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HOUSE OF LORDS

OFFICIAL REPORT

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

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

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House of Lords

Wednesday 11 July 2018

3 pm

Prayers—read by the Lord Bishop of Chester.

Oaths and Affirmations

3.05 pm

Baroness Howarth of Breckland took the oath, and signed an undertaking to abide by the Code of Conduct.

Death of a Member: Lord Laird

Announcement

3.06 pm

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the death of the noble Lord, Lord Laird, on 10 July. On behalf of the House, I extend our condolences to the noble Lord's family and his friends.

Retirement of a Member: Lord Fearn

Announcement

3.07 pm

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

Universities: Contract Cheating

Question

3.07 pm

Asked by Lord Storey

To ask Her Majesty's Government what action they are taking to ensure that every university in the United Kingdom is taking action to prevent contract cheating.

Viscount Younger of Leckie (Con): My Lords, contract cheating is unacceptable. It devalues the work of those students succeeding on their own merit and undermines the reputation of the sector. That is why the DfE worked with the QAA, Universities UK and the NUS to publish guidance last October to help providers tackle this issue. We have given the OfS power to take action if providers are complicit, including imposing fines or, ultimately, deregistering providers—the highest possible punishment.

Lord Storey (LD): I thank the noble Viscount. He will know that essay mills and contract cheating are part of a billion-pound worldwide organisation, with dozens of companies registered at Companies House.

He will recall that in debate on an amendment of mine to the then Higher Education and Research Bill the Government agreed that, if this matter could not be dealt with by voluntary means, they would consider legislating. What issue would bring that legislation about?

Viscount Younger of Leckie: I concur that in the passage of that Bill we did not discount the idea of legislating, but we are firmly of the opinion that we should look at the non-legislative approach. I know that the noble Lord is a key member of the academic integrity advisory group, which is doing some good work in conjunction with the QAA to look at the whole area of cheating. It is of course a fast-moving process because much cheating can be done over the internet.

Lord Forsyth of Drumlean (Con): My Lords, has my noble friend had an opportunity to look at the table in the Economic Affairs Committee's report on higher education, which shows the huge increase in the number of students being awarded first-class degrees at some universities since the fees were increased to over £9,000? Does he suspect that the market in universities is now geared up to attracting students, and perhaps marketing their universities, on the basis of the number who can get first-class degrees? I exempt the University of Cambridge, which has seen no increase, yet at the University of Oxford those awards seem to have almost doubled, and at some universities it is by a factor of four and more.

Viscount Younger of Leckie: The OfS of course takes responsibility for this and undertakes an annual analysis of degree classification trends at sector and provider level. It will publish its findings and directly challenge the sector where there is evidence. We welcome the UK Standing Committee for Quality Assessment's work to define the standards for all classifications of degrees.

Lord Watson of Invergowrie (Lab): My Lords, the Minister will remember that when the Higher Education and Research Bill was before your Lordships' House last year his colleague the noble Lord, Lord Young of Cookham, stated that legislation to counter cheating was not necessary and that he had asked the sector bodies to develop guidance with tough new penalties. The Minister just referred to that guidance, but it contains no penalties either tough or new. I noticed that he mentioned sanctions against institutions, but what about individuals? The emphasis is very much on prevention rather than cure, which is all right up to a point, but surely there comes a point when sanctions have to be taken against students on an individual basis. I shall repeat the question just asked by the noble Lord, Lord Storey, and again invite the Minister to say at what point the Government will conclude that guidance is not sufficient and that legislation targeting the providers is necessary to root out the source of this serious problem.

Viscount Younger of Leckie: There are a number of questions there, but I say at the outset that it is often made clear when individuals sign on for courses that

[VISCOUNT YOUNGER OF LECKIE]

they have to be aware of the punishments for students who deliberately cheat. They include being sent down from university. That is made very clear. Some universities, including Nottingham and Oxford, demand an authorship signature from people submitting essays so that if something has gone wrong and they are seen to be cheating, it is down to them and they have signed for it.

Baroness Garden of Frogal (LD): My Lords, are the Government aware that the Australian Government have invested millions of dollars in supporting work to combat academic fraud? As my noble friend said, this is an international problem. What international co-operation are the Government considering to tackle this issue?

Viscount Younger of Leckie: We are certainly aware of what some other countries are doing. For example, New Zealand legislated for such offences, as the noble Baroness may know, but there have been no prosecutions so far. Australia, the country that she mentioned, is adopting the same process as us—that is, it is looking at non-legislative guidance. There is no one way forward, so we are keen to continue with the process that we are undertaking.

Lord Cormack (Con): My Lords, the claiming of spurious qualifications, particularly in the field of medicine and other areas, can lead to real harm to many individuals. Could my noble friend discuss with his colleagues the necessity of taking legislative action if we are not able to combat this in other ways?

Viscount Younger of Leckie: I have already said that we have not discounted legislation, but my noble friend was perhaps referring to bogus degrees. We have the bogus degree project run by our contractor, Prospects, which seeks to identify and investigate illegitimate providers that mislead students by pretending to be degree-awarding bodies.

Lord Foulkes of Cumnock (Lab): My Lords, does the Minister agree that cheating in universities is nothing when compared with the cheating in the EU referendum by Nigel Farage and his cronies? In the light of the report by the Electoral Commission, should the result of that referendum now be declared invalid?

Viscount Younger of Leckie: The noble Lord is ingenious in stretching the range of the Question. I revert him back to its focus, which is exam cheating. Legislating is not particularly straightforward because the perpetrators are often international online companies, and offences need to be carefully considered to ensure any legitimate services.

Baroness McIntosh of Hudnall (Lab): My Lords, would the Minister return to the question from his noble friend Lord Cormack? As I understood him, he was not asking about bogus degrees; he was asking about securing legitimate degrees by bogus means, which is rather different. Would the Minister think about ways in which that might be combated, in view of his noble friend's question?

