly rolled back on all

fronts. Many believe that were we to have another world conference for women now, we would not be able to achieve the strength of language contained in the Beijing platform for action of 27 years ago.

The UK's work on women, peace and security and preventing sexual violence in conflict are two initiatives where the UK has been at the forefront. As Britain redefines its role in the world in the wake of Brexit and the pandemic, it is a time to build on all the investment and good work that has gone before and fight the growing challenges to gender equality. The Bill I propose today is another tool through which we can demonstrate our commitment and, more importantly, the implementation of our promises. If passed, it will coincide with our G7 responsibility in this area, as well as this being the year that we publish our new, fifth national action plan, publish a women and girls strategy and host the preventing sexual violence in conflict global conference.

Some may question the necessity for a Bill on this. While the UK has generally been robust on this agenda, at times there has been slippage. Enshrining this in law will mean that this agenda is future-proofed for future Administrations. Although much work has been done by the military on human security, the integrated review failed to make any mention of this. As mentioned earlier, the report to Parliament on UN Security Council Resolution 1325's national action plan for 2021 was not published until July this year instead of at the end of last year. This is usually accompanied by a meeting in Parliament organised by the APPG on Women, Peace and Security, so that Ministers can be questioned. While I understand that the situation in Ukraine took up much bandwidth, this meeting should have been held at the beginning of the year, before the whole Ukraine situation evolved. It was scheduled twice later and was twice cancelled, so I understand that it has been abandoned. The women, peace and security ministerial steering board has somehow just ceased to exist. Having the Bill would ensure that the women, peace and security agenda is in the DNA of all foreign, development and defence policy and cannot be sidelined again, as above.

With only two clauses, this short Bill seeks to ensure that the Secretary of State will have a duty to have regard to the national action plan on women, peace and security we are committed to under UN Security Council Resolution 1325. Clause 1(2) requires an annual report to Parliament on progress in relation to the NAP, which would formalise what the department currently does and would not create extra reporting burdens. Subsection (3) does what it says on the tin and puts in place the key duty on the Secretary of State to have regard to the national action plan

"when formulating or implementing the policy of the Government … in relation to foreign affairs, defence or related matters."

Clause 1(4) stipulates several considerations that the Secretary of State must have particular regard to. For example, paragraphs (e), (f), (g) and (h) cover issues around peace processes.

Meanwhile, Clauses 1(4)(d) and 1(4)(i) relate to conflict-related sexual violence—CRSV. Did your Lordships know that none of the ceasefire agreements reached between 2018 and 2020 included gender provisions or the prohibition of sexual violence? Gender-based violence is one of the most systemic and widespread human rights violations of our time, with one in three women worldwide experiencing physical and/or sexual violence in their lifetime. Gender-based violence is rooted in gender inequality. It threatens the lives and well-being of girls and women and prevents them accessing opportunities fundamental to both freedom and development. In every war, there is horrific conflict-related sexual violence—from Myanmar to Iraq, from Ethiopia to the DRC. It ruins people's lives, breaks up families and splits communities.

I welcomed the Foreign Secretary James Cleverly's commitment at the Conservative Party conference that:

"We will work with our friends and allies around the world to hold the perpetrators to account … To punish those who use rape as a weapon of war".

I look forward to hearing more details in due course about the conference planned for November and the work in the run-up to that with the UN. The Preventing Sexual Violence in Conflict Initiative was always going to be a marathon, not a sprint. We must ensure that language on CRSV remains robust. Perhaps we should recognise that commitment to it has somewhat waxed and waned according to the interests of various recent Foreign Secretaries. By including these stipulated considerations in our Bill, it will help keep CRSV front and centre of our diplomatic, security and conflict work. Meanwhile, the wording of Clause 1(5) ensures that the UK will also seek to keep the pressure up on all these issues when working with other multinational organisations.

Data from the Council on Foreign Relations shows that roughly seven out of every 10 peace processes from 1992 to 2019 did not include women mediators or signatories. In 2020, women represented 23% of conflict parties' delegations in UN-supported peace processes. The percentage of peace agreements with gender provisions was 28.6% in 2020, which remains well below the peak of 37.1% in 2015. Evidence that gender equality is essential to building peace and security has grown substantially since UN Security Council Resolution 1325 was adopted. In fact, involving women increases the chances of longer-lasting, more sustainable peace, yet they continue to be largely excluded.

We live in a globally interconnected world. War zones are poor zones. The Institute for Economics and Peace estimates that $1 of peacebuilding would lead to a $16 reduction in the cost of armed conflict. UN Secretary-General António Guterres said last year that

"there is a direct link between increased investment in weapons and increased insecurity and inequalities affecting women."

Sadly, it is apparently not obvious to many, but you cannot build peace by leaving half the population out—look at Syria, Iraq, Libya, Yemen, Afghanistan and many other places. We should not have to justify women being included; we should ask the men there to justify their exclusion. Ambassador Barbara Woodward at the UN Security Council highlighted the importance and value of women's economic inclusion for maintaining and stabilising peace in post-conflict settings. She argued for

"gender equality today for a sustainable tomorrow".

[Baroness Hodgson of Abinger]

Ministers of the newly merged FCDO said that they wanted to put women and girls at the heart of the UK's foreign and development policy. I believe that the Bill would increase the level of ambition. We must not fall into the trap of mistaking process for progress, status for impact, or rhetoric for action. It is not enough to pledge our commitment to the WPS agenda without delivering meaningful change for all women and girls living through the daily realities of war. Being truly able to examine and hold the Government to account on this agenda is key.

This short, simple Bill will put in legislation, for all future Governments, our commitment to policy decisions having systematic gender consideration and responsiveness in UK foreign and defence policy. It also demonstrates that the UK is again leading the world on this agenda, and the UK can encourage other countries to follow its example. While some might raise technical points about the wording, I hope that Members from all sides of this House can support this idea in principle and work with me to make the Bill a reality.

At the Security Council open debate on women, peace and security last month, the UN Secretary-General, António Guterres, said:

"Every year, we make laudable commitments—but they are not backed with the requisite financial and political support."

This is an opportunity for the UK to show its true political support and commitment by enshrining this agenda into law. I beg to move.

12.26 pm

Baroness Sugg (Con): My Lords, I thank my noble friend Lady Hodgson for bring the Bill forward and for her tireless work on women, peace and security. I fully support the Bill and I hope that other noble Lords, my noble friend the Minister and the Government do the same.

The Secretary of State for the Foreign, Commonwealth and Development Office should indeed have regard to the *UK National Action Plan on Women, Peace and Security* when formulating and implementing policy. Since the year 2000 and the adoption of Resolution 1325, the Security Council has encouraged member states to develop national action plans—NAPs—on women, peace and security. To date, 98 countries and territories have done so, although that that is only 50% of UN member states. However, the UK has been one of the leading lights on this. As we have heard, the UK is currently on its fourth NAP and for that, this Government, and indeed their predecessors, deserve some credit—the first was under a Labour Government and this should not be a party-political issue.

My noble friend Lady Hodgson has explained the four pillars of the women, peace and security agenda, all of which are essential to achieve gender equality and the progress we want to see: prevention, participation, protection, and relief and recovery.

I was pleased to see that the UK's fourth NAP included a commitment to annual reporting to Parliament, which the Bill seeks to put into legislation, and to avoid any deviation from this in the future. The Bill also details the considerations the Secretary of State must have, particularly in regard to whether the UK is participating in multinational organisations such as the United Nations.

The UK generally has a proud record on women's rights in the UN and other international forums, although that is not always the case. I, along with many other campaigners with women's rights, was very disappointed to see the concluding statement following the UK-hosted International Ministerial Conference on Freedom of Religion or Belief. After garnering multiple national signatories, it was withdrawn and watered down before being reissued.

However, on a more positive note, I was delighted to see just last week that the UK was among the leaders of a landmark statement at the United Nations on sexual and reproductive health and rights. I hope that the UK will continue this leading role in international fora, and the Bill will help ensure that we do. Women and girls should of course be a core part of every FCDO policy, and the Bill would help to ensure that. The Government have stated that the outcomes of the national action plan are designed to be specific, measurable, achievable and relevant, and to represent areas where we would expect to see progress over a five-year period. That is welcome, so let us have an annual check on this progress, as the Bill would ensure.

There have been a fair few changes of Minister in recent days, weeks and months. I am pleased to see the Foreign Secretary remain in his place and to see my noble friend the Minister here today. I wholeheartedly welcome Andrew Mitchell to his new role as Development Minister—he is a true champion of development—and in doing so, I thank Vicky Ford, who in tough times has been a great advocate for development and for the women and girls agenda.

In July 2022, the Government published an annual report on the implementation. Can my noble friend the Minister recommit to those pledges today? Is the plan still to develop and publish the WPS national action plan this year, and will they also publish the long-promised women and girls strategy? Many of us are looking forward to that publication. Will the UK launch new grants to pilot and evaluate pioneering new approaches to prevent sexual and gender-based violence in conflict and crisis over the next five years, building on the global evidence base on what works? Finally, can my noble friend the Minister recommit to restoring funding to women and girls as was committed by the previous Foreign Secretary, both when she was in that role and when she was Prime Minister?

Once again, I thank my noble friend Lady Hodgson for bringing this important Bill forward. I fully support it and, as I said at the beginning, I hope my noble friend the Minister and the Government do the same. I look forward to his response.

12.30 pm

Baroness Goudie (Lab): My Lords, I thank my noble friend Lady Hodgson for persisting, having had this Bill delayed a number of times. I am pleased that it is here this afternoon, although it would have been wonderful to have had more Members here because this Bill is a vital tool, especially now when half the

world or more is at war with itself or other countries. I very much endorse what my colleague and friend, the noble Baroness, Lady Sugg, said so I will not repeat it.

It is important that we remember what this Bill means. As we know, in 2000 the noble Lord, Lord Hague, and Secretary of State Hillary Clinton got Resolution 1325 through the UN. We know what it means: prevention of conflict in all its forms; that women have to be at the table, against violence; and that military men and women must be trained. Those people in the military who push for that form of violence should be brought to trial and prosecuted; to date, only a very few have. It also means women participating equally with men and promoting gender equality at the peace table.

I ask the Minister again to endorse what was promised a few years ago: that Britain would not participate in any peace talks that did not have women, including local women, at the table. I remind the Minister that one of the longest peace talks is that in Northern Ireland, which is again at risk because there are no women—either local women or women from outside Northern Ireland—at the table. That is the key: having women at the peace table and having rights for women and girls.

It is also about rights for boys. Terrible things such as sexual violence also happen to boys, but that is forgotten. Any noble Lord who has seen the evidence that we took in this House during our inquiry into sexual violence in conflict will know that it was terrible; I cannot tell you. We know the effect that it has, especially on gay guys. It is absolutely terrible. It is really important that we remember what has to be done.

If we have women at the peace table, it will also ensure that we have investment. Women care about jobs, employment, training and what their children are going to have. They will ensure that schools are put back, and that that investment is brought forward.

Health is another important issue at the peace table. Without maternal health and health for children, there is no future for communities, including rebuilding. It is not just about walking away and saying that we have a peace agreement; it is about taking on that agreement. What we do not want are any further happenings such as those we have seen—women and families from Afghanistan, Ukraine, Syria and Yemen still in camps. Some have been there for 10 years, which is why we have to implement this Bill today. I ask the Minister to announce at the conference at the end of November that we will endorse this Bill and, further, that we will not endorse any talks at the peace table without women or investment.

12.33 pm

Baroness Smith of Newnham (LD): My Lords, I suspect that this is going to be one of those rare debates in your Lordships' House in which everyone across the House says similar things. We all strongly agree with the noble Baroness, Lady Hodgson of Abinger, on this small but important Bill.

Occasionally, Members rise to speak and there is unanimity in the House, with one exception: the Government Front Bench. I am delighted to see the Minister still in his place. Fortunately, Lords Ministers seem to have a longer shelf life than their Commons colleagues; when we have good Ministers, it is good to keep them. I hope that on this occasion, he will feel able to give us some reassurance because, as the noble Baroness, Lady Sugg, pointed out, the United Kingdom is coming to the end of its fourth national action plan for women, peace and security and we are allegedly due a fifth one by the end of this year. I hope that the Minister agrees with the view from across the House that the women, peace and security agenda is important but also needs to be scrutinised; perhaps he might even consider giving some government time to ensure that this Bill can go through.

The noble Baroness—I would say, my noble friend—Lady Hodgson, in introducing the Bill pointed out that the APPG on Women, Peace and Security normally had meetings with Ministers after the annual reports, which it was unable to do this year because the report came out too late. Having the Bill and a formal legal requirement to bring an annual report is important, but obviously, there is a danger that reports requested by Parliament are simply slipped out through Written Ministerial Statements. If the Bill is enacted, would it be possible not to just slip out a report under cover of a Written Ministerial Statement but give government time to debate this important issue annually? That is going slightly further than the noble Baroness, Lady Hodgson, asks for in the Bill, but if you do not ask, you do not get.

The Bill is, unfortunately, all too timely. The war in Ukraine has again highlighted the dangers of conflict for women and girls, and the withdrawal from Afghanistan in the summer of 2021 left behind many of the most vulnerable. Can the Minister tell the House where we are on getting vulnerable people out of Afghanistan? The nature of the news cycle means that the media seem able to cope with only one issue at the time. For a couple of weeks, it was Afghanistan; for a longer period, it was Ukraine; then it was the Conservative leadership election for a jolly long time; then the death of Her late Majesty the Queen; then another Conservative leadership election—and we almost seem to have forgotten the international dimension. If there could be a little update on Afghanistan, that would be most welcome.

The requirement also talks about having women at the table. Vicky Ford has just been removed as the Minister for Development in the FCDO. The return of Andrew Mitchell is in many ways welcome, but who does the Minister see leading on this in the FCDO? Will it be, for example, Anne-Marie Trevelyan? Will he pass back to the noble Baroness, Lady Goldie, a request for similar thoughts about what the MoD is doing in this regard?

Finally, while he was on the Conservative Back Benches, Andrew Mitchell was very clear about the importance of development, to which the women, peace and security agenda is also linked. There has been a lot of criticism of the Government's failure to give financial commitments to parts of the women, peace and security agenda, particularly from the Gender Action for Peace and Security civil society network. I hope Andrew Mitchell may be able to get the Government back on the straight and narrow, but before that, could the Minister tell us when he anticipates that our commitment to overseas development aid will go back to the legally binding 0.7%?