Viscount Younger of Leckie: Absolutely. There are a number of factors here, but the academic integrity advisory group is working on that aspect as well, as part of focusing on bogus degrees but also on cheating in exams.

Schools: Exclusion of Disabled Children

Question

3.15 pm

Asked by **Lord Touhig**

To ask Her Majesty's Government what steps they are taking to ensure that disabled children are not unfairly excluded from school as a result of paragraph 4(1) of the Equality Act 2010 (Disability) Regulations 2010.

The Parliamentary Under-Secretary of State, Department for Education (Lord Agnew of Oulton) (Con): My Lords, in 2016 the House's Select Committee on the Equality Act 2010 and Disability recommended changing these regulations. These aim to provide more protection to children whose disability means that they have a tendency to physical abuse. In response to the committee's report, we committed to consider how the exemption around the tendency to physical abuse of other persons applies to those under 18 in the education context. We will be looking carefully at the arguments for and against changing the law, and will confirm our intentions later this year.

Lord Touhig (Lab): My Lords, I welcome the Minister's reply, but I remind him that it was two years ago this month that the Government promised action on this matter. In the meantime, schools exclude pupils with autism and learning difficulties on the grounds that their behaviour may be disruptive. They do so rather than making amendments to help and support the teaching of these youngsters. Will the Government accept that the Equality Act as it stands permits discrimination against vulnerable children and should be amended soon?

Lord Agnew of Oulton: My Lords, this issue is, by common consent, considerably complex. We have been looking at it in depth and giving careful thought to what would be in the public interest. We will be ready later in the year to confirm our intentions, which we will do publicly. We do not accept that discrimination exists at the moment, but I would like to take this opportunity to recognise the huge contribution that the noble Lord makes to this important area through his role as a vice-president of the National Autistic Society. I look forward to meeting him and some of his colleagues from the All-Party Parliamentary Group on Autism next week.

Lord Maginnis of Drumglass (Ind UU): My Lords, I declare my professional interest in this particular matter—when they hear what I have to say, some may even say my professional prejudice—in so far as the last figures that I have been given show that our primary schools are 80% staffed by one-year-trained teachers who do a PGCE after doing a Mickey Mouse degree at university.

The reality is that you cannot train a teacher in one year. Is the weakness not a question of failing to train our teachers properly?

Lord Agnew of Oulton: My Lords, we have done a lot over the last few years to improve the training for teachers in order to increase their awareness of both autism and other issues. The department issued a new framework for initial teacher training content in July 2016, and we are now funding the Whole School SEND Consortium to build a community of practice involving 10,000 schools. A new SEND regional lead, supported by a deputy, will bring together practitioners and networks in their local area to build a community of practice.

Lord Addington (LD): My Lords, there has been a 72% increase in exclusions from primary schools. Does this not suggest that something is fundamentally wrong in the system as it stands? If the Government are not prepared to take the action suggested by the noble Lord, Lord Touhig, will they make sure that teachers are better trained and prepared for handling these children in the classroom? Those are the only two options that we have.

Lord Agnew of Oulton: My Lords, the noble Lord is correct that it does not prevent a pupil with SEN being excluded, but any exclusion must be lawful, reasonable and fair. Schools must also balance their responsibilities for children with SEN or disabilities with their responsibility to ensure that all children are able to experience good-quality teaching in a safe environment. The guidance is also clear that, when a pupil is identified with SEN, head teachers need to consider what extra support is needed to identify and address their needs. Lastly, I remind the House that we have commissioned a report from Edward Timpson specifically on exclusions.

The Earl of Listowel (CB): My Lords, is the Minister concerned that, as increasing numbers of initial teacher trainees are trained in schools, there is a risk that they will not get the training they need to work with these complex children? Will he look in particular at the apprenticeship route into teacher training and ensure that their mentors have time with them not only in class but protected time outside the class to talk to these trainee teachers and support them in their development?

Lord Agnew of Oulton: My Lords, we have funded the Autism Education Trust and have recently extended that to improve the awareness of these conditions of education staff. We have now brought that awareness to more than 175,000 teachers and education staff in the past five years, which is 25,000 more than when I last answered a Question on autism only a month ago.

Lord Cunningham of Felling (Lab): My Lords, the Minister says at the Dispatch Box that we need more evidence. We do not need any more evidence; the evidence is all around us. Children with disabilities in schools are being discriminated against. The evidence is everywhere. Why do the Government need another inquiry before they act to stop this discrimination?

Lord Agnew of Oulton: My Lords, it is important that schools take the appropriate steps to address the underlying causes of poor behaviour. In this Question, we are dealing with the propensity to violence of some children in schools. We have to have regard to 7 million pupils, 465,000 teachers and 265,000 teaching assistants, and we must take their interests into account as well.

Lord Sterling of Plaistow (Con): My Lords, I certainly support what has been said, but I have had the pleasure of seeing that government at both ends are highly supportive of trying to improve the situation, and everybody in this House wants to help these youngsters. I see it through the eyes of my little grandson; I am learning all the time about it. It is all very well having records, but, as has already been said, when a school has headmasters and mistresses and staff who are trained, understand and know what a meltdown is all about, it makes so much difference to that child's future. Could that whole system be accelerated?

Lord Agnew of Oulton: My Lords, we have done a great deal over the past five years to raise awareness of these issues in schools, and we will continue to do so.

Adult Social Care

Question

3.23 pm

Asked by **Lord Warner**

To ask Her Majesty's Government when their Green Paper on the future funding of adult social care will be published; and whether the Green Paper will draw on the experience of other countries.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con): My Lords, as recently announced by the previous Secretary of State for Health and Social Care, the Government will publish a Green Paper in autumn 2018 setting out proposals for social care reform alongside the NHS plan. In developing the Green Paper, the Government are drawing on best practice of what works abroad to create a sustainable social care system.