12.38 pm

Baroness Coussins (CB): My Lords, I, too, wholeheartedly support the Bill. Current events in Iran, which highlight the plight of women and have already resulted in the deaths of several young women, underline the importance of the measures this Bill would establish. Events in Iran also remind us that it is important to include not only women but young women, and not just in a tokenistic way to make up the numbers around the table, but genuinely to help define and inform the agenda, policies and settlements around peace, security and post-conflict reconstruction. I shall mention just two other points.

First, if the Minister accepts the need for an annual report as required under the Bill, it is important that, as well as reporting on our own activity, that report contains a specific section on what the UK has done to encourage, persuade and assist other UN member states to comply with Resolution 1325. As we have heard, that resolution has been in existence for over 20 years, but I am not convinced that sufficient pressure has ever been applied to achieve compliance where it is most needed.

The UK has such a positive track record of championing these issues generally, and supporting Resolution 1325 in particular, that I would hope that His Majesty's Government could formulate more and stronger ways in which to exert their influence. I hope the Minister will be able to give us some specific examples. Could he confirm, for instance, that His Majesty's Government are still funding the International Civil Society Action Network to help develop a protection framework for women peacebuilders?

My other point is that the annual report must include reference to Latin America—a region so often overlooked or underestimated in UK foreign policy, and yet where there is a tragic and persistent ongoing legacy of violence against women, during and post conflict, together with a culture of impunity for the perpetrators. Only this week, I met one of the many female human rights defenders for Mexico, who testified to ongoing incidents of sexual violence. I am aware of a similar and significant incidence of sexual violence in Colombia.

I know that the designated responsibilities of the Minister extend to just about every region of the world except Latin America, although they include the United Nations. Nevertheless, I hope that he will give a commitment that Latin America will receive its fair share of attention as the Bill proceeds and—if, as I hope, its provisions are enacted by the Government—in any future reports, policies and commitments, including free trade agreement negotiations. Specifically, I hope the Minister will confirm today that Latin America will feature on the agenda of the November conference on sexual violence that we will be hosting.

12.42 pm

Baroness Northover (LD): My Lords, as other noble Lords have, I pay tribute to the noble Baroness, Lady Hodgson, for her work over many years on women, peace and security. She is right about the terrible and disproportionate effect of conflict on women and girls.

The UK is already signed up to producing a national action plan under UNSC 1325, but the noble Baroness rightly wants to ensure that this has more traction. That is not much to ask for in an area where the UK Government have a strong track record over many years. However, the cut in aid and the merging of DfID with the FCO has not helped in this regard. Abandoning Afghanistan was an appalling strategy. Therefore, it would be welcome if, as surely should be the case, the Minister could assure us that the Government will support the Bill.

The noble Baroness has spelled out some of the ways in which this can be applied—for example, by ensuring that women are engaged in formulating and implementing policy, that justice is sought for survivors of gender-based violence, that women are fully involved in peace processes and, above all, by wider and deeper engagement. But it is important that it is not just words.

I was privileged to hear a Ukrainian speaker yesterday spell out how her country, under the appalling stress of war, is taking forward the essence of women, peace and security. Her emphasis was that women are not just victims but must be seen as agents. She looked with optimism to the future of her country and illustrated how to ensure that women are to remain central in the future. It is not, she said, a matter of box ticking but, for example, of making sure that in the reconstruction of infrastructure not just hospitals and schools, but also kindergartens, are at the forefront. That gender lens is vital.

Looking to the UK, we hear that there will be a new integrated review—there certainly needs to be—but will the Minister make sure that gender is front and centre in it? I too am very glad that Andrew Mitchell, with his long record, will lead on international development in the FCDO. I hope that he will help to make international development much more strategic in the department, recognising that women and girls need to be front and centre. That includes, for example, a major emphasis on family planning and reproductive health and rights. Could the Minister fill us in on whether the FCDO will increase once again support in this area—the very basis of gender equality?

With our terrible abandonment of those in Afghanistan, are we making any moves to support women and girls there or here? There are three schemes to admit Afghans here, but no one seems to qualify for any of them. Can the Minister guarantee that no Afghan, Syrian, Iranian, Ethiopian or Somalian refugee will be sent to Rwanda?

Can the Minister assure us that the Government will engage properly in COP 27 and allow the King to go? Does he recognise the potential effect of climate change on the poorest in the world, especially women and girls? It is therefore astonishing to see the reluctance of our new PM to attend. The Minister has been in his job long enough to know the reality of climate change and how it affects women and girls, and the poorest, the most.

As the noble Baroness, Lady Goudie, mentioned, we see an impasse again in Northern Ireland. It is worth remembering the extraordinary part that women played in bringing about peace. They must be central going forward.

We are not in a stable world and our own politics have hardly been strategic and stable in recent years. As the noble Baroness, Lady Hodgson, indicated, we have already seen how the position of women in conflict has tended to be neglected. I therefore commend the Bill to the House and the noble Baroness for introducing it.

12.47 pm

Baroness Uddin (Non-Afl): My Lords, as a former chair of the APPG on Women, Peace and Security long ago, it gives me great pleasure to thank my noble friend Lady Hodgson for her outstanding work. I agree that the Bill is a necessity at this time.

The rape and torture of women in wars and conflicts have been a feature of conquest throughout human history, past and present. Apparently we are transitioning through the civilised period of human history. Despite the Hague conventions of 1899 and 1907 requiring family honour to be respected in wars by occupying powers, men in battle have equated women with disposable commodities. It is also worth noting the recent history of American soldiers who stand accused of raping Iraqi men in Abu Ghraib—so men too have been raped and tortured during wars.

For context, I was trawling the internet on this matter to gain a better understanding of the millions of women who have been used as a weapon of war. Even I, who lived through the war of independence in Bangladesh and so was fully conscious of the depravity of war, was ill equipped mentally to read the astounding numbers of women who have been brutalised, raped and tortured in conflicts in my century.

Japan stands accused of the mass raping of between 20,000 and 80,000 Chinese women in the city of Nanking, China, during 1937-38. During 1944-45 there was the mass rape of 100,000 German women or more by Soviet soldiers in Berlin. I have raised in this House on many occasions the horror of what happened in Bangladesh in 1971, when an estimated 300,000 women were raped and tortured. Many died in rape camps.

An estimated 500,000 women were raped in Rwanda during 1994. It is stated that sexual assault formed an integral part of the process of destroying the Tutsi ethnic group. Muslim women and girls as young as 12 were subject to widespread routine gang rape, torture and sexual enslavement by Bosnian Serb soldiers in Foča, Bosnia and Herzegovina, in 1992. Many women disappeared and might have been murdered.

We witnessed before our eyes the forced expulsion by the Burmese military of up to 1 million Rohingya families fleeing Bangladesh as the West failed to intervene and exert sufficient pressure on the Burmese army. I do not have the exact numbers but at least 70,000 women gave birth in those camps, and I wonder how many of those babies were born of rape.

Some of the numbers that I have cited may be a significant underestimate. There are not enough hours available in the Chamber to depict the atrocities committed on Burmese women. Shockingly, as published in various reputable research papers, those who stand accused have vociferously challenged and denied these facts. If we are to believe women as witnesses and survivors, then there may be even more than we are able to report who have died and disappeared.

Countless UN resolutions have permeated our international talking shops while the lives of women, from Afghanistan to Africa to Ukraine, continue to bear the brunt of wars and conflicts past and present. Historically too, international communities and institutions with the laudable aim of liberating women, including our own Government, have again and again failed to protect women, to prevent them coming to harm and to engage them in peacebuilding and post-conflict settlement.

Therefore I stand with the noble Baroness, Lady Hodgson, and her Private Member's Bill, which would require the UK Secretary of State to have regard to the UK national action plan on women, peace and security when formulating and implementing government policy. As has been mentioned, the plan has been adopted to meet our commitment under UN Security Council Resolution 1325. The UK is on its fourth NAP, based on the agenda of changes in the role of women in conflict prevention, women's participation in peacebuilding, the protection of women and girls after conflict, relief and addressing women's needs during repatriation, resettlement and integration.

It pains me to see the global plight of women. It is a salutary reminder of how far we have yet to climb and how easily we can descend into indecency and human degradation, even in our modern civilised century. The Bill would give women hope and highlight the importance of women's integral role in peace and security efforts. It seeks women's involvement as a core part of UK policy. Human catastrophe on this level leaves one breathless contemplating the upcoming challenges that our world faces.

I have three questions for the Minister. First, do the UK Government have a particular funding mechanism and target to reach women and girls in conflict and those designated as fragile states, including those that I have mentioned? If so, what are they? Secondly, what leadership can the UK Government provide to initiate dialogue for reparation and apologies for the rape and torture of women in countries such as Bangladesh, about which I have asked Ministers on many occasions? Thirdly, will he assure the House that the forthcoming international conference on preventing sexual violence in conflict on 29 November consider outstanding reparation and apologies for war crimes of the past?

12.53 pm

Lord Hussain (LD): My Lords, I support the Bill. As many noble Lords have said, rape is used as a weapon of war in many areas of conflict around the world. One that I draw noble Lords' attention to is India, where in Kashmir for the last 30 years the Armed Forces (Special Powers) Act has given complete impunity to the armed forces. There are reports from Amnesty International, the UN Commission on Human Rights and all other human rights organisations that the Indian Army is involved in sexual violence and rape. In our free trade agreement with India, will the Minister make sure that the impunity that the Indian Armed Forces (Special Powers) Act gives to the Indian army to do what it wants in that area, including rape, will be discussed as part of the deal? Will he give women the freedom to challenge those responsible for these draconian acts?

12.54 pm

Lord Purvis of Tweed (LD): My Lords, it is a privilege to speak in this debate, with so much evident expertise and experience on display. The noble Baroness, Lady Goudie, was right: it would have been wonderful if more colleagues had taken part, but sometimes I prefer a smaller group of experts to a wider group.

The noble Baroness, Lady Hodgson, and I took our seats at exactly the same time on the same day, and nine years on it is a pleasure to see that, as she said, she is still being outspoken. I commend her work in this area, as others have done, and on bringing forward the Bill and the way in which she introduced it. As my noble friend Lady Smith indicated, this is probably the easiest Bill that the Government could ever accept. I hope that the speech of the noble Lord, Lord Ahmad, might not necessarily be long: simply saying yes would suffice today.

When I came to the Chamber, it dawned on me that this week we have been debating Northern Ireland at length, we have had a debate on Iran, we have had Questions on political violence in Africa, and yesterday we discussed the atrocities of Idi Amin in Uganda 50 years ago. Every day this week I have taken part in proceedings where women have been at the leading edge of seeking and securing peace but have also been the victims. Our Iran debate, for women in a leadership role, and for young women in particular, has been both inspiring and, as a man and a political person, humbling. The Bill is so important to entrench and enshrine some of the structures in place to ensure that we prevent any further falling back—which, as the noble Baroness, Lady Hodgson, has indicated, regrettably we have started to see—in the involvement of women in peacemaking.

At this stage I will declare my interests. I chair the UK board of the world's largest peacebuilding charity, Search for Common Ground. I had the privilege of chairing a panel, in which I was the only male, at a freedom of religion and belief conference, in the parallel process that the Minister was responsible for in July, bringing together women from Israel and Palestine, from east Africa and from Asia, all discussing this vital topic. I have carried out and continued to do work on supporting and mentoring in partnership training for women MPs and community groups in Sudan, Iraq and Lebanon, all areas where there are additional barriers of confessional political systems that have then often entrenched some of the discriminations and barriers that have prevented women from participating.

Today we are primarily discussing what the Government can do with the structures that are in place. I am on record as asking the Government what their approach is to talks whenever the UK is involved or sponsors or funds them, and whether they should have a policy of empty-chairing any discussions when there are no women involved. Regrettably, there have been too many of these occasions and Governments need to call that out. Similarly, the noble Baroness was right to highlight the gap between the preparation of the NAP and its publication. I read the report, and I commend the officials who put some of the work together, particularly some of the analysis on the indicator tables. I felt that those tables in the NAP report were most powerful in some of the key areas.

If the Minister can also respond specifically to the work of the steering board and how the Government will be taking forward the specific proposals within it, I would be grateful, especially in the context now of a degree of uncertainty, as my noble friend Lady Smith highlighted, about the precise role of a Minister for Development. Are they a policy-making minister or an administrative one? Who, within all these agendas and the implementation of all the international obligations listed in the Bill, are the Ministers who will be responsible for driving them through? At a time of cuts, as my noble friend Lady Northover indicated, having this driven by Ministers from the centre is important.

It is not to disagree with the Bill but our Benches support—we would like this be the basis upon which we can build in future—as our colleagues have put forward in the Canadian Liberal Government, a fully feminist development policy which includes security, peacebuilding and diplomacy so that the gender element is at the core of each of the three strands. It can be done, and it can be done extremely creatively. In Pakistan —a country that the Minister knows well on a ministerial level, having been there fairly recently—the work of Women, Peace and Security and Humanitarian Action in the national security policy is to be commended. The Government of Pakistan recognise gender security as the core element of their national security programme. This is an innovation but it is very helpful, because it includes law enforcement, the justice sector and peacebuilding. We could do more for the UK in its development-making policy.

Strategy is one thing and good intention is most certainly another, but the UK needs the tools to deliver on these. The unlawful reduction from 0.7% to 0.5% has dealt a blow not only to the ability to honour commitments that the UK Government have made but to how we underpin our international obligations.

We have called for an equality impact assessment to be published—the noble Baroness, Lady Sugg, called repeatedly for it to be published. The Government failed to do so but we were grateful to the International Development Committee, which used parliamentary privilege to publish the equality impact assessment of the Government's development cuts. Using parliamentary privilege to do this surely cannot be right, when around the world we are highlighting areas where transparency and accountability is good practice.

The impact assessment is a shocking read:

> "The proposed scale of reductions to specific gender interventions, including Violence Against Women and Girls … and Sexual and Reproductive Health and Rights … will impact girls' education and wider efforts to advance gender equality. This includes likely reductions of 75% for VAWG … 70% for SRHR"

and 80% for advancing gender equality and education. It goes on to say:

> "FCDO has been the biggest bilateral supporter of social protection programmes in over 30 countries. Of 23 draft country plans reviewed, 16 proposed reductions and 3 proposed closures."