Lord Warner (CB): I thank the Minister for his Answer. Is he aware, however, that according to a report in May by the Health Foundation and the King's Fund, adult social care funding needs to increase by between £5 billion and £8 billion by 2020-21? Can he reassure those service providers who are leaving the publicly funded adult social care system in droves that the Government's financial cavalry will arrive by Christmas?

Lord O'Shaughnessy: The noble Lord is quite right that there is a need for more money in the social care system. That is why, in addition to the funding set out in the spending review, the Government have put £9.4 billion over three years into the system in the short term. The point he makes, which is right, is about the long-term sustainability of the settlement. I would point him to the seven principles underpinning

[LORD O'SHAUGHNESSY]

the Green Paper, which my right honourable friend set out. One of those is a sustainable funding model—a model which, as we have said, cannot put pressure on the NHS. That means that we need to find the money to ensure that it can subsist.

Lord Turnberg (Lab): My Lords, the noble Lord is well aware that we need more money for social care, and that integrated care is vital. He may also be aware that Salford has successfully integrated health and social care. I am sorry to keep banging on about Salford, but it is where I spent many happy years working. It has done it very successfully, and Sir David Dalton has led it wisely. What lessons are being learned centrally, not just from abroad but from the UK and similar experiments?

Lord O'Shaughnessy: The noble Lord speaks with great wisdom and he is absolutely right to highlight Salford, as he always does, because it is the root of the integrated care service being put in place in Greater Manchester with unique devolution powers, and we want to see that model rolled out across the country. Of course, the point of that is to ensure a better interface between the National Health Service and social care, so that one of the problems that bedevils us at the moment—delayed transfers of care—does not get in the way of proper care.

Baroness Howarth of Breckland (CB): My Lords, it is good to be back, but very depressing to find that some of the things that were happening when I left are very much the same as I return—in particular, in respect of the Green Paper. The world may be changing radically in other ways, but I find that we have yet another Green Paper to add to the pile of other reports on adult social care.

I briefly pay tribute to the health service, particularly in Norfolk, which has saved my life and put me partly back on my feet. When I came out of the health service and had to use social care, however, I found myself spending thousands of pounds of my savings on carers. Many others, like me, find themselves uncertain about what the future will bring when they come to the end of their savings because we do not have the answer in the Green Paper. I am asking the Government not only to look very carefully at the issue of people who need carers, but to tell us the timeframe so that people are not left in a state of uncertainty about what the future will bring.

Lord O'Shaughnessy: I am very pleased to welcome the noble Baroness back to the House, and am glad to see that she is on the mend. She highlights a critical point about certainty, which she makes movingly from a personal insight. It does not matter what age someone is; there is a great deal of uncertainty about what the system will look like when they retire—whether that is in five or 50 years. Providing that security and certainty is one of the principles underpinning the reform. It will be in the Green Paper. I know that successive Governments have had Green Papers, but we need to seize the chance of a long-term plan for the NHS and a Green Paper coming together to try to make it work.

Baroness Eaton (Con): My Lords, I declare my interest as recorded in the register. The recent Local Government Association survey of council leaders and social care cabinet members found that 96% believe that there is a major national funding problem in social care. I think we all agree that we urgently need a long-term funding solution for social care. With that in mind, will the Minister commit to working with the Local Government Association, as it consults on its own social care proposals, and seek to start a debate on how best to fund the care we want to see for adults of all ages? Will he update the House on whether the Government's Green Paper will commit to new funding for social care?

Lord O'Shaughnessy: I absolutely agree with my noble friend. I know that she speaks from great experience. We have some good working practices now, through the better care fund, between health commissioners and local government, which is an essential part in making sure we have a sustainable system.

Baroness Wheeler (Lab): Will the Minister reassure the House that the Green Paper will address the parity of esteem between mental and physical health in terms of eligibility for social care support at home? Although there is serious concern that many people suffering debilitating mental illness, particularly depression, are not receiving the basic social care support they need, it is very difficult to assess the national scale of the problem because of the very poor data on how the current eligibility criteria are applied in mental health support. How is this key issue being addressed?

Lord O'Shaughnessy: I reassure the noble Baroness that it will be addressed. When we have the consultation, there will be more opportunity to explore that.

Baroness Brinton (LD): In addition to looking at funding mechanisms from abroad, will the Green Paper look at some innovative solutions, such as the projects in Holland where students live in sheltered accommodation with the elderly, improving the quality of life for the elderly and financial support for students, which is much cheaper for the state?

Lord O'Shaughnessy: That sounds like an excellent idea, and I would be delighted to consider it, as well as any other ideas that the noble Baroness has.

Baroness Pitkeathley (Lab): I welcome the Green Paper but it is only a Green Paper. Does the Minister have any assessment of how long it will be before legislative changes can be brought in to make new initiatives a reality?

Lord O'Shaughnessy: I do not have that information, but it will be set out in the Green Paper.

Railways: Train Timetables Question

3.30 pm

Asked by **Baroness Randerson**

To ask Her Majesty's Government what progress has been made on establishing the new train timetables around the country.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Sugg) (Con): My Lords, while many of the new timetables have been delivered around the country, that is certainly not the case in all areas. Following the continued disruption faced by GTR and Northern passengers, both operators are introducing an interim timetable designed to provide a more predictable service for passengers. GTR's interim timetable was published on 6 July and will come into effect on Sunday. Northern's interim timetable, introduced on 4 June, has already helped to restore stability. Further changes to add in additional Northern services are planned for the end of July.

Baroness Randerson (LD): My Lords, misleading claims are made about the eventual benefits of these new timetables. Commuters from Harpenden now have 15 fewer rush-hour trains and fewer carriages. Hitchin used to have 29 rush-hour trains to and from London; that has now halved to 16. They are among the busiest stations on the route and, even when the trains run as scheduled, which is rare, they are now so full that commuters cannot physically squeeze themselves on. Will the Minister ask Thameslink what the good people of Hitchin and Harpenden have done to deserve such an appalling new service?

Baroness Sugg: My Lords, with the delivery of the new timetable, we have had to cancel services, and services in Hertfordshire have been particularly badly affected, with consistently poor performance. Once all the services are in place, passengers from Hitchin and Welwyn will be able to take direct services through the Thameslink core to several London stations. I appreciate that that is little comfort for the coming weeks, but from Sunday the interim timetable will improve reliability, prioritise peak-time services and aim to reduce the long gaps in services.

Lord Clark of Windermere (Lab): My Lords, the Northern rail service and the Lakes line is only 50% of the previous service. Does the Minister realise that those trains run only because crews have been transferred from the other Cumbrian line to Barrow and west Cumbria? What is she going to do to ensure that Northern has enough train drivers to run the timetable that it says it is going to? Why does not she take the franchise away from it?

Baroness Sugg: My Lords, I am aware of the 50% service, which was also only just recently reintroduced. It is supplemented by buses, but I am aware that that is not acceptable. By the end of July, we will see the restoration of services that were temporarily withdrawn to restore stability, but we are working closely with Northern to ensure that it is able to deliver the provision that it has promised.

Baroness Rawlings (Con): My Lords, I concur with the two previous questioners. Gareth Edwards, stakeholder manager of Govia Thameslink Railway, has admitted that there have been none of the promised improvements to our service from King's Lynn to King's Cross, but assures me very politely that it is doing all it can. This was a reliable, comfortable service and the situation, as you have heard, is dire. Millions of regular travellers

have suffered constantly from endless delays and cancellations since the introduction of the new timetable. I have been in touch with the Secretary of State and the local MP, but what solution are they going to provide?

Baroness Sugg: My Lords, the new timetable was planned to deliver hundreds more services up and down the country to benefit passengers, but I think that we can all agree that it has not been successfully delivered. As I say, we are working closely with the train operating companies to ensure that the interim timetables provide the reliable services that passengers expect and deserve. We are conducting a review into whether GTR has met its contractual obligations, which will report in the coming weeks. Once completed, we will follow the advice.

Lord Rosser (Lab): An industry readiness board was set up to review and direct,

"industry programmes for Thameslink 2018 operational readiness to minimise all risks associated with entry into service and ongoing sustained operations".

The Department for Transport sat on that readiness board, with its "operational readiness" remit. How can the Secretary of State for Transport maintain that he has no responsibility or accountability for the operational effectiveness and performance of the railway network—including the present shambles—when his own department was represented on the Thameslink 2018 industry readiness board with its clear operational readiness remit?

Baroness Sugg: My Lords, the rail industry has collectively failed to deliver for its customers. It is right that it apologise, and the Department for Transport has apologised too. As I have said, we are prioritising the reliability of the service, but I take the noble Lord's point. That is why we have set up an independent inquiry—to understand what went wrong. We are eagerly awaiting its recommendations because we must learn these lessons, and we will.

Lord Laming (CB): My Lords, I know that the Minister is sympathetic to those of us who have to rely upon Thameslink to get us here. It is not only that the company ignores its own timetable; it fails to inform its own staff and to keep its own website up to date. Everything at the present time is just a myth. Can the Minister do whatever she can to help Thameslink get just some of the fundamentals in place?

Baroness Sugg: My Lords, I entirely agree that the information on what services are available is absolutely key, so that passengers can plan their journeys and buy their tickets. There have obviously been failures—big failures—in this but, with the introduction of the interim timetable on Sunday, we expect there to be more reliable services so that people can plan their journeys effectively.

Lord Bradshaw (LD): I wonder whether the Minister would reconsider the advice that has gone out from the rail delivery group, no doubt with the support of the department, that there will be no further timetable

[LORD BRADSHAW]

changes until December or next May. Essentially, it has to be got right now. Will she ensure that any incremental improvements are rolled out to help people who are suffering such distress?

Baroness Sugg: My Lords, we are working to re-establish the May timetable across all franchises and we will continue to do so until we reach the promised level of services. On the December timetable change that was announced on Monday, there will still be new services, but other services will be introduced gradually over the next few timetable changes in order to avoid the situation we are facing now. Planners will absolutely try to make the small adjustments that they can, listening to what passengers actually need in order to try to improve the service.

Non-Domestic Rating (Nursery Grounds) Bill

First Reading

3.38 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Procedure Committee

Motion to Agree

3.38 pm

Moved by The Senior Deputy Speaker

That the 5th Report from the Select Committee *European Union (Withdrawal) Act 2018: Sifting of proposed negative instruments by the Secondary Legislation Scrutiny Committee; Consideration of Commons Amendments; and Grand Committees on Questions for Short Debate* (HL Paper 163) be agreed to.

The Senior Deputy Speaker (Lord McFall of Alcluith):

My Lords, the report covers three areas. The first concerns sifting arrangements for certain instruments laid under the European Union (Withdrawal) Act 2018. For some regulations laid under the Act, the Minister will have a choice about whether to apply the affirmative or the negative resolution procedure. This is unusual, and the withdrawal Act includes a sifting procedure so that Parliament has an opportunity to comment on the Minister's choice.

The new sifting procedure requires that where a Minister decides in favour of the negative procedure, a proposed negative instrument will be laid before Parliament accompanied by a statement explaining why that procedure has been chosen. The proposed instrument will be considered by sifting committees in each House, which will be able to recommend that an instrument should be upgraded to the affirmative procedure. In this report, the Procedure Committee is recommending that the Secondary Legislation Scrutiny Committee should undertake this sifting function and, as a result, that certain changes should be made to that committee's terms of reference. These include giving

the committee power to form sub-committees and, in the interests of time, allowing the sub-committees to report directly to the House.