In over half the countries, of which we are the leading country, we have cut, and in three we have closed entirely. What message does that send for global leadership in this agenda? It sends a horrific message. The Minister will be aware, as has been asked for before, that we are awaiting the full implementation of the FCDO

strategic vision for gender equality. Can he say what the status of that is and what the tools are for implementation?

This is a short debate. Like all noble Lords, I have much more to say, but I will limit myself to this final point. We have had a good record in the past, and many countries have followed us. Regrettably, we are on a different trajectory. However, if the Government put into legislation this excellent Bill from the noble Baroness, Lady Hodgson, and use it as the basis of further work and provide the funding to implement it, we will regain our global leadership position; the noble Baroness will have been the guarantor of that. I commend her and the Bill.

1.04 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Baroness, Lady Hodgson, for bringing this Bill before Parliament. I also thank her for all her work on this agenda; she has worked tirelessly on a cross-party basis. As noble Lords have said, I hope that the response to the Bill, from these Benches and from the Government Benches, will be at one in seeking to deliver this agenda.

The denial of the rights of women and girls remains the most widespread driver of inequality in today's world. Gender-based violence is a major element of this massive and continuing failure of human rights. Delivering this agenda, as action plans have recognised, is not a matter for government alone. The ingredients of a thriving democracy are not limited to Parliaments and parliamentarians. As the noble Baroness, Lady Coussins, rightly highlighted, civil society organisations such as women's rights groups and trade unions remain an important part of democratic life and are frequently the only guarantors of human rights in society.

Women endure discrimination, violence and the denial of their rights simply because they are women. We must tackle the underlying problem of a lack of empowerment, education and inclusion. As my noble friend Lord McConnell has frequently argued,

"development is the mortar of peace."—[*Official Report*, 8/7/10; col. 360]

I also welcome Andrew Mitchell's appointment. He certainly has a tremendous track record on this issue, both as a Minister and a Back-Bencher. I echo the comments of all noble Lords, and I hope he will see his focus as establishing a very clear timetable for the return to 0.7%.

Ethiopia is an example of how quickly incredible levels of development can fall apart when conflict re-emerges. A really sad and horrific example of that conflict has been the sexual violence we have seen, particularly in the Tigray region. I know that is something we will be focusing on in the Bill which we will be considering later. In the Ukraine conflict we have also seen rising levels of sexual violence. Yesterday we had a very short debate on the situation in Iran, where the shameful killing of Mahsa Amini was followed by alarming reports of the continued use of disproportionate force, particularly against women, opposing the restrictions on their rights. This is all evidence of how women and girls pay a very heavy price in conflict and instability. There is more; sadly, I could go into a long list.

The UN Secretary-General's 2020 annual report on the responsibility to protect focused on the role of women in peace and security. The report was published on the 15th anniversary of the responsibility to protect, as well as the 20th anniversary of UN Security Council Resolution 1325 on women, peace and security. The report recognised that the full and equal participation of women in peace processes and in decision-making, as well as in the design of preventive measures, is important in closing any gender-based gaps in atrocity prevention. Globally, only 13% of negotiators, 6% of mediators and 6% of signatories in major peace processes are women. Women deserve to be part of peacebuilding and conflict response because, unless they are given the opportunity to voice their demands and needs, they may be left in danger, even though the fighting appears to have stopped.

As the noble Baroness, Lady Sugg, said, the United Kingdom has a proud record of supporting the women, peace and security agenda for many years, including setting up a network of women mediators. It is currently the pen holder at the UN Security Council. Noble Lords have referenced the forthcoming conference in November of the international Preventing Sexual Violence in Conflict Initiative, which focuses on ending conflict-related sexual violence. The Minister and I have talked about the conference and stressed the obvious importance of hearing the voices of those most affected, ensuring that we make it clear that these are the ones the world needs to hear. I have also stressed to him the importance of civil society being properly engaged in that conference, and I hope that he will give us some idea in his response about the conference's shape and agenda.

Labour has argued and believes in foreign and development policies based on the principles of gender justice, rights, intersectionality and solidarity. That is why we support the Bill transforming words into actions. As the noble Baroness, Lady Hodgson, said, we have signed up to the conventions, but we have to make sure that those commitments are a "must" rather than a "should". That is why the evidence she highlighted is so important and why we need to make it clear that this is not a desirable objective but an absolutely necessary one.

Of course, as the noble Baroness, Lady Hodgson, highlighted, the delay in the national action plan report to Parliament, which was not published until July this year, is just one part of the evidence that she presented. It is an important and crucial mechanism of accountability, which is why we support the Bill. I hope the Minister will also commit to supporting it and to giving it a successful passage through Parliament.

1.12 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, I thank all noble Lords for their valuable and insightful contributions. In particular, I join all noble Lords in paying tribute to my noble friend Lady Hodgson, whom I have known for a long time. I know her passion and commitment to this important agenda and beyond. I do not just acknowledge and congratulate her; I also thank her for the valuable insights that she provides to me, as a Minister at the FCDO, on this important agenda and with regard to

[Lord Ahmad of Wimbledon]
my specific responsibilities as the Prime Minister's special representative for preventing sexual violence in conflict. I still have those as I speak.

Let me say from the outset that the Government fully support the ethos of the women, peace, and security agenda. The noble Lord, Lord Purvis—with the noble Baroness, Lady Northover, and others—said that this was perhaps one of those opportunities where I could give a very short speech and just say "Yes". All I can say is: if only the life of a Minister were so easy. I have been at this for a while, and I assure noble Lords that there are always specific issues that require a degree of further amplification of the requirements of the Bill—I will come on to that in a moment.

I share the important observation of the noble Lord, Lord Purvis, that it is right to have qualitative elements within a focused debate. What I can say at this juncture as well is that I note the importance of specific areas where the Government can and should strengthen their work further in the broader areas of women, peace and security. I will come on to those in a moment.

As we have heard today, the WPS agenda was ushered in by UN Security Council Resolution 1325, in the year 2000. The United Kingdom, as we have also heard, was pivotal in getting that resolution passed. We do not dispute that conflict has a direct and disproportionate impact on women and girls. We see that everywhere.

The noble Lord, Lord Collins, mentioned the situation in Ethiopia and Tigray, in particular. I spoke to the Deputy Secretary-General of the United Nations about the conflict when she visited the region. While humanitarian access has thankfully been provided, even international agencies, including those of the UN, are yet to fully assess the impact of the ongoing conflict in Tigray. Undoubtedly the situation is extremely dire.

The noble Lord also mentioned Ukraine. Looking at other conflicts, I just reflect on how our approach to conflicts, both past and present, has been informed and on how we deal with them. The approach in Ukraine has been markedly different in the structures and accountability mechanisms that have been set up. I assure noble Lords that there are ongoing discussions. Over the past few months, I have had discussions with the new prosecutor general in Ukraine and, a couple of weeks back, my right honourable friend the Foreign Secretary and I had a very constructive meeting with the ICC prosecutor. The Government have committed specifically to not just financial and technical support but technological and indeed professional support to ensure that perpetrators of sexual violence and broader crimes in this conflict can be brought to account. Of course, I commit to keeping your Lordships' House informed on progress.

The noble Baroness, Lady Coussins, rightly raised Iran and what is unfolding there, which is tragic. I was recently given ministerial responsibility for the Middle East and I have been focused on Iran. This week, there have been developments that I have called out personally and I know that my right honourable friend is engaged on this. We have been making it very clear that the continuing situation in Iran is not something that any Government should be entertaining in any shape or form. It riles me. I have said this before and I do so again: as a Muslim by faith who follows Islam, it absolutely shocks me that there are people, indeed states, who use government as a means of suppressing women's rights. It is fundamentally flawed whichever way you cut it—and that includes through the lens of faith.

The stronger we are on this, the more progress can be made. We need to ensure not only that those in the room are well informed—this is not about taking a stick; that approach never works—but that there is a reality check. It shocks me personally, professionally and ministerially that, when you look around the world, including the UN Security Council, nearly 25 years on from Resolution 1325, we still find that women are not included in conflict resolution mechanisms. That is fundamentally wrong. I have already talked to our incredibly talented and leading diplomat, Dame Barbara Woodward, about the importance of our approach to conflict resolutions at the UN Security Council. It may be rejected but, with my UN responsibility, I have said we must include specific paragraphs to ensure that women mediators are given a voice—I mean, for God's sake, what year are we living in? We need to ensure that they are pivotal to that.

I again pay tribute to my noble friend Lady Hodgson for her work on Afghanistan and to the noble Baronesses, Lady Smith and Lady Northover, who I worked with very closely during the Afghanistan evacuation. There are routes available, and the noble Baroness, Lady Northover, is right to say that these need to be utilised and amplified. The situation is dire—I do not hide away from that—but we have continued to bring people to the United Kingdom every few weeks through the ACRS, the Home Office scheme. As the changes in government settle, I assure noble Lords that I want to renew and maintain our focus on conflicts that are ongoing but perhaps, as the noble Baroness, Lady Smith, said, are not in the headlines. This is not about a moment in time; it is an ongoing issue.

I am sure that the Taliban in Afghanistan have feelings about how soon the West and other countries respond. This is not just about the West; other countries have also raised this issue. When visiting the Middle East and the Gulf states, I again used the same idea: under what premise do the Taliban, perversely, use the role of religion to supress the rights of women? This is a total and utter nonsense. We need other countries to stand up quite forcefully and make this case—and not just those like-minded countries to which we often turn.

Our WPS work focuses on the meaningful participation of women. We have incredible commissions; indeed, I launched the Women Mediators across the Commonwealth network. However, we are not utilising these networks and we must ensure, coming back to my earlier point, that they form part and parcel of the conflict resolution mechanisms. Therefore, I totally and utterly agree with the principles in the Bill because they present a way of highlighting once again the important issues in front of us.

The noble Baroness, Lady Coussins, raised the issue of UN Security Council Resolution 1325 and mentioned supporting particular initiatives as examples. One example,

of which noble Lords will be aware, is the Elsie Initiative, which we have provided with £5.9 million of funding since 2019 to support countries directly regarding uniformed women in peacekeeping, which is also important. I will come to the issue of the Ministry of Defence, which was also raised.

On the issue raised by the noble Lord, Lord Hussain, about India, we remain committed to women being involved in every peace process. In this sense, it is important that countries will be represented at conferences, including the PSVI conference we will be holding. India has a long and rich history of standing up for the rights of all communities; that is part and parcel of what defines India as a thriving democracy. Where issues arise, we will raise them—sometimes privately, sometimes candidly—as we expect India to raise issues with us.

The noble Baroness, Lady Coussins, also talked about funding for the International Civil Society Action Network. We provided it with funding in 2020, and we continue to work with it in this respect. On the PSVI agenda, ICAN is centrally involved in the groups we are working with.

Since 2000, 100 countries have also adopted national action plans as the primary vehicle to implement their WPS commitments. The FCDO and the MoD—the noble Baroness, Lady Northover, referred to this—are preparing the fifth UK action plan for 2023-27. We are working with civil society, academia and parliamentarians —some of whom are present here today—to ensure that it delivers real change for women and girls and the communities in which they serve. The noble Lord, Lord Purvis, talked about different strands of focus, and I hope that, as we move forward and evolve these national action plans, they also reflect the very focused areas on which we need to ensure delivery. The Government will of course monitor and evaluate their implementation through a framework that allows us better to understand and improve our impact on fragile and conflict areas.

My noble friend Lady Sugg is a great champion of so much on this important agenda; I praise her incredible work, particularly on sexual and reproductive health. I can assure her that there is a centrepiece. The noble Lord, Lord Collins, asked about the framework for the PSVI conference. In the interests of clarity, there will be a specific focus on that centrepiece, as I assured my noble friend a few weeks ago. Women and girls remain very much at the centre of the UK's foreign policy.

My noble friend and the noble Baroness, Lady Northover, rightly asked about the women and girls strategy; we will be looking to publish that very shortly. I am also looking to use the conference to publish the PSVI three-year strategy. I am happy to share the early publication of that with noble Lords, in advance of the conference, and I hope that the conference itself will provide an informed engagement opportunity. This time next month, we will be hosting the conference. Noble Lords who have not yet received an invitation, for whatever reason, and wish to attend—I say this on the record—should let me know and we will then issue it.

I look forward to hosting the conference. The noble Lord, Lord Collins, and I have talked about the structure; I assure him that the conference will be opened by a survivor, and I hope that will set the tone thereafter. We also hope that it will advance the broader WPS agenda that my noble friend has sought to highlight in aspects of the Bill, particularly conflict-related sexual violence.

Day by day, through global policy and programming, the FCDO is responding to and working on gender-based violence. We are also putting survivors at the centre of our approach, as noble Lords will be aware. This is not just about Resolution 1325. We have championed and supported UN Security Council resolutions; we have survivors as part of our steering group on preventing sexual violence, and they inform policy and programming directly; and we have launched specific initiatives.

The noble Baroness, Lady Uddin, talked about the situation in Bangladesh. Of course, we have been long-standing supporters of the Rohingya community in both their flight from the worst kinds of ethnic cleansing in Myanmar, and within Bangladesh. Earlier this week, I met with Deputy Foreign Minister Shahriar Alam to indicate again our financial and continued support. I have been to the camps in Cox's Bazar and seen the appalling, abhorrent situation that women have to face, not once but twice over—indeed, in the camps themselves—and will continue to ensure that we provide support where we can. I praise Dr Mukwege's Global Survivors Fund, which provides initial funding and support to victims of sexual violence in particular. The UK is on its board and has provided financing to the fund to support victims and survivors as they await justice.

The noble Baroness, Lady Northover, asked about the MoD. In parallel, the MoD has established policy on human security in defence which also commits to incorporating gender perspectives across all planning. The MoD is furthering the inclusion of women at all levels of defence, both domestically and overseas, with partners and allies. The noble Baroness also talked about the impacts of climate change, and I assure her that I am fully aware of that. It did not require me to be a Minister, but I recently visited Pakistan, where, I am delighted to say, we were able to make a further commitment of £10 million. But undoubtedly, who was suffering in sin? It was the most marginalised community, primary among them women and girls. However, I was pleased to see that, through UK support and that of our international partners, there are specific provisions supporting women and girls, particularly the most marginalised. That needs to be done on a consistent basis.

I am a long-standing supporter of 0.7%, as the noble Lord, Lord Purvis, knows, and I will certainly continue to advocate returning to it. I acknowledge what many noble Lords have said on the return of my right honourable friend Andrew Mitchell to the FCDO; no one needs to be shown how passionate he is, both in his advocacy for international development and in his views on the very point the noble Lord, Lord Purvis, raised. He will be an incredible asset in informing both policy and programming within the FCDO as we move forward.

Lord Purvis of Tweed (LD): On the issue of funding, could the Minister address the point raised by the noble Baroness, Lady Sugg? Does the former Foreign Secretary's commitment to reverse all cuts to women and children's programmes, returning them to the pre-cut level, still stand?

Lord Ahmad of Wimbledon (Con): My Lords, certainly from my perspective, that is very much a government commitment that was given. Of course, we have a new Prime Minister, but the same Foreign Secretary. It is a strange question to be answering while we are still in the last throes of a ministerial reshuffle, but our commitment to women and girls remains focused, particular and prioritised. Indeed, I was delighted that our former Prime Minister and former Foreign Secretary committed to these issues. The commitment, for example, to the immediate issue on the horizon—the PSVI conference and our support for that—indicates the direction of travel. I will of course update your Lordships' House on anything more specific. On the PSVI issue, I also put on record the Government's thanks to Her Royal Highness the Countess of Wessex for her engagement and involvement in continuing to throw a spotlight on these important issues.

I listened very carefully to the valuable and insightful comments to this debate. The Government are committed to the WPS agenda. As my noble friend acknowledged in introducing the Bill, there are some reservations about specific proposals before us. The Government have strong existing and forthcoming WPS policies: the integrated review, which was referred to; the international development strategy; the women and girls strategy; *Human Security in Defence*; and the WPS national action plan. All these underline not just our commitment but the progress we have made. I know how strongly your Lordships support these policies, as was clear from the debate. It is critical that, within the frameworks in which we work, we retain the freedom of agile policy-making—that is where some of the limitations of the Bill have been highlighted to me.

On a positive note, I have been listening and there are aspects of the Bill we can commit to. Let me give a couple of examples of what we are doing, drawn directly from the Bill. The measures proposed in the Bill seek to increase women's participation in peace processes. The UK's ambition is to support meaningful participation and secure positive peace process outcomes for women and girls, with more women being pivotal in decision-making. We have seen the power of this approach. The noble Baroness, Lady Coussins, talked about Latin America. We have seen real progress in Colombia, where civil society, including women's groups, ensured that there were real and specific gender considerations in how the peace agreement was reached. But that is only half the job, and we need to ensure a continuing focus. I welcome insight on specifics from all noble Lords on how they feel we can further strengthen our work in this area.

The Bill aspires for the UK to take gender into account when formulating foreign policy. In this regard, the gender equality duty in the International Development Act 2002 requires the Government to have regard to gender inequality before providing development assistance. On what will happen next, the new women and girls strategy will pick up on some of the specific provisions that my noble friend highlighted on this very point in her presentation of the Bill.

Before I hand back to my noble friend, I again thank all noble Lords. I share the points that have been made. Importantly, the Government have done specific work on this agenda, and I feel very strongly that the House and all parties are at one in their perspectives on how to pursue the agenda. Of course, there are different speeds at which we may travel at times.

The issue of annual reporting came up. What I can commit to—PSVI is within my portfolio—is that we should have an annual report. We have looked at WMSs, but I can certainly work through the usual channels to see how we can facilitate a specific debate annually. I do not think there is disagreement on this: it will further enhance the progress we can make. I am sure the usual channels can work together on how it can be presented.

Although I lead on the PSVI agenda, I think it is totally sensible to present a report that demonstrates the work that has been done over the last 12 months. Certainly, when it comes to our duties, although not a legislative requirement, how we report to your Lordships' House and to Parliament as a whole on the WPS agenda and progress on NAPs could be much more contextualised and structured. I will take those aspects back to see how best we can work them through.

Baroness Coussins (CB): Can the Minister reassure me on one of my specific points and confirm that Latin America will feature on the agenda of the November conference?

Lord Ahmad of Wimbledon (Con): I will give that commitment now, which will cause a flurry of activity if it is not the case. I have already mentioned Colombia specifically. I want to use what has worked well in Colombia as a reflection of what we can do, not just further in Latin America but across the world. I come back to my earlier point: if there are specific elements that the noble Baroness feels we can introduce, even at this point I am quite happy to ensure those are considered as part of the agenda.

I end by thanking all noble Lords for their contributions. This has been a wide-ranging debate. There are some specific questions I have not had time to respond to in my concluding remarks but—

Baroness Uddin (Non-Afl): I am sorry to interrupt but will the Minister undertake to write to me on the question of apologies and reparations?

Lord Ahmad of Wimbledon (Con): I think I made that point. I referred to the Global Survivor Fund, which is a general fund. Those kinds of funds help the victims of such abhorrent acts in the Rohingya camps, so funding is certainly available. I will of course write specifically to the noble Baroness, as I have already said.

Once again, I thank my noble friend Lady Hodgson for introducing this Bill. I assure her that I have asked my officials to work closely with her to ascertain how the Government might work positively and constructively to deliver its aims, and I will make personal efforts on

this issue. I assure all noble Lords that I look forward to continuing to work with them to champion women's human rights and the rights of women defenders, peacebuilders, survivors and political leaders around the world. Simply put, it is the right thing to do.

1.35 pm

Baroness Hodgson of Abinger (Con): I thank all noble Lords for their contributions and support for today's Second Reading. So many important points have been raised by noble friends that I do not have time to cover them all.

My noble friend Lady Sugg talked about language having been watered down in some international statements and the importance of including women, peace and security in foreign affairs, defence and development policy. The noble Baroness, Lady Goudie, reminded us of how much conflict there is around the world, and how very few people have been brought to trial for sexual violence. The noble Baroness, Lady Smith, highlighted the support for this Bill from around the House, and suggested that every year we have a debate on the report to Parliament on the women, peace and security NAP. That is an excellent idea. The noble Baroness, Lady Coussins, highlighted the situation in Iran and the importance of including young women at the peace table, and how Latin America so often slips out of sight in this country.

The noble Baroness, Lady Northover, reminded us of what has happened through the abandoning of Afghanistan, all the damage that has caused and how women there have completely lost their rights. She mentioned that it is not always very clear and easy to see how to include more women in our schemes. The noble Baroness also mentioned the amazing speaker from Ukraine we heard yesterday, who reminded us that women are not just victims but agents for change.

The noble Baroness, Lady Uddin, talked especially movingly about the widespread use of rape as a weapon of war and the situation in Bangladesh. She went on to talk about Rwanda, Bosnia, China, Burma—all these places where people have suffered so badly through sexual violence in conflict. The noble Lord, Lord Hussain, raised the situation in Kashmir and the impunity of the army that has committed acts of violence against women there.

The noble Lord, Lord Purvis, and I were introduced on the same day—he went first. It is always good to work together on the many issues we have in common. He talked about the importance of women peacemakers and women in leadership positions. He raised the suggestion of a feminist foreign policy agenda, which I also support.

The noble Lord, Lord Collins, talked about gender-based violence being a failure of human rights and the importance of civil society organisations in highlighting and raising these issues. I loved his quote, that

"development is the mortar of peace."—[*Official Report*, 8/7/10; col. 360.]

That is so true. The noble Lord also spoke of how women pay such a heavy price in conflict.

I thank my noble friend the Minister for his extensive reply. I too am so pleased to see him in his role still and am delighted that Andrew Mitchell has been restored as a Development Minister, with his enormous experience in this field. I have worked with both of them for quite a few years, and I know that my noble friend has demonstrated a strong commitment to this agenda, both on women, peace and security, and in his role as the Prime Minister's special representative on sexual violence. I just remind the Minister that this Bill is to ensure that, in the future, if we were to have Ministers less committed to this agenda, this agenda would continue. As we have heard, it has been sidelined at times, but this is too important an issue to depend on the political good will of the time.

I hope my noble friend the Minister has been encouraged by what he has heard today. There has been support from all around the House. The Bill simply enshrines into legislation what the Government say they support. I very much hope that we can all reflect on today's debate and find a way of working together to improve the Bill so that it is acceptable to the Government but also practical and impactful.

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

Genocide Determination Bill [HL]

Second Reading

1.40 pm

Moved by ***Lord Alton of Liverpool***

That the Bill be now read a second time.

Lord Alton of Liverpool (CB): My Lords, at the outset, I express my thanks to all those Members of your Lordships' House who are participating today and my appreciation for their greatly valued support for this crucial legislation.

In their unavoidable absence, I have been asked by the noble Baroness, Lady Kennedy of The Shaws, KC, and my noble friends Lord Carlile of Berriew, KC and Lady D'Souza to put their support for the Bill on the record. I refer to my interests in the register and thank the Coalition for Genocide Response, of which I am a patron, Dr Ewelina Ochab and the House of Lords Library for their help in preparing for today's debate.

Let me frame the debate with a remark made by Boris Johnson when he was Foreign Secretary as the House of Commons voted to recognise the atrocities in northern Iraq as a genocide against the Yazidis, which the Foreign and Commonwealth Office refused to do. On 28 March 2016, writing in the *Daily Telegraph*, he said:

"Isis are engaged in what can only be called genocide of the poor Yazidis, though for some baffling reason the Foreign Office still hesitates to use the term genocide."

This Bill, with all-party support, seeks to remedy his bafflement.

This House and another place are well aware of the causes of that bafflement because there is no adequate mechanism for making a determination of genocide. Following debates on the Trade Bill and amendments passed here with three-figure majorities, the Government recognised the problem and offered a solution in Section 3 of the Trade Act 2021. However, as many noble Lords predicted at the time, it is so narrow in scope that it

[Lord Alton of Liverpool]
ultimately cannot provide an effective mechanism for genocide determination or, indeed, the determination of the serious risk of genocide. That is what this Bill seeks to address.

During those powerful debates last year—many of the noble Lords present in the House today participated in them—we heard in speech after speech examples of the consequences of failing to recognise genocide and the risk of genocide for what it is, as well as of our failure to honour the obligations laid on us to predict, prevent, protect and prosecute. Next year will mark the 75th anniversary of the UN Convention on the Prevention and Punishment of the Crime of Genocide, but we are nowhere near having clear mechanisms to help us deliver on the duty contained therein to prevent the very core of the convention—"never again"—happening all over again.

These are not theoretical debates. As we will hear from Members of your Lordships' House—the noble Lord, Lord Collins, indicated in an earlier debate that places such as Tigray will no doubt be referred to during our proceedings here—these challenges are current and contemporary. When we do not face the same existential realities, the pain, suffering and human consequences may sometimes seem too abstract or remote. However, when we attached this nation's signature to the genocide convention, we accepted a solemn and binding duty to use our voice and place among the nations to prevent constant recurrence of this crime above all other crimes.

On Monday in your Lordships' House, I was able to give the Minister a meticulously documented account of some of the earliest examples of this heinous crime, including against the Herero and Nama, the Armenian genocide and the Holocaust. It traces the origin of the genocide convention and the obligations, to which I referred to, that we entered into. It also addresses what my noble and learned friend Lord Hope of Craighead has said is our "dismal failure" to make the convention fit for purpose in our time, and specifically to create a legal mechanism to assess evidence and make determinations, which is what the Bill seeks to do. The account that I gave the Minister, authored by myself and Dr Ochab, also examines what our failures to make determinations of genocide have meant for the Uighurs in China, the Yazidis in Iraq, the Rohingya in Myanmar, the Tigrayans in Ethiopia, Christians in Nigeria and North Korea, the Hazara in Afghanistan and the suffering people of Ukraine.

On Tuesday, during a drop-in session organised by the All-Party Parliamentary Group for International Freedom of Religion or Belief and the All-Party Parliamentary Group on the Yazidis, I personally experienced the "Nobody's Listening" VR on the Yazidi genocide. This amazing technology brought back vivid and harrowing memories of my visit to Sinjar—of meeting Yazidi and Assyrian survivors of the barbaric atrocities of ISIS, named as a genocide by the House of Commons but never accepted, as I pointed out at the outset of my remarks, by the Foreign and Commonwealth Office as such.

Last week, I chaired a session on PSVI in North Korea during an international conference on North Korea, partly hosted by the All-Party Parliamentary Group on North Korea—which I founded and am co-chair of—held here in Parliament. Eight years after Justice Kirby and the UN commission of inquiry on North Korea said that crimes against humanity it found in North Korea should be referred to the International Criminal Court, it never has been. Why? Because China would doubtless veto it in the Security Council. Justice Kirby, incidentally, has also said that the targeting of religious minorities such as shamans and Christians might constitute genocide. This is a question never considered by a competent court and, as things stand, most likely never will be.

Lord Taylor of Goss Moor (LD): I support the noble Lord very strongly. He mentioned Ukraine, so does he agree that, given the language used, the actions of Putin and those around him are clearly a genocide?

Lord Alton of Liverpool (CB): I am grateful to the noble Lord. He will be glad to know that I will come to Ukraine as one of the two examples I want to give your Lordships' House as I proceed with my remarks.

The meticulous analysis that I referred to and shared with the Minister was written before the shocking discovery of mass graves in Bucha and the hunting down of the Hazara in Afghanistan. How will that be assessed? How will those responsible, like those in North Korea, be held to account? In preceding debates, I have provided details of some of the genocides I have mentioned. Today, I shall refer to and focus on the two cases I have already mentioned.

In the second half of 2021, as the Taliban reimposed its rule on Afghanistan, the Hazara once again became a reviled target. Over the months that have followed, we have witnessed specific attacks on Hazara mosques and the bombing of schools and other community places in the predominantly Hazara regions. These targeted attacks increased in April and May and have led to hundreds of people being killed. On 3 September, the Hazara inquiry, a joint effort of cross-party parliamentarians from both Houses and experts working together revealed atrocities and called for the promotion of justice for the Hazara in Afghanistan and Pakistan, in a report which we published.

As a member of the inquiry team, I chaired some of the hearings and met with several members of the Hazara community. I sent that report to the Minister. It focuses on the situation in Afghanistan since 2021. It found that Hazara in Afghanistan, as a religious and ethnic minority, are at serious risk of genocide at the hands of Islamic State Khorasan Province—IS-K—and the Taliban. Our findings reiterate the responsibility of all states to protect the Hazara and prevent a possible genocide, as we are required to do under the genocide convention and customary international law.