In addition, the Procedure Committee is recommending a new Standing Order 70A to enable proposed negative instruments to be laid in the recess. This mirrors current Standing Orders in relation to negative instruments, and similar provision has been proposed in the House of Commons. I should make clear that this will not affect the Secondary Legislation Scrutiny Committee's ability to examine and report on proposed negative instruments. This is because the scrutiny period set out in the Act is expressed in terms of sitting days. The clock will not therefore run in recess, although staff will be able to prepare papers and other issues during the recess.

Secondly, the report seeks to address an ambiguity in the *Companion* relating to the rules during consideration of Commons amendments—often referred to as ping-pong. It recommends that, during ping-pong, if a Member with a proposition on the Marshalled List is absent or says, "Not moved", any other Member of the House may move it. This follows the procedures we have for other types of amendment.

Finally, the report recommends an increase in the frequency of Grand Committees on Questions for Short Debate so that they take place once every five sitting weeks—rather than once every six sitting weeks at present—and that each such Grand Committee should cover four QSDs rather than the five at present.

It may also be helpful to the House if I say a few words about the amendment to the Motion tabled by the noble Lord, Lord Trefgarne. At its last meeting, the committee considered a proposal from the noble Lord that the franchise for hereditary Peer by-elections should be extended to all Members of the House. However, there was little support for the proposal, and the committee agreed not to recommend any changes to the Standing Order governing hereditary Peer by-elections. I beg to move.

Amendment to the Motion

Tabled by Lord Trefgarne

As an amendment to the above motion at end insert: "but that this House regrets that the Committee has not reported on proposals to amend the procedures relating to hereditary peer by-elections and invites the Committee to reconsider such procedures and to report to the House".

Lord Trefgarne (Con): My Lords, I do not intend to delay your Lordships very long, as the noble Lord, Lord McFall, has already replied to my amendment. I will say only that I was aware that the matter was being considered by the Procedure Committee, but it was rather difficult for me to extract what conclusion it had reached. The first official information I have had is the remarks that the noble Lord has just made, for which I am grateful.

In reference to the earlier remarks of the noble Lord, Lord McFall, on the work of the Secondary Legislation Scrutiny Committee, and as chairman of that committee, I am happy to accept what has been decided.

Lord Grocott (Lab): My Lords, I am surprised that the noble Lord, Lord Trefgarne, decided to move this amendment—

A noble Lord: He has not.

Lord Grocott: Even if he did not move it—

The Senior Deputy Speaker: This may confuse things even more, but I am informed by bush telegraph that the noble Lord, Lord Trefgarne, did not move his amendment.

Lord Trefgarne: My Lords, I apologise that I did not proceed as I should have done. I beg to move the amendment.

3.45 pm

Lord Grocott: I feel worn out already. As I said, I am surprised that the noble Lord, Lord Trefgarne, has decided to raise the issue of hereditary Peers' by-elections. However, although it is unrelated to the report, it gives me and others an opportunity to speak on the subject, as these are current matters that urgently need the attention of the House.

This time last week, we had the announcement of the result of a by-election for the Cross Benches. We had only minimal information from the Clerk of the Parliaments, which is perfectly in order. I sought to get more details and am happy to say that the full documentation is available in the Printed Paper Office and it provides a wealth of information, which I will distil for the benefit of the House.

It reminds us that for that by-election—that is, for a place in Parliament—there were 31 electors and 19 candidates. I now know from this document that 10 of those candidates did not receive any votes at all. I should say that one of the candidates stood in the hereditary Peers' by-election for the vacancy on the Cross Benches and the same candidate will be standing in the current election for a Conservative vacancy—

Noble Lords: Oh!

Lord Grocott: So he is a man of few permanent political convictions. The voting was based on the alternative-vote system. There were six rounds of balloting and the winner won by a margin of 12 votes to five—a majority of seven. I have fought a lot of elections but I do not know, on the basis of the votes given, whether that would be a marginal or a safe seat. As far as I know, no psephologist has analysed the figures in any detail to see what significance, if any, they have in terms of swing or the likely outcome of the next general election, or anything of that sort.

However, I say to the House that the noble Lord, Lord Trefgarne, is trying to do the impossible. He is trying to make a system work when it is fundamentally flawed and deserves to be scrapped. If I dare say so, I think that he tests the patience of the House by persisting in blocking a Bill which would solve this problem very simply and would hurt no one.

The noble Lord's proposal, which, in my view, the Procedure Committee very wisely decided not to proceed with, was simply that the whole House should take part in these elections. I do not want to weigh everyone

down with statistics but, just for information, the last time the whole House took part in a by-election for the replacement of a hereditary Peer was in March 2017. Then, the electorate—the whole House—was 803 and 346 people turned out to vote. That was a turnout of 43%, which, for interest, was lower than the lowest turnout for any of the 650 House of Commons seats at the last general election, so I am happy to say that there was no great enthusiasm among Members of this House even for an electorate of the whole House. However, of course that does not deal with the fundamental problem, which is that the only people eligible to stand are hereditary Peers. There are 92 reserved places and, of the 211 people on the official list, 210 are men, although all that is unaffected by the proposal put forward by the noble Lord, Lord Trefgarne. This matter is urgent, not least because two by-elections are pending.

There is one rather sombre piece of information that we all have to consider at some stage. There were 92 names on the original list in 1999, when the exempted hereditary Peers remained in the House. Of those 92, 33 have been replaced since then in by-elections. That leaves 59 still potentially pending. However, the inevitable consequence of Father Time is that those elected in 1999 and still here are getting on a bit, which I think is the actuarial term. The by-elections of the 59 still pending from the original 92 will inevitably come up with monotonous regularity, and that monotony will be exacerbated by me repeating this speech on numerous occasions every time this occurs—for which I apologise to the House, but it needs to be dealt with soon.

All I ask of the noble Lord, Lord Trefgarne, is that he stops playing King Canute. These by-elections will cease—the House wills them to cease. Please do not block the Bill any more but allow it to pass through and achieve something which virtually the whole House knows is both inevitable and desirable.

The Earl of Caithness (Con): My Lords, perhaps I may ask a question about transparency. Would it not be within the bounds of possibility that whatever is discussed in something like the Procedure Committee is noted for us? If this matter had not been raised, one would not know as a Back-Bencher what had been discussed. Surely it would be quite easy to say that this matter was discussed but not agreed to.

The Senior Deputy Speaker: My Lords, the Procedure Committee minutes will be published and it will be noted, and I can say as chair of the committee that there was negligible support for the proposition. That will be a matter of record. The noble Lord, Lord Grocott, raised a point about making his speech. He will have a chance again to make the same points on Friday 7 September, when his Private Member's Bill will be discussed. We look forward to that.

Far be it from me to get between the noble Lords, Lord Grocott and Lord Trefgarne. I have been a friend of the noble Lord, Lord Grocott, for many years—he has been a good friend to me—and, since I have taken up this position, the noble Lord, Lord Trefgarne, has been most courteous in his dealings with me, both on the sifting issues regarding the Secondary Legislation Committee and in giving me notice of his amendment.

Lord Trefgarne: I beg leave to withdraw my amendment.

Amendment to the Motion withdrawn.

Motion agreed.

Crime (Overseas Production Orders) Bill **[HL]** *Second Reading*

3.52 pm

Moved by Baroness Williams of Trafford

That the Bill be now read a second time.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the aim of this Bill is to provide the framework to address the problem of obtaining electronic evidence when it is stored outside the UK. Too often, criminals—including terrorists—are using global communications services to facilitate their criminal activities, and in many cases the companies providing the services being used are located outside the UK. UK law enforcement officers consider this information as a vital source of evidence in the investigation and prosecution of serious crime and we need to make sure that they have timely access to it.

Our existing powers for obtaining stored electronic data are effective when the company or person holding the data is located in the UK. In those circumstances, a law enforcement officer or a prosecutor can apply to a court for a production order to obtain the data. If the judge agrees that the material is required to support the investigation or prosecution, he or she will issue the production order, and the UK-based target will be required to comply.

However, as Members of this House will know, advances in technology, and the increasing globalisation of communications services, mean that it is not always the case that it is a UK-based entity that holds this data, which can be vital evidence. Where evidence is held outside the UK, we must rely on our international partners to help. We must use mutual legal assistance channels—a form of judicial co-operation between states that allows law enforcement officers and prosecutors to obtain evidence from a foreign jurisdiction via the authorities in that jurisdiction. However, the mutual legal assistance process can be slow, and in some cases it may not be timely enough to support an investigation or a prosecution. It requires a formal request to be made to another country, which then assesses it to consider whether it can comply. That country may require a court order or warrant from its own courts to obtain the evidence. This is usually the case for stored electronic data. It would then serve that order or warrant on the service provider in its territory. This process takes time and in some cases might result in delayed or abandoned investigations or prosecutions. It can also delay people being eliminated from a criminal investigation.

The Bill will create an overseas production order. It will provide law enforcement officers and prosecutors with the power to apply here in the UK for an overseas

production order, which would allow them to seek stored electronic data directly from service providers based outside the UK in certain circumstances. They would be able to apply for an overseas production order for the purposes of investigating and prosecuting serious crime, including terrorist offences. They would be able to apply for an overseas production order only where a relevant international co-operation agreement is in place between the UK and the territory in which the overseas data holder is based.

This will mean that UK law enforcement officers and prosecutors will need to deal only with domestic UK courts and will have much quicker access to this data to support investigations and prosecutions of serious crime. The Bill will put on an equal footing the way in which a UK law enforcement officer or prosecutor can apply to the court for access to electronic evidence when the data is held by an entity based in the UK with circumstances when they are based in another territory with which the UK has a relevant international co-operation agreement.

The process of applying for an overseas production order will be similar to the existing domestic process for applying for a production order. The Bill's provisions reflect our existing high levels of privacy protection, respect for freedom of speech and international human rights law. An overseas production order can be sought only for serious criminal offences. The court will, as it does currently, apply robust scrutiny to any application, and stringent tests will need to be satisfied before an order can be granted. These include that the information is reasonably believed to be of substantial value to the investigation or proceedings and that it is in the public interest for the electronic data to be provided.

The Bill also makes it clear what data cannot be sought, such as that which is legally privileged, or the circumstances in which additional protections might apply, such as when confidential journalistic material is sought. Critically, the Bill makes it clear that an overseas production order can be approved by a court only where it is clear that a relevant international arrangement exists. UK law enforcement officers and prosecutors will be obliged to deal with any data they receive under an overseas production order in accordance with existing protections under the Data Protection Act 2018, as is the case with material received under an existing production order or through mutual legal assistance.

I am sure that noble Lords will agree that the increasingly global nature of crime means that we need a global solution to tackle this problem. This means working with international partners to find ways to maximise our efforts in evidence gathering for the safe and effective investigation and prosecution of serious crime. This Bill will provide another avenue—an expedient means for law enforcement officers to seek stored electronic data. Mutual legal assistance will still exist and will remain critical for other types of evidence that are not within the scope of the Bill, and for electronic evidence outside the scope of relevant international arrangements. This Bill seeks to give those agencies that we rely on to investigate and prosecute serious crimes an additional tool to allow them to get timely access to electronic evidence in tightly defined circumstances.

This is a short and straightforward Bill. The safeguards it contains and the tests that must be satisfied before an overseas production order can be granted will be familiar to many who have law enforcement experience. It will help provide more timely access to vital evidence for our operational partners. I beg to move.