The Taliban have reversed the 20-year progress made in addressing the marginalisation and discrimination experienced by the Hazara minority—gains that were referred to in the report on Afghanistan by your Lordships' International Relations and Defence Committee, on which I serve. The return to power of the Taliban has included brutal acts of violence against the Hazara throughout Afghanistan and a return to terror. In August 2022 alone, IS-K claimed responsibility for several attacks that resulted in over 120 fatalities in a

matter of days. Witnesses told me that they anticipate further attacks because of inaction and impunity in response to the targeting of the Hazara—a trend that is likely to continue.

This underlines the pressing need, in line with our international obligations, at least to examine the evidence, make a determination, and protect the Hazara with at least the knowledge that those responsible for these crimes might one day face justice. Many of us have met Afghans, including some of those women judges who fled to the safety of this country. Their passion for the rule of law is one we must share, and we must not allow "baffling reasons" to prevent us doing so.

Even closer to home, 2022 has shown us that atrocity crimes, and possibly even genocide, may well be happening on European soil in Ukraine. In questions, speeches and letters to Ministers, and during a debate I initiated on 21 July on "Food Insecurity in Developing Countries due to the Blockade of Ukrainian Ports", in which the noble Baroness, Lady Smith, the noble Lord, Lord Collins, and others in your Lordships' House participated, I have repeatedly asked for greater clarity on the determination we are attaching to Putin's atrocities, and encouraged the Minister to invite the International Criminal Court prosecutor, Karim Khan KC, to visit your Lordships' House to brief us on the ICC's actions and intentions. I encourage the Minister to facilitate that.

Since Putin's illegal war on Ukraine began on 24 February, evidence of atrocity crimes, be it war crimes, crimes against humanity and even possible genocide, has accumulated. In May 2022, the Raoul Wallenberg Centre for Human Rights and the New Lines Institute for Strategy and Policy published a legal analysis of the serious risk of genocide in Ukraine and Russia's incitement to commit genocide. The report makes two important findings: first, of the existence of a serious risk of genocide; and, secondly, of the direct and public incitement to commit genocide. Among other findings, the report cites a litany of open-source data in relation to both findings, including evidence of mass killings, torture, the use of rape and sexual violence, and deportations of children to Russia, about which I have corresponded with the Minister.

On the serious risk of genocide, the report analyses the risk factors specific to genocide, as per the UN's *Framework of Analysis for Atrocity Crimes*, focusing on evidence of Russia's denial of the very existence of Ukrainians as a people; the history of atrocities committed with impunity; past conflicts over resources or political participation; and signs of genocidal intent, including

"documentation of incitement, targeted physical destruction, widespread or systematic violence, measures that seriously affect reproductive rights or contemplate forcible transfer of children, dehumanizing violence, use of prohibited weapons, strong expressions of approval at control over the protected group, and attacks against homes, farms, and cultural or religious symbols and property."

No one can deny that these risk factors have been there for a long time, inexorably culminating in Putin's unleashing of horrific atrocities.

If this has not concentrated our minds on the urgency of a new approach to genocide in this country, most likely nothing ever will. Instead of offering the same old platitudes, it is time to open our eyes to the evidence that is before us, recognise it for what it is, and act upon it.

This Bill would introduce two important mechanisms: one that would empower victims of genocidal atrocities to have the genocide determined by a competent court; and one that would ensure checks and balances, transparency and oversight over the Government's response to genocide globally.

Let me spell it out. First, in Clause 1, the Bill empowers victims by way of equipping a person or group belonging to a national, ethnic, racial or religious group, or an organisation representing such a person or group, with the power to apply to a court for a preliminary determination that there is a serious risk of genocide or that genocide is being or has been committed. Indeed, we know that, in order to implement the duty to prevent genocide, as explained by the International Court of Justice in its 2007 judgment, a state is required to act upon the serious risk of genocide rather than wait until genocide is being perpetrated.

The preliminary determination is not the end goal in itself. No: it is a crucial determination to trigger responses. Indeed, Clause 3 states that, once the court has made a preliminary determination, the Secretary of State must refer the determination as a finding of a United Kingdom judicial body to the country standing accused of the crime, to other countries that are parties to the genocide convention, and to other bodies, including the International Court of Justice and the United Nations Security Council.

Secondly, in Clause 2 the Bill ensures checks and balances, transparency and oversight over our government responses to genocide globally by way of expanding the already existing mechanism for genocide responses in Section 3 of the Trade Act 2021.

To conclude, the Bill enjoys all-party support. It provides for the same mechanism as the so-called "genocide amendment" that was carried by a majority of 153 and 171 in this House.

Earlier this year, on the anniversary of being sanctioned by the Chinese Communist Party for my actions in relation to the Uighurs and Hong Kong, I was invited, with the other six sanctioned parliamentarians, to a meeting at 10 Downing Street. The then Prime Minister and the then Foreign Secretary told us that they would support the reform of how we deal with genocide. Here is an opportunity for the Government to honour that promise. I beg to move.

1.56 pm

Baroness Sugg (Con): My Lords, I support the Genocide Determination Bill and thank the noble Lord, Lord Alton, for bringing it forward and indeed for his continued and tireless work on genocide; as I learned from the House of Lords Library briefing, he has raised it over 300 times in this House.

I was recently in France, where I visited Le Jardin des Rosiers in Paris and saw a memorial to the 101 infants of pre-school age who in the first half of this century lived their too-short lives in the 4th arrondissement. They were arrested by French police of the Vichy regime and handed over to the Nazis for extermination, simply because they were Jewish. The youngest was 27 days old.

[Baroness Sugg]

We say "Never again", but in the world we live in today there are recent cases of genocide, in various stages. These cases, along with the tragedy and horror of the Holocaust, need to be kept in mind when we make important decisions on mechanisms that could address them.

In 2014, Daesh perpetrated a litany of crimes against the Yazidis and other religious minorities, sending a clear message that they were not to exist under the Daesh reign in the region.

In 2016, over a million Rohingyas were forced to flee their homes. The Burmese military, the Tatmadaw, resorted to mass killings, torture, rape—including gang rape—and sexual violence, and much more, and I heard those stories first-hand when I visited Cox's Bazar.

In 2018, we started hearing stories from Xinjiang, China, of thousands of Uighurs and other Turkic minorities being stripped of their religious identity, subjected to horrific abuse and sent to labour camps.

Just in the last year, we have seen some evidence of genocidal atrocities in the Tigrayan region. Among other horrors, we have seen women being violently raped and mutilated before being told that "A Tigrayan womb should never give birth."

In 2022, we again have to consider the issue of genocide, whether it is the serious risk of genocide or elements of the legal definition, in Ukraine or in Afghanistan against the Hazara community, as we heard from the noble Lord. These cases are indeed current and contemporary.

The fact that in the last eight years alone we have been discussing so many cases of genocide does not mean that we are being too liberal with the word. It means that our inaction to address the early warning signs and risk factors of genocide, and then full-blown genocide, emboldens the perpetrators. This inaction sends the message that people can get away with it—a message that is the opposite of "Never again".

Several decades after accepting the obligations to prevent and punish the crime of genocide, as identified in the UN genocide convention, we have not done enough to ensure that these obligations are implemented. I know that the Government are fully committed to these obligations, but this commitment must be followed by actions. The Government's long-standing policy is that genocide is left to international judicial systems; I articulated that policy from the Dispatch Box when I was an FCDO Minister. However, I was uncomfortable with that policy at the time, and no longer believe it to be correct. We are not seeing it working, because the UK does not have any formal mechanism that allows for the consideration and recognition of mass atrocities that meet the threshold of genocide.

His Majesty's Government place immense confidence in the international judicial bodies to respond to genocide, despite seeing slow—or a lack of—action in them, and despite the Government being the duty bearers under the genocide convention rather than international judicial systems. We still do not have a determination from an international judicial body for any of the atrocities that I have mentioned as genocide. After everything that we know about these atrocities, including by way of the incredibly brave testimonies of survivors, some of which we heard about from the noble Lord, Lord Alton —survivors such as Nadia Murad, the Nobel Peace Prize laureate, a woman that I know my noble friend the Minister has great admiration for—how can we continue to justify the long-standing policy that ultimately prevents the community having their pain and suffering recognised for what it is?

This is a difficult and complex issue, but that must not mean that we do nothing. The circular failure of the Government's long-standing policy on genocide must be addressed once and for all. The Genocide Determination Bill does this: it provides a mechanism for genocide determination or serious risk of genocide, in line with the ICJ interpretation of the duty to prevent genocide. It also requires His Majesty's Government to act and proposes steps to be taken, including engaging the ICC, the ICJ or relevant UN bodies. These are steps that the Government do not currently use.

That memorial in Les Jardin des Rosiers contained this message:

> "Passer-by, read their names. Your memory is their only tombstone … Let us never forget them."

We must never forget them or any other victim of genocide. We say, "Never again", but to mean it, we must have a comprehensive reform of the UK's genocide strategy. I support the Bill as the first step towards that.

2.02 pm

Lord Browne of Ladyton (Lab): My Lords, I too support this Bill and, like the noble Baroness, Lady Sugg, was reminded in the Library briefing that the noble Lord, Lord Alton, has in this place spoken and raised questions about our approach to genocide upwards of 300 times. This is not only a testament to his extraordinary leadership and perseverance but, sadly, an indication that our Government are yet to respond adequately to the concerns that he has raised or the cross-party consensus that the UK's genocide policy needs reform. I remind your Lordships that in 2017, the lack of a formal mechanism, whether grounded in law or policy, was criticised by the Foreign Affairs Select Committee.

Having acceded to the genocide convention, the UK has a duty to prevent and punish the crime of genocide. This is not an exhaustive list, but since our accession, genocide has been committed in Cambodia, Bosnia, Rwanda, Darfur, Libya, Myanmar, Syria and Iraq, and presently is being committed in Ethiopia and China. Evidence of Russia's ongoing atrocities in Ukraine, too many to list, include the abduction and forced adoption of Ukrainian children. That is revealed in recently published legal analysis that suggests a serious risk of genocide. It is true that, in accordance with the convention, the UK introduced laws criminalising genocide, no matter where it is committed, and has this long-standing policy of leaving the question of genocide determination to the international judicial systems. Unfortunately, this effectively means a de facto absence of any formal mechanism that allows for the consideration and recognition of mass atrocities which meet the threshold of genocide.

It is a simple fact, and our experience, that impunity begets further crimes and that lack of action only empowers those seeking to commit them. Determination and recognition of mass atrocities for what they are is

not only a matter of good practice. It derives from the state's international law duties and is compelled by the duties to prevent and punish genocide. A preliminary determination of genocide or the serious risk of it is crucial to engage the duty to prevent genocide, in Article 1 of the convention. The ICJ judgment on Bosnia and Herzegovina versus Serbia and Montenegro in 2007 confirmed that under the duty to prevent, states must act

"the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed."

Although there are international options, the UK Government do not have a strong history of engaging with these judicial systems. While recently the UK Government have led in some initiatives, such as on UN Security Council Resolution 2379, establishing an investigative mechanism into the Daesh atrocities in Iraq, all of these have fallen short of engaging the question of genocide itself.

The UK is, I regret, in good faith not meeting the requirements it signed up to under the convention and must do more. It must ensure it has all relevant mechanisms to implement its duty to prevent, including by ensuring it can make preliminary determinations of genocide and the serious risk of it, consistent with the ICJ determination. Genocide determination is the first step towards an effective and comprehensive response, including to prevent the risk of genocide from materialising. To prevent further atrocities, states should have effective monitoring and determination mechanisms in place. Domestically, as we have heard, there is no mechanism to enable UK courts to deal with this question. Not having such a mechanism or procedure means that the UK risks a de facto breach of its international law obligations under the convention.

This Bill creates a framework by which the UK can meet its ongoing commitments to prevent genocide by the introduction of two mechanisms for preliminary definition of genocide or a serious risk of it. They were explained comprehensively by the noble Lord, Lord Alton, and I do not intend to refer to them. I expect that the Government will argue that the procedure stipulated by the Bill does not currently exist in law. This is certainly true but, as the noble and learned Lord, Lord Hope of Craighead, pointed out, mechanisms such as those set out in the Bill will allow for a process for genocide hearings to follow due process in full accordance with the law.

I have relied heavily on the briefing from the Coalition for Genocide Response for my contribution today. It believes that other states will replicate this model once it passes into law. It is also convinced that, while the Genocide Determination Bill tabled cannot solve all the problems with the UK's response to genocide, it implements the UK's own long-standing policy that it is for the courts to deal with genocide determination. It implements recommendation seven of the Bishop of Truro's review and rectifies the unenforceability of Section 3 of the Trade Act 2021. It addresses the international judicial systems not being engaged on the issue and the lack of political will. It bridges the gap between the duties under the genocide convention and their realisation. It implements the UK's duty to prevent, by ensuring that the situation is assessed by a competent body, and the UK Government can then act in an informed way. For all these reasons, I commend the noble Lord, Lord Alton, and the Bill.

2.07 pm

Baroness Sheehan (LD): My Lords, it is a pleasure to follow the noble Lord, Lord Browne of Ladyton. I thank the noble Lord, Lord Alton, for his dogged determination to ensure that the UK's signature to the 1948 genocide convention has real meaning. I commend him on his thorough introduction to the debate. I also thank the authors of the Library briefing on the Bill, which I found extremely helpful. This is a vital Bill and the proposals within it will, if accepted by the Government, help make the world a better place by giving us here in the UK a mechanism to call out the risk of a genocide, an ongoing genocide or a genocide that has already taken place.

The evidential bar to bring a case to the High Courts of England, Wales and Northern Ireland, as well as the Court of Session in Scotland, will be suitably high. Not least, there is a requirement that a committee of either the House of Commons or the House of Lords produce a report based on both written and oral evidence. Only if that report flashes a red light will it go to the Secretary of State for his response. It is only after the Secretary of State has responded that an application can be made to the High Courts and the Court of Session for a predetermination, with the criteria for the admissibility of the application set by the Secretary of State. I think I have understood that right, but I am sure that noble Lords, particularly the Minister, will put me right if I have not. It is clear that the Government will be in the driving seat.

Our current reliance on the international courts to determine first whether a genocide has taken or is taking place, or that there is a serious risk of one taking place, has subjugated our duty to prevent and punish genocide to the sidelines, leaving us with years of inaction while perpetrators go free. The Bill will give us a means to save at least some lives, by instigating earlier action then might otherwise be the case. One of the gravest horrors of genocide is that victims are dehumanised and subjected to cruel and unusual treatment. If the Bill can prevent one such death, it will have done its job.

I conclude by saying a few words about the origin of the word "genocide". Raphael Lemkin, a Polish-born lawyer, heard Winston Churchill speak about the horrors of World War Two. Churchill said this:

"whole districts are being exterminated. Scores of thousands—literally scores of thousands—of executions in cold blood are being perpetrated by the German Police-troops. We are in the presence of a crime without a name."

Lemkin, who lost much of his family in the Holocaust, understood the vital necessity of naming this heinous crime if future atrocities were to be prevented. Genocide, a combination of the Greek word "genus", meaning "race" or "tribe", and "-cide" from the Latin meaning "killing", was the term he came up with, which he defined as

"the destruction of a nation or an ethnic group."

In 1948, the newly formed United Nations used this word in its Convention on the Prevention and Punishment of the Crime of Genocide, commonly known as the

[Baroness Sheehan]
genocide convention. It was a treaty intended to prevent any future genocides. However, although ratified by 152 nations, it has not prevented the attempted destruction of people for the sole reason that they belong to a particular nation or group. Recent examples abound: the Tutsis in Rwanda, Darfur, the Muslims in Bosnia, Daesh atrocities against Yazidis and Christians, Bangladeshis in the former East Pakistan, and now the undoubted atrocities against the Uighur Muslims. As we have heard, that is the tip of the iceberg. I point out, with a nod of approval to the previous Bill that we debated, that women and girls bear the brunt of this violence.

The convention on genocide on its own is patently not working; we need something else. The noble Lord, Lord Alton, has worked tirelessly to present us with a credible preliminary step to determine what constitutes a genocide, as well as with a referral mechanism to the international courts. It will also help to fulfil our legal obligation to the responsibility-to-protect principle. We should welcome it.

2.12 pm

The Lord Bishop of Exeter: My Lords, I support the Bill and, in company with others, pay warm tribute to the noble Lord, Lord Alton, for his perseverance and passion for justice for the victims of genocide. We are united in this House and on these Benches in our condemnation of what is a manifest evil, that which the Coalition for Genocide Response describes as "the crime of crimes". My colleague the Bishop of Truro, whom I hope will join us in this House before too long, three years ago published his report on the persecution of Christians, to which the noble Lord, Lord Browne, just referred. Your Lordships will recall that His Majesty's Government accepted all its recommendations in full. Recommendation 7 asked the Government to:

"Ensure that there are mechanisms in place to facilitate an immediate response to atrocity crimes, including genocide through activities such as setting up early warning mechanisms to identify countries at risk of atrocities, diplomacy to help de-escalate tensions and resolve disputes, and developing support to help with upstream prevention work."

It is the mechanisms with which we are concerned in the Bill.

July's report by the independent assessor found that much of recommendation 7 is in the process of delivery, and, if the Minister were able to update the House on that, I should be grateful. I am aware of the United Kingdom's long-standing position that whether a situation amounts to genocide is an issue for national and international courts to determine, not individual Governments. The Bill will help with the implementation of that policy by bridging the gap between our duties under the genocide convention and their realisation.

Many on these Benches voted to support the efforts of the noble Lord, Lord Alton, last year to amend the then Trade Bill, now an Act. The Bill before us would expand Section 3 of that Act to engage the Secretary of State where a committee of this House or the Commons publishes a report concluding that there is a serious risk of, or is already, genocide occurring outside the United Kingdom. By expanding the scope of Section 3, the requirement on the Secretary of State would be to engage more broadly than in cases of prospective free trade agreements.

Your Lordships will be aware of the many disturbing examples from Ukraine, Afghanistan, Ethiopia, Iraq, Myanmar and Xinjiang province in China. The All-Party Parliamentary Group for Freedom of Religion or Belief does essential work here, as do Open Doors and other human rights organisations.

As we have heard, we are united in our condemnation of genocide, and the Bill would enable us to move beyond sentiment. It cannot solve all the problems associated with our nation's response to genocide, but it is a significant step forward. As my right reverend friend the Bishop of Leeds said, when introducing a debate on this subject in the General Synod of the Church of England:

"In today's interconnected age it is no longer possible to claim ignorance of these terrible events. To quote William Wilberforce: 'You may choose to look the other way, but you can never say again that you did not know.'"

The severity of the charge of genocide requires a high bar to clear before we come to conclusions. But, however high the bar is set, it must remain within our reach. As our nation seeks a new role on the global stage, I hope that we become a leader among nations in how we identify the threats and call out and respond to genocide. That is why I gladly support the Bill and congratulate the noble Lord on bringing it for a Second Reading.

2.17 pm

Lord Hannay of Chiswick (CB): My Lords, it is a pleasure to follow the right reverend Prelate, who, like other speakers, set out the route by which we arrived at this Second Reading of the Bill—it was painful and too long. I support the Bill for a very simple reason: it helps to fill a gap in the implementation of our British international obligations under the 1948 genocide convention, signed and ratified by this Parliament, but all too often overlooked when heinous crimes are actually being committed. It is thus an essential reform, if we mean it when we say that we are stalwart backers of the rules-based international order.

As other speakers have said, the 1948 convention was of course a response to the Holocaust, designed to give effect to the worldwide feeling of revulsion and to the cry of "never again". Unfortunately, that cry has proved to be grossly overoptimistic and, since then, there has been a rising number of instances of genocide. Some of them—those in Rwanda and Cambodia and at Srebrenica—were tried and punished, however belatedly, in international courts, but many were left untried and unpunished. Most shamefully perhaps of these were the genocide against Iraqi Yazidis by IS and the treatment of Rohingya Muslims in Burma—and there have been others.

Unfortunately, and misguidedly in my view, our Government have, so far, declined to take any steps to define emerging acts of genocide, either ones in the making or even those that are under way. They have sheltered behind the excuse that the determination of genocide lies in the hands of international tribunals, even when they know perfectly well, as we all do, that in some instances—the Uighurs in Xinjiang, for example

—such a determination by an international tribunal will likely never be forthcoming. As someone whose conscience was scarred by sitting as Britain's representative on the UN Security Council during the Rwanda and Srebrenica genocides, I say that this excuse—that is what it is—is shameful. It has been called a Gordian knot, something to be cut with a knife, but I would call it a Catch-22: a convoluted way of ensuring that nothing is done to determine whether a genocide is taking place, even when we know that it is.

This Bill will remedy that lacuna in our performance of our obligations under the genocide convention. It will not in itself prevent further genocides, but it will be a building block in deterring them and provide a basis for taking action against those perpetrating such appalling crimes. For the benefit of those who have marshalled the arguments in the FCDO, for which I used to work, I add that it would also, incidentally, provide a safeguard against excessively loose accusations of genocide. I hope therefore that the Government will feel able to assist the Bill's passage into law in both Houses.

2.20 pm

Lord Shinkwin (Con): My Lords, it is pleasure to follow the noble Lord, Lord Hannay, who speaks with such authority on this issue. Of course, like other noble Lords, I pay tribute to the noble Lord, Lord Alton, for his remarkable and persistent efforts, which reflect very well on your Lordships' House, and I thank him for yet another opportunity to debate this issue. However, it saddens me that we need to. As the noble Lord, Lord Browne of Ladyton, implied, the fact that we do surely reflects poorly on the UK as a supposed bastion and champion of freedom and respect for human rights, and as a signatory to the genocide convention.

It is difficult to add anything to what has already been said, such is the strength of the noble Lord's argument and indeed those made by other noble Lords from across the House, so I offer a slightly different "What if?" perspective. Noble Lords might have seen or read about a recent and horrific interview on the Russian broadcaster, RT, with an influential Kremlin commentator. His appalling advocacy of genocide—drowning Ukrainian babies, refusing to accept the existence of the Ukrainian nation—could have been taken straight out of the book, *Night*, by the Nobel laureate Elie Wiesel, in which he describes witnessing, on arrival at Auschwitz as a young teenager, babies being flung into firepits to be burnt alive. He recounts his disbelief that this could happen in 1944. Fast forward 78 years to 2022, and here we are again.

My "What if?" is very simple: what if the Soviets had not triumphed over the Nazis and we had had to come to an accommodation with the odious regime in Berlin? What if the State of Israel, of which I know my noble friend the Minister is a fantastic supporter, did not exist and the all too familiar historical cycle of pogroms continued to ravage the Jewish communities of Europe, or what remained of them after the Shoah? Would we be doing any more than wringing our hands? Sadly, I doubt it. In fact, I am confident that we would once again let the Jewish people down. As my noble friend Lady Sugg suggested, to do so, to maintain our current position, is to invite, however inadvertently, further genocide. We are witnessing this not only in Xinjiang and elsewhere, as other noble Lords have mentioned, but, as the noble Lord, Lord Alton, said, quite possibly in Ukraine—only a couple of hours' flying time from your Lordships' House.

I wish the Bill every success. I also wish that it were not necessary. I simply say to my noble friend the Minister that His Majesty's Government could still get off an increasingly flimsy and uncomfortable fence and make it so.

2.25 pm

Lord Mann (Non-Afl): My Lords, I am very supportive of the direction of travel of the noble Lord, Lord Alton, and, as he knows, of his detailed work in this area. I therefore support the principle of the Bill, but a lot of the detail poses difficult dilemmas. I think the noble Lord himself referred to the 2007 ICC ruling, which highlights the dilemmas when using the term and concept of genocide.

What was determined in 1948 needs—this is not an issue for the British Government per se—further refinement in the modern era. The kind of example I would cite is an attempt by a state to eradicate a religion, or a language, or perhaps both together. There are many techniques that could be used these days to do that, but which do not necessarily involve the mass murder of or attempt to exterminate either a population or a section of it. But the invidious nature of such genocide, as it would be accurately described, is still there.

In recent times, Philippe Sands, on looking at the definitions used in the Nuremberg trials, rather brilliantly illustrated the differential background arguments between the concepts of genocide and of crimes against humanity. Conceptually, for most people they would be the same, but in terms of what action is taken they can have very different targets and consequences. What is happening in Russia falls within that, from my perspective. Is it a war crime? Is a crime against humanity? Is it a mass atrocity? Is it genocide? There are differences between those. The fact that language is used loosely is a danger. The nationalising—and the internationalising—of the issue is a danger. There are ways of bridging the gap, but doing so can weaken the international to the national. Mr Raab is now in post, but hopefully he will not attempt to remove us from the European Convention on Human Rights. There is a principle within it that, if you nationalise these issues, it gives the green light to others to nationalise them. We may be capable of doing so on a rational, unbiased and impartial basis, but not all states will be.

Let us consider the targets of genocide. Let us consider the Armenians, who have a genocide centre where there will be a big conference in the near future. They have very eloquently argued their case that what happened to the Armenians a hundred or so years ago was a genocide. It is easier to do if you are a nation state than if you are, say, the Batwa. I have not heard the Batwa raised very often but, statistically, the elimination of the Batwa population across Africa is so extraordinarily all-encompassing that it defeats anything else, numerically. But I have seen no evidence that the Batwa have ever attempted to have a nation state; they have dwindled in number because they have been fair game for mass

[Lord Mann]
atrocities by virtually everybody, in huge numbers. Is that recognised as a genocide? What is then to be done about that?

The detail here is critical. Removing us from the convention would be foolhardy, and I am sure the Minister will want to discreetly talk to his colleague Mr Raab. The European Convention on Human Rights was part of the same systems determined at the time of the genocide convention; it came from the same ethos—Churchill knew what he was doing. I hope that this will go forward and that the Minister will use his great influence on other matters.

2.30 pm

Lord Darzi of Denham (Non-Afl): My Lords, I pay tribute to the noble Lord, Lord Alton, for the passionate and determined way he has pursued this vital issue over many years. As the first Armenian in the British Parliament, and as a descendent of a genocide survivor, I owe him a particular debt. I was born in Iraq to Armenian parents made refugees by the 1915 genocide, in which more than 1 million ethnic Armenians were massacred by the Ottomans. I say that I am a genocide survivor, and in 33 countries around the world that description would be acknowledged, yet the country I have made my home is not one of them.

My great-grandfather, who lived in Erzurum in what is now north-east Turkey, was executed along with his sons by the Ottoman forces. My grandmother, then just a teenager, escaped with her mother, and the two of them walked barefoot for weeks before finally finding sanctuary in Mosul in northern Iraq. They were the lucky ones. Many other women and children were sent on a death march across the desert from which they would never return. Half a century later, my family and I emigrated from Iraq to Ireland, where I studied medicine, before moving to London in the 1990s, where I have dedicated my career to the NHS.

As the first Armenian in this House, I was overjoyed when President Biden decided a year ago to break with his predecessors and recognise the Armenian genocide. The vote in the US House of Representatives in October 2020 was overwhelming. It was a hugely emotional moment for me and for Armenians all over the world. Most European countries—including France, Germany, Italy, the Netherlands and Sweden—have recognised the Armenian genocide, but the UK has not. As Hitler planned the Holocaust in 1939, he asked his fellow Nazis:

"Who, after all, speaks today of the annihilation of the Armenians?"

Unless we, as members of the international community, call out genocidal violence wherever it occurs, its perpetrators will feel encouraged to continue. We should use the experience not to fuel bitterness and revenge but to set a stake in the ground and declare, "Never again"—not just for the Armenians but for people all over the world. We cannot protect the Uighurs in Xinjiang, the Rohingya in Myanmar, the Tigrayans in Ethiopia and others experiencing genocidal attacks in the 21st century without telling the truth about the past. Indeed, sacrificing the truth about the past for the convenience of the present is dangerous. In 2020, the invasion of Nagorno-Karabakh by Azerbaijan, supported by Turkey, forced 90,000 Armenians to flee their homes to escape the threat of ethnic cleansing. The world stood by, with few consequences for either Azerbaijan or Turkey.

This Bill is not simply about addressing a historic injustice. It is about how our understanding of the past shapes our actions in the present. It is about giving the full message of meaning when we say, "Never again". I ask that your Lordships give the Bill your full support.

2.35 pm

Lord Singh of Wimbledon (CB): My Lords, I too congratulate my friend and colleague, the noble Lord, Lord Alton, on his persistence in pursuing a politics-free determination of genocide. Genocide is the mass killing of members of an ethnic or religious community. Unfortunately, evil behaviour is often overlooked or condoned in the pursuit of trade or national self-interest. More than one UK government Minister has openly stated that we should leave human rights to one side when we talk trade.