4 pm

Lord Paddick (LD): My Lords, this has been a very short debate; in fact, there has been an absence of debate. However, I am grateful to the Minister for meeting us prior to today to discuss the Bill; speaking with officials was very helpful. I offer the apologies of my noble friend Lady Hamwee, who has an important committee meeting this afternoon and is unable to speak in this debate, but the House can be reassured that she will submit amendments to which she will speak in Committee.

I am grateful to techUK for its advice on this matter. The Bill looks very much like the equivalent of the United States Clarifying Lawful Overseas Use of Data, or CLOUD, Act, which sets out how the US Government can access overseas data for law enforcement where an international agreement is in place. When the United States passed the Act, the British Prime Minister, Theresa May, was the first leader to indicate that the United Kingdom would be willing to establish an agreement with the US on the basis of its Act, which I presume is why we are bringing forward equivalent legislation here.

My briefing on the CLOUD Act is that it clarifies how and when the US and other countries can gain access to data stored in different jurisdictions, allowing bilateral deals with foreign countries on data sharing for law enforcement purposes. The legal clarity which that Act provides, which I presume this Bill will also provide, has been welcomed by tech giants such as Microsoft, Google, Apple and Facebook.

Noble Lords will know that we are part of the Five Eyes group of countries that share intelligence on terrorism issues, along with the United States, Canada, Australia and New Zealand, so it is no surprise that we are looking through the mechanisms of this Bill to establish a reciprocal arrangement with the USA and presumably with the other Five Eyes countries in due course, in addition to other countries as we are able to strike arrangements with them.

It makes sense, rather than relying on mutual legal assistance treaties, to allow law enforcement agencies to apply to the British courts to access data directly from an overseas service provider rather than going through government channels, provided an international agreement is in place with the country concerned. Bearing in mind the vast volume of data handled by service providers based in the United States of America, America will obviously be a priority for the mechanisms in this Bill. I am grateful for the House of Lords briefing on this issue, which outlines the tortuous process of MLAT, which can take up to 10 months to complete, so the need for this Bill is clear.

There are issues of privacy here and therefore of compliance with the GDPR—the general data protection regulation that has recently been introduced—and the UK’s ability to secure a certificate of adequacy from

the European Union if we were to become a third-party country after Brexit. Noble Lords will recall that the EU allows data exchange only with third-party countries whose data regulations and privacy laws are considered by the EU to meet EU standards. If the UK enters a bilateral arrangement with a non-EU country whereby it can apply directly to UK service providers to hand over sensitive personal information, presumably the EU will have to be satisfied that the safeguards in the Bill are sufficient for the EU not to withdraw any adequacy certificate for the UK. Perhaps the Minister can explain.

For example, in Clause 3 “excepted electronic data” goes beyond legal professional privilege to include confidential records such as medical records, evidence from the confessional—“spiritual counselling”—and welfare counselling, but in Clause 3(5) these exceptions do not apply to terrorist investigations. Noble Lords will recall that as a member of the European Union we have *carte blanche* to make whatever arrangements we want as far as terrorist investigations are concerned, but once we become a third-party country the EU will scrutinise those arrangements and take them into consideration in deciding whether an adequacy certificate should be issued: the devil will be in the detail of the Bill.

The European Commission in April 2018 published its own e-evidence proposals for European production orders, which is the EU version of the CLOUD Act. It sets out when law enforcement officers can request data and what the response times from the tech companies should be. These proposals will apply across all EU countries, whereas the US arrangements, which President Trump is said to prefer, deal only with individual countries—they are bilateral arrangements. How do these proposals fit with the EU e-evidence proposals?

As with all UK law that has extraterritorial effect, there are issues of enforcement. The Minister and her officials were good enough to explain to us that, clearly, if the international service provider has offices in the UK, sanctions could be applied, but it would be more difficult if the overseas company had no assets in the UK. One has to ask whether contempt of court is an effective enforcement process if that overseas service provider has no assets in the UK.

I shall very briefly outline some other areas where we may need to explore further. Clauses 4(5) and 4(6) say that the judge must be satisfied that some or all of the data will be of “substantial value” to the investigation or proceedings and that it is “in the public interest”. The judge will have to weigh the benefit to the proceedings and the circumstances under which the person came into possession or control of the data. This appears to be vague. How high a threshold is this for the applicant investigator to surmount?

In Clause 8, the order may forbid the person against whom it is made to disclose the existence or contents of the order without the permission of the judge or the applicant. This appears to have consequences for open justice.

In Clause 10, is the use of the data as evidence restricted to the offence for which the order is made? What happens if other offences are disclosed? Would a further application be necessary?

[LORD PADDICK]

Overall, we welcome the Bill, but we will be probing to ensure that the rights of UK citizens are not infringed and that securing an adequacy certificate from the EU if we leave the European Union will not be jeopardised by these proposals.

4.08 pm

Lord Rosser (Lab): My Lords, this is perhaps a fairly unique Second Reading, in that the Minister will be making the same number of speeches as the rest of your Lordships' House. I apologise in advance for the fact that I will probably speak for longer than either the Minister has so far, or the noble Lord, Lord Paddick.

The primary purpose of the Bill is to permit a court in this country to require a person or company located overseas, such as an overseas service provider, to produce stored electronic information, as such a court could if the information were located or controlled in the UK. This is achieved in the Bill by creating a new overseas production order that has extraterritorial scope. However, this jurisdiction can be exercised only if an international co-operation arrangement or bilateral agreement enabling this to happen, and to which we are a party or in which we participate, has been agreed. UK law enforcement officers would apply to a judge for an order requiring the production of electronic evidence for the purposes of investigating or prosecuting serious crime, including terrorism offences. The effect of the overseas production order, if granted, would be to require an overseas provider to disclose electronic information held by them, provided that this is supported by an international co-operation agreement with the country concerned.