In June 1984, the then Indian Government, trailing in the opinion polls, attacked the centre of Sikhism, the Golden Temple in Amritsar, and other gurdwaras to win the support of bigots in the majority community in the forthcoming general election. Thousands of Sikhs were killed. *Baat Cheet*, the official Indian army newspaper, openly declared that all practising Sikhs were potential terrorists. In November of the same year, tens of thousands of innocent Sikh men, women and children were brutally killed as a result of further incitement by the government-owned All India Radio, calling on people to kill Sikhs. Electoral lists were given to gangs of thugs to help them identify Sikh households.

At the time, I was a member of the Home Secretary's Advisory Council on Race Relations. I raised the issue with the then Home Secretary, David Waddington—a genuine and affable man. He looked at me and said, "Indarjit, we know exactly what's happening, but it's difficult. We're walking on a tightrope. We've already lost one important contract"—that was the Westland Helicopters contract.

In 2014, on the 30th anniversary of the genocide against Sikhs, I raised the same issue in the House, quoting from a United States embassy document saying that more Sikhs were killed in India in a few weeks than the number of people murdered in the 17-year rule of President Pinochet of Chile. I asked for an apology from the British Government for providing military aid—documented in newly released papers at the time—to assist in the genocide against Sikhs. There was no apology—why upset an important trading partner?

India's current Prime Minister, Narendra Modi, was widely seen as being instrumental in the orchestrated killing of Muslims in the state of Gujarat in 2002. For some years, he was banned from entering this country or the United States. Then he won a general election and everything changed: he was welcomed here as the Prime Minister of an important trading partner.

The word "genocide" is strongly associated with Hitler's pogrom against the Jews. I know of the incredible suffering of the Jewish people. I have visited Auschwitz

and seen the showers where innocent men, women and children were gassed to death. Anti-Semitism was rife in Europe at the time, not only in Germany but in this country, where the word "Jew" was seen as a term of abuse. News of the mass killing of hundreds of thousands of Jews by the Nazis touched the conscience of many in the West, who compensated for their previously negative attitude by linking genocide almost exclusively to the killing of Jews. The reality is that genocide, like that described against the Sikhs, has gone on throughout history and is still continuing today.

I have supported Holocaust Memorial Day since its inception, but I have had no joy in getting the committee to recognise the genocide against the Sikhs or other genocides, such as the mass killing of those who opposed the Ayatollah's regime in 1988 and, as we read in the news, are still opposing it and its subjugation of women today.

There is an irrational fear that highlighting the suffering of others will somehow dilute our recognition of the suffering of Jews. We urgently need to get away from this politically generated hierarchy of suffering. Genocide is genocide wherever it occurs. That is why this Bill to take the determination of genocide away from politics is so important. As a member of the Sikh community, in the closing words of the Sikh daily prayer, "seeking the well-being of all", I strongly support this important Bill.

2.41 pm

Baroness Smith of Newnham (LD): My Lords, as the noble Lord, Lord Singh, just made very clear, genocide is genocide wherever it happens. There is a simplicity to that statement, but I think belief in it is shared across your Lordships' House. Genocide is something that we fundamentally understand. It may have been defined only in the post-war era, by Raphael Lemkin, as my noble friend Lady Sheehan pointed out, but that very specific crime against humanity of genocide is one we understand.

Yes, the Holocaust is the most obvious and discussed example, but it is not the only one. Today, many previous genocides have been discussed, some of which I will touch on later, but in many ways this debate feels like the logical successor of the debate in the name of the noble Baroness, Lady Hodgson of Abinger. The Minister and I have participated in both debates. Like the noble Baroness, Lady Hodgson, my friend the noble Lord, Lord Alton, has been tireless in his efforts to ensure that His Majesty's Government begin to take their obligations under the genocide convention seriously.

As I understand the Library briefing, this Bill is the fifth attempt of the noble Lord, Lord Alton, to pass a Private Member's Bill to determine genocide. Yet, as we have heard from the noble Lord, Lord Singh, in some ways our understanding of genocide ought to be straightforward. In debate after debate in your Lordships' House, we have heard cross-party voices, so often including that of the noble Baroness, Lady Kennedy of The Shaws, along with the noble Lord, Lord Alton, saying that we need to call out something as genocide and that the Government need to accept it and act. The response from the Dispatch Box has been, "We can't do that. It is not for us, as a Government, to determine a genocide. It is for the courts to decide". Well, this Private Member's Bill is seeking to assure a precise way in which, when a genocide is being perpetrated or is in prospect, we do not turn away; we all look and respond. It is incumbent on His Majesty's Government to do just that.

As the right reverend Prelate pointed out when quoting William Wilberforce, you cannot pretend the facts are not there and choose to look the other way. If we know that something is happening that can only reasonably be called a genocide, it is surely incumbent on His Majesty's Government to act and on all of us in Parliament, in this Chamber and the other place, to do whatever we can to stop a genocide that could happen or is in the process of happening.

Clearly, there are times when it is important to acknowledge that there has been a genocide, and the noble Lord, Lord Darzi, spoke so movingly of his family's experience of the Armenian genocide. Of course, it is vital to acknowledge when there has been a genocide and pay our respects to those who have lost their families. But how much more could we be doing now to ensure that genocides are not perpetrated? We cannot bring the dead back. If people's reproductive rights are being threatened now, if we say, "Well, at some future date we might think it was a genocide", by then it will be too late. We cannot change the past, but we can change the future.

The crime of genocide is the worst, and yet, somehow, it is one that His Majesty's Government seem unable to acknowledge in many ways. My noble friend Lord Alton pointed out that, while he was a *Telegraph* columnist, Boris Johnson said that it was baffling that we could not name the Iraqi genocide against the Yazidis. Yet, it is commonplace that Governments—not just His Majesty's Government in the United Kingdom but other European governments as well—seem to be unwilling or unable to define genocide. Is it because, as the noble Lord, Lord Mann, pointed out, it can be difficult to define? It is not as easy as simply saying, "Genocide is genocide wherever it is". But if Governments acknowledge that a genocide is or might be taking place, that Government have obligations under the genocide convention and under the responsibility to protect.

It is vital that Parliament holds the Government to account on their international obligations under those conventions. Equally, we do need to ensure that we have a way that gets beyond what the noble Lord, Lord Hannay, called "Catch-22"; it is not a good use of parliamentary time for us to have a debate on almost every single piece of legislation where the noble Lord, Lord Hannay, can just find a chink of light so that maybe we can talk about potential genocide. That is not a sensible way of going about things, however inventive it might be. We need to have clarity on determining genocide. This proposed legislation provides a way that includes Parliament, the Executive and the judiciary. We are not asking the Government to make their own determination, but to send something to the courts. The Catch-22 in the past has been precisely that the courts have said, "It's not for us to determine, we need some mechanism to be able to do that". This proposed legislation gives us the opportunity to define genocide—or, at least, to find a way of determining it.

[Baroness Smith of Newnham]

There have been far too many cases of genocide throughout history, even since World War Two, the war to end all wars—nie wieder Auschwitz. We have heard this afternoon of so many genocides and the only one where I have really talked to victims was in Bosnia. I went on an all-party parliamentary visit last year to Bosnia, where 30 years after Srebrenica the mothers are still looking for parts of the bodies of their children; the genocide was not about simply saying, "We will kill young men"; the bodies were ripped apart and the bones we buried in all sorts of different places precisely because that would make it much harder to identify individuals. Those families are still grieving 30 years on. The pain of the mothers who lost children is palpable. That is just one case among so many. We can talk about it now and we can regret it, but how much better if we could act as soon as there was a danger of genocide, because we should not turn away and we must not turn away.

Liberated from the Government Front Bench, the noble Baroness, Lady Sugg, has admitted that maybe the line that the Minister is usually asked to rehearse is not necessarily the right line. I do not quite expect the noble Lord, Lord Ahmad, to throw off the shackles of government today in order to join us and say, "This Bill is the right Bill", but we ask him to find a way to work with us so that we are not amending Bill after Bill in an ad hoc way, but so that we find a way to ensure that His Majesty's Government can define genocide and send things to the court for a preliminary ruling if necessary. This is a Bill whose time has come, and we need His Majesty's Government to step up to the plate and help us to ensure that the United Kingdom is abiding by our international obligations and that we lead on these international obligations. I support the noble Lord, Lord Alton.

2.51 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Alton, for introducing this Private Member's Bill today: it is an important element of our fight to defend human rights. I stress that it is an element of our fight to defend human rights because I must pick up the point made by the noble Lord, Lord Mann: there is a pathway to genocide. It does not start with mass murder or gas chambers; it starts with abuse, disrespect and all kinds of actions that can accumulate. It is really important that we look at that sort of pathway.

Certainly, since the UK acceded to the genocide convention in 1948 and introduced laws that criminalised genocide, no matter where it is committed, we have a duty to prevent and punish the crime of genocide wherever it occurs. An important lesson from this debate is that we need to look at the mechanism to prevent, as much as to punish, genocide. The UK Government, as we heard from all speakers, has a long-standing policy of leaving the question of genocide determination to the international judicial system. Of course, it has not stopped the Government supporting efforts and I know that the Minister will say that where there is a strong evidence base, we will support the gathering of that evidence and make sure that there is a strong basis for pursuing that international court action. But the lack of a formal mechanism, whether grounded in law or policy, was, as we heard from my noble friend, criticised by the Foreign Affairs Committee in December 2017, particularly on the situation in Rakhine state in Myanmar.

On these Benches, we support the efforts of the noble Lord, Lord Alton. We supported him in the Trade Act. In debates on that Act, I also had amendments, supported by this House, to underpin the element of it being not just about genocide. A lot of the things we have been talking about today are not simply about genocide; they are that pathway to genocide.

When I read the Library briefing and the campaign briefing that the noble Lord has been associated with, what struck me was the question of whether a determination makes a difference. I found the research in the briefing by Gregory Stanton from George Mason University fascinating. It found that recognising as genocide mass atrocities that meet the legal definition has resulted in a more comprehensive response, including to stop atrocities. That is what the Bill is about. It is not about having the luxury position of saying, "We now know they're guilty and there's a legal process", but about how we stop it. I thought that research was really important. As Gregory Stanton put it, genocide determination is the first step towards an effective and comprehensive response, including to prevent the risk of genocide materialising and to prevent further atrocities. Has the department seen that research? How might it help the department to consider the broader policy issues in relation to how we pursue evidence of genocide?

The global community has previously acknowledged the failure to prevent tragedies such as the Rwandan genocide in 1994 and the Srebrenica genocide in 1995. I have been working on the United Nations for the last year for the Labour Front Bench, and I was struck by Kofi Annan's report from 2000 on the role of the UN in the 21st century. He posed the question,

> "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?"

The result of that question was the 2005 world summit to address the four key concerns: to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. The outcome was a global political commitment, endorsed by all member states, called the responsibility to protect, referred to by the noble Baroness, Lady Sheehan. That commitment had three pillars. First, there are the protection responsibilities of the state. Each individual state has a responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. The second is international assistance and capacity building. States pledged to assist each other in their protection responsibilities. The third pillar is a timely and decisive collective response. If any state is manifestly failing in its protection responsibilities, states should take collective action to protect that population.

Despite the apparent consensus about the responsibility to protect, there is a persistent contention over the application of the third pillar in practice. In preparing

for today's debate, I thought I would reread the Secretary-General's annual report on the responsibility to protect that was published last year. Key points in the report were:

> "Systematic and grave human rights violations, widespread impunity, hate speech, exclusion and discrimination can all increase the risk of atrocity crimes. Prioritization of prevention remains crucial. Atrocity prevention should be integrated into all relevant fields of the work of the UN."

Can the Minister tell us today what assessment the FCDO made of last year's report? How is it influencing our engagement with the UN and underpinning the principles of the right to protect?

As we have heard, since 2005 and that global consensus, we have seen clear evidence of genocide in Myanmar, Syria, Iraq and China. Yet, in the face of all this, the UK Government's stance remains unchanged. Impunity begets further crimes, and the lack of action will only empower those seeking to commit this crime. I read in today's *Guardian* about the crimes in Syria and the appalling video evidence of the case of Major Yousef, who committed and filmed a massacre. I understand that the French Government are looking at preparing a case and taking action.

That leads me to my other point. I hope that, in supporting the pathway the noble Lord, Lord Alton, is pursuing through this Bill, we do not have to wait for his legislation to act. I know that the Minister will come back on some of the practical things in terms of evidence, but what are we doing to work with other Governments and our allies to pursue cases such as Syria—for example, co-operating with the French Government? I hope the Minister can reassure us this afternoon that this Government will work with their allies.

Whatever happens, I wish this Bill a successful passage. It does not give us all the answers—I think the noble Lord, Lord Alton, would be the first to admit that—but it provides a pathway. What we cannot do is continue to stand by and watch these horrendous crimes being committed. I support the Bill.

3.02 pm

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, first, I join noble Lords in thanking the noble Lord, Lord Alton, whom I would describe as a dear friend, for the insight that he has again provided in this debate.

Several noble Lords, including the noble Baroness, Lady Smith, talked about the repeated nature of engagement on this important issue. One thing I would say is that persistence ultimately pays. There are certainly many examples of that; over the past five years, I have seen them.

On a slightly lighter note on what is a serious subject—the noble Lord, Lord Alton, and I often joke about this—my inbox, my in-tray and some of the responses I have provided to the noble Lord demonstrate active engagement with and response to the important issue of human rights. To the noble Lord, Lord Singh, and others who raised this issue, I say this: of course human rights remain central to the Government's approach.

The noble Lord talked about trade Bills, for example. As the UK's human rights Minister, I have certainly been clear about ensuring that whatever deals are struck on trade—or, indeed, in other areas—reflect the essence of protecting but also strengthening the rights of all communities and citizens whom we call friends and allies. Is it a job done? No. However, I believe that it is through direct engagement—sometimes privately, sometimes publicly, but always candidly—that we can see progress, as I have seen for myself, when it comes to human rights across the piece.

I therefore agreed totally with the noble Lord, Lord Collins, when he said, in looking at the big picture of human rights, that this is a journey and does not happen overnight. Even the determinations on the Holocaust did not happen overnight when they were first made. There is often ignorance.

I see the noble Baroness, Lady Merron, is in her place. I remember our conversations about the famous poem "First They Came", and how its final words

> "And there was no one left
> To speak out for me"

resonate when we learn about and reflect on the horrors of the Holocaust. Therefore I also thank my noble friends Lord Shinkwin and Lady Sugg for drawing attention to the importance, when we debate such issues, of looking back at the horrors of the past.

I hear what the noble Lord, Lord Singh of Wimbledon, said about declaring genocide and will come on to the specifics in a moment. I accept that not every conflict focusing on seeking to destroy a community has resulted in the term "genocide". However, time has shown that people have spoken out and, while the term may not have been associated with those events, the horrors are absolutely clear.

I am the son of someone who endured the partition of India, but the horrors recounted by my own family were never described in those terms. However, the loss of life, and the grave shaking of what sustains a family, are not forgotten; those things become ingrained. Therefore I was very touched by the insights provided by the noble Lord, Lord Darzi, when he talked of his personal journey. On a positive note, I suggest that despite the journey he experienced—away from the abhorrent crimes experienced by his own family and community—there is hope. That hope, I am proud to say, is often provided in a country like ours. It provides those kinds of strengths to communities and journeys, so that within this Chamber and the other place we are able to have such important discussions. Therefore I welcome this debate and acknowledge once again, as did the noble Baroness, Lady Sheehan, the tireless efforts of the noble Lord, Lord Alton, and his passion for justice, as the right reverend Prelate the Bishop of Exeter reminded us. I know that that is reflective of the sentiments shared by many in your Lordships' House.

The Government's long-standing policy is that any determination that a genocide has been or is being committed should be undertaken by a competent court, such as the ICC or the ICJ. Under this policy, the Government have formally acknowledged the Holocaust. I, like many other noble Lords, have been to Auschwitz-Birkenau and seen the chilling impact of the Holocaust's aftermath, and it is important that we remain focused

[Lord Ahmad of Wimbledon]
on that. Subsequently, like others, I visited and saw the horrors of Srebrenica. When that horror and holocaust took place, with the annihilation of 8,000 or 9,000 young men and boys, it was during all our lifetimes. Of course, there was also the Rwandan genocide. Recently, I returned from the DRC, together with the Countess of Wessex, and in Rwanda we went to the museum there which marks the genocide.

In all these journeys, however, there is something that gives hope. Whether it is the fact of the Jewish homeland, the State of Israel, the current fragile peace which sustains in Bosnia-Herzegovina or the fact that we have seen progress in Rwanda, we should not lose sight of that. Of course, that demonstrates that genocides beyond the Holocaust do exist. Therefore I say to the noble Lord, Lord Singh of Wimbledon, who I respect greatly, that I do not think there is a sort of table in which one community is recognised over the other. I accept that time has shown that sometimes before a genocide is recognised there is a process, but that does not mean we forget the lives lost and the conflicts of the past.

There are of course thresholds which must be met so we can say that genocide has occurred. The genocide convention, which several noble Lords referred to, requires not only the act itself but the

"intent to destroy, in whole or in part, a national, ethnical, racial or religious group",

to be proved. Again, I accept what the noble Lord, Lord Collins, said. Sometimes it is about not speaking up and then it is the odd discriminatory point against a community. Before you know it, it has turned into a persecution or a targeting in isolation. It moves from "Okay, it was only one or two acts—these were random and isolated", to being tantamount to a sudden targeting and annihilation of the whole community. Therefore we must always remain vigilant and the United Kingdom Government, over successive Governments, have been focused on that.

The noble Baroness, Lady Smith, and the noble Lord, Lord Hannay, talked of the Government's approach and the noble Lord talked of his own frustration at times in trying to change the system. It is important that we seek to change—and to change in a constructive way that allows progress to be made. While the Government's approach is consistent with our obligations under the genocide convention and the Rome statute, we believe that we act in a clear, impartial and independent way on the measures that exist for the determination of genocide. It also aligns with other international partners. However, the noble Lord, Lord Darzi, provided the insight that there are countries, such as the US, which have made exceptions in this respect.

The noble Lord, Lord Browne, referred to Resolution 2379 and the leadership the UK showed in Iraq—although ultimately it did not quite meet what he hoped our intervention would be. I remember going to Mosul as it was liberated from Daesh and meeting the Yazidi survivors of ethnic cleansing against their communities. I remember the survivors who were so destroyed in their souls that they no longer showed any emotion. I heard and I listened to their shocking, abhorrent tales of violations, violence, rape, torture and death. It is important sometimes, although a determination of genocide has not been made, that we are seen to be acting and taking action. While it may not meet the satisfaction of many noble Lords and others, which I understand, the United Kingdom Government have continued to play an important part in calling out these atrocities around the world.

On a small point, I agree with the noble Lord, Lord Mann, in his assessment; there are a lot of difficult issues we confront when we look at the particular issue of genocide determination. He very rightly summarised many of the challenges the Government face. He mentioned the ECHR. I think it is important. Your Lordships' House and many in it play an important role in vocalising that this is not an issue of Brexit; it is a fundamental basis of human rights. It is an important convention to which we adhere which protects the rights of all.

In terms of the Government's position on this Bill, our overarching policy remains to maximise our ability to take effective action, call out atrocities and prevent them from happening again. The noble Baroness, Lady Smith, and the noble Lord, Lord Collins, among others, referred to our responsibility to protect. We have acted on this, and I will come to the issue in Ukraine in a moment to demonstrate how we have led and worked with key partners on the crucial issue of our responsibility to protect. This is particularly important in the context of Ukraine.

While the Government today are not persuaded that the current Bill is the right way forward, I can assure noble Lords—I hope that they will respect this—that we are looking carefully at whether our current policy achieves the overarching aim and intent. Of course, we will keep noble Lords informed on this. I state clearly today—the noble Lord, Lord Collins, alluded to this; I thought he had a copy of my speaking notes at one point—that the current policy does not prevent us as a United Kingdom demonstrating forthright leadership in the face of human rights abuses, whether they are formally determined as genocide or not. The UK remains committed to acting and confronting human rights abuses in all forms.

The noble Lord, Lord Alton, in his customarily articulate introduction of this Bill, talked of the situation of the Hazara in Afghanistan. He knows about my commitment to ensuring that we afford all protections and rights to all religious minority communities around the world.

The right reverend Prelate raised the important issue of the Truro report and recommendation 7. We have made further progress in this respect, and we remain very much true and committed to it. I initiated and wrote the terms of reference for the first freedom of religion or belief—FoRB—envoy, so it is a personal priority in government to see that all elements of the Truro report are fully and effectively implemented. But implementation is just the first stage; sustaining the recommendations is equally important.

However, examples of UK action include action on the Russian invasion of Ukraine, where credible evidence of atrocities continues to emerge. Our responsibility to protect has resulted in the UK spearheading decisive action. We have led efforts to expedite the International

Criminal Court investigation. I hear the noble Lord, Lord Alton, and I have mentioned this to the prosecutor —he was here briefly, but I will continue to make that point—who is doing some good work. I hope that we will also be able to bring the prosecutor-general from Ukraine to your Lordships' House to share some of his thinking about the work that is being done.

We filed a declaration of intervention at the International Court of Justice in August in the case brought by Ukraine against Russia. On a question raised by the right reverend Prelate and the noble Lord, Lord Collins, we have helped to create the atrocity crimes advisory initiative with key partners, including the European Union and the United States, to ensure that we can start accountability efforts and effectively documenting those crimes now.

I turn to Myanmar's military actions against the Rohingya, which the noble Baroness, Lady Sheehan, referred to. Like others, I have been to Cox's Bazar, as I said earlier today, and have directly seen the impact of Myanmar's atrocities. Although they have not been termed "genocide", the term "ethnic cleansing" has been used. Of course, other tools are available to His Majesty's Government, including sanctions policy. Again, I thank all noble Lords for their co-ordination and support of the actions that we have taken in that respect.

I am pleased that we recently announced our intention to intervene in the case brought by the Gambia against Myanmar for its alleged breach of the genocide convention, which again shows another step forward for the Government—several noble Lords raised this. We have also bolstered our approach to identity-based violence, and internal monitoring mechanisms have been strengthened to alert the Yangon embassy earlier to atrocity risks and escalations.

On China, I praise the work of the noble Lord, Lord Alton, who will know of the United Kingdom's leadership, particularly in the context of the Human Rights Council, where we have led in calling out the situation of the Uighur community in Xinjiang in particular, and that continues. We will continue to strengthen international partnerships to call out the current suppression, prosecution and persecution of a whole community by China. We will continue to act with partners to end these appalling human rights violations in Xinjiang.

Lord Alton of Liverpool (CB): I did not want to interrupt, but the noble Lord has just referred to the United Nations Security Council debate on Michelle Bachelet's report, which found evidence of crimes against humanity, if not genocide, against the Uighur community in Xinjiang. China has mobilised other countries, including those that ought to have an affinity with Muslim Uighurs, to vote with it not to even debate that report; does that not demonstrate yet again why we need a much more effective mechanism, not dependent on the UN Security Council?

Lord Ahmad of Wimbledon (Con): The noble Lord is referring to the UN Human Rights Council. I assure him that, after the many lobbying programmes that we have had in recent weeks, it was disappointing that we lost that procedural vote by one. He is of course correct, and he knows where I stand on this. It is shocking to me, and that point is made candidly to countries, particularly across the Islamic world, for their failure to stand up on the biggest internment of Muslims anywhere in the world. That point is not lost on His Majesty's Government, and we will continue to make that case.

I thank all noble Lords for their strong co-operation on this issue. I know the intent of the Bill, and while the Government have not committed to supporting it specifically, as I have said, they continue to look at their position to see how best they may respond. Over a number of years I have personally seen an enhanced focus on the responsibility to protect human rights across the world, particularly where we see atrocities being committed, as we do in Ukraine, ethnic cleansing taking place, as we see in Myanmar with the Rohingya, or human rights being supressed, as we see in Xinjiang.

In conclusion, I thank everyone who has taken part in this important debate and assure them that the Government remain focused on these important issues. I know that your Lordships would like the Government to focus on the determination of genocide, but I hope I have been able to provide a degree of assurance that they remain very much committed to a broad human rights agenda and are acting in specific ways to call out atrocities wherever they may occur.

3.21 pm

Lord Alton of Liverpool (CB): My Lords, I am grateful to the Minister for his response. In his concluding remarks, I heard him say that the Government "are continuing to look at" this question, which at least leaves a door ajar. I therefore hope that the Government will support the committal of this Bill to a Committee of the Whole House, and that we can then start to look at the detail he has been discussing. I was very struck by his answer to my intervention, which was about the Human Rights Council but also the implications for the Security Council. Some countries veto any kind of action being taken on any issue concerning human rights, crimes against humanity, genocide or whatever it may be, on the "ladder" that the noble Lord, Lord Collins, was right to refer to.

We have heard a series of compelling and powerful speeches from all sides of the House on why our response to this horrific and grotesque crime of genocide must change. The noble Baroness, Lady Sugg, a former Minister, endlessly had to give the same arguments from the Dispatch Box that the current Minister has given today. We have heard these arguments as recently as this week, in a Procurement Bill Grand Committee debate about forced organ harvesting of Falun Gong and Uighurs in Xinjiang. In the Moses Room, the Minister said that this is a matter for the courts and not something on which the Government can decide. Yet little changes, even when the courts do decide—as in Germany recently, where, on the issue of the Yazidis in northern Iraq, the courts found that there was genocide. Why has that not changed the definition we are able to make, at least on that significant point, without there having to be further intervention?

Lord Hannay of Chiswick (CB): Both the noble Lord, Lord Mann, and the Minister recognised that these are very complex matters. Surely, the answer to that is to say, "Yes, they are very complex matters, and

[Lord Hannay of Chiswick]
that is why we need legislation such as that put forward by Lord Alton". That would enable a court—not the Government, not Parliament—to say, "Yes, that is genocide", or, "No, sorry, it isn't genocide but it is a crime against humanity". That is the case for this legislation and the very complexity of it.

Lord Alton of Liverpool (CB): It is indeed. As our former distinguished ambassador to the UN has reminded us, we have had our consciences scarred so many times, whether in Rwanda, which my noble friend referred to earlier, or any of these other situations. We have a duty to act, yet, as he also said, what we have at the moment is a Catch-22 situation where we suggest that something is being done when we know that it is not.

The noble Lord, Lord Browne of Ladyton, with all the authority of a former Defence Secretary and Cabinet Minister, said that this is about not just good law but what we are compelled to do, and that it is consistent with our policy that this is a matter for the courts.

The noble Baroness, Lady Sheehan, quoted Raphael Lemkin's role. More than 40 of his family were murdered in the Holocaust. He gave us this word "genocide" to answer the question that Winston Churchill posed about why this was a crime that we could not even describe.

The right reverend prelate the Bishop of Exeter reminded us of our commitment that we have to honour under recommendation 7 of the Truro report, which the noble Lord, Lord Ahmad, referred to. He also reminded us of a quotation, which the noble Baroness, Lady Smith, referred to as well, from William Wilberforce: you can choose to look the other way but you cannot say that you did not know.

The noble Lord, Lord Shinkwin, said that we should not even need to have this debate. The noble Lord, Lord Mann, quite rightly said that there will be detail that we need to resolve and that this is not an answer to all these problems—I never suggested that it is.

I was very struck by the speech of the noble Lord, Lord Darzi. I have read *The Forty Days of Musa Dagh* by the Jewish writer, Franz Werfel. It is a novel about the experiences of the Armenians during their genocide. It is a very powerful account. It is not surprising that Adolf Hitler had that Jewish writer's books burned, because, as the noble Lord told us, Hitler himself said, "Who now remembers the Armenians?"—effectively, "Why should we worry when nobody else seems to worry?"

I have been to Nagorno-Karabakh with my noble friend Lady Cox. I took my daughter with me, and said to her, "If ever you go into public life, speak up for those for whom there is no voice". My grandfather gave me pictures that he brought back from the Holy Land during the First World War that showed executed Armenians who had been murdered as the Ottoman Turks retreated from Jerusalem. We saw those same photographs in the genocide museum in Yerevan. I was personally very taken not only by what the noble Lord, Lord Darzi, had to say but by what everyone has said in this debate.

This Bill should be committed to a Committee and we should have further discussion. We should thrash out the details and honour the promises that were given to me by two former Foreign Secretaries, who are also now former Prime Ministers. We should be as good as our word in politics. They said that this would be reformed. This Bill provides an opportunity for it to be reformed. I commend it to the House.

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

House adjourned at 3.28 pm.