The present position in respect of electronic data that is outside the reach of domestic UK court orders and is needed for evidential purposes is that mutual legal assistance is available where a mutual legal assistance treaty has been signed. In 2016, the UK had bilateral mutual legal assistance treaties with some 40 countries and was also party to multilateral MLATs through bodies such as the EU and the Council of Europe. This present form of judicial co-operation means that a requesting country can seek assistance from an executing authority or country, and that authority or country is then responsible for collating the evidence using its own judicial or other processes and orders.

However, as the Minister said, the MLA process can be slow, requiring as it usually does significant government-to-government liaison, and may not be speedy enough in some cases to enable the evidence being sought to be obtained in the timespan required to contribute meaningfully to an investigation or help to secure a successful prosecution. Indeed, MLAT requests submitted to the United States take an average of approximately 10 months to complete. Sir David Anderson, the then Independent Reviewer of Terrorism Legislation, said in a 2015 report,

“there is little dispute that the MLAT route is currently ineffective”. With electronic information becoming increasingly important in the investigation and prosecution of criminal offences, this is regarded as an increasingly serious lacuna in the pursuit of those committing serious offences, since the companies providing services that generate

or store electronic data or do both are often located outside this country. This means that the data they generate or store is currently outside the reach or range of the orders of our courts, which lack extraterritorial scope and cannot be used to require overseas providers to provide timely information.

The impact assessment for this Bill states:

“The issues with access to electronic data held by overseas providers and the use of MLA has been recognised for a while with discussions taking place between the UK and other countries to explore options to address the issues with the MLA process”.

We know from the impact assessment that one of those other countries is the United States, but which are the other countries with whom we have been discussing this issue?

Apparently our law enforcement and security agencies have indicated that US communication services are used by 90% of their suspects and that, in almost every terrorism investigation, those they investigate use services provided by US communications service providers. As far as the United States is concerned, the impact assessment tells us that a bilateral data access agreement is being finalised with the UK, but that,

“in anticipation and preparation for it, the US passed its Clarifying Lawful Overseas Use of Data (CLOUD) Act in March 2018, enabling the US legislative change required to give effect to this agreement”.

The CLOUD Act provides authorisation for a new form of international agreement to be concluded by the United States through which foreign Governments can seek data directly from US companies without such requests having to be reviewed individually by the US authorities. However, the CLOUD Act also requires that when the US concludes an agreement with another country, such as the UK, that country must allow the US reciprocal rights of data access.

Since bilateral agreements with another country or countries will need to be concluded for the provisions of this Bill to be implemented, presumably we shall be required to provide the same access arrangements to electronic data in this country as we are seeking from them—namely, that an order made in their courts will be capable, if necessary, of being enforced here with apparently little or no judicial oversight in this country. The Explanatory Notes say that the electronic data in question may include the “content of private communications” being made available to the state, and that:

“These intrusions into ECHR rights can be justified as necessary in a democratic society for the prevention of disorder and crime and in the interests of national security and public safety, and are proportionate in light of the requirements that must be met before a judge can make an overseas production order, and the other safeguards set out in the Bill. To the extent that the electronic data made available may include journalistic material, the requirement that an order is made by a judge provides prior judicial oversight for the exercise of the power, and accordingly an Article 10 compliant safeguard”.

Those words might not be accepted without question by everyone.

Clause 4 sets out the conditions and restrictions under which an overseas production order may be made. These include that the judge must be satisfied, “that there are reasonable grounds for believing that an indictable offence has been committed and proceedings in respect of the offence have been instituted or the offence is being investigated”.

Alternatively, the judge must be satisfied that, “the order is sought for the purposes of a terrorist investigation”. According to the Explanatory Notes:

“This reflects the criteria under which production orders may already be sought against those in the UK”, under the Terrorism Act 2000. The judge must also be satisfied,

“that there are reasonable grounds for believing that all or part of the electronic data”,

applied for will be of “substantial value” to the investigation or proceedings, and that it is “in the public interest” that this data is made available to the investigation or proceedings.

In considering whether something is in the public interest, the judge must consider the benefit to the proceedings or investigation that this electronic data is likely to have and,

“the circumstances under which the person against whom the order is sought has possession or control of any of the data”.

Further additional requirements that must be met in order for an overseas production order to be made can be specified by the Secretary of State through regulation under the terms of the Bill. Some of the factors on which the judge has to be satisfied before granting an order are potentially subjective, including whether an order being sought is for the purpose of what could be regarded as a terrorist investigation, whether the data being applied for will be of substantial value to the investigation or proceedings, and that it is in the public interest that the data is made available.

The UK has to be a party to an international co-operation agreement for the terms of the Bill to apply. However, will that arrangement or agreement with another country—and there could be up to 40—have to incorporate the same standards and criteria, and interpretation of those criteria, that would apply in our courts before making an order when a court in that other country makes an overseas production order for a British national or company based here to produce stored electronic data or give access to it? If that is the case—and the Bill has a potential problem if it is not—how will we be able to satisfy ourselves that the other country making such an order will, for example, be interpreting the requirements relating to “substantial value”, “public interest”, “terrorist investigation” and “excepted electronic data” in the same way as we would anticipate our courts interpreting those words in determining whether or not the case has been made for granting an overseas production order?

If we believe that a country with which we have an international co-operation agreement or bilateral agreement has not been applying an appropriate interpretation of the criteria for determining whether to make an overseas production order, can we step in and stop it being enforced against the named person or company in this country? If so, who or what body or authority in the UK can nullify the production order in question? If that cannot be done, is that not a potential concern about the proposed bilateral arrangements set out in the Bill, particularly as they are geared to giving greater speed to the process than the MLA route? Is there any right of appeal in this country against an overseas production order applicable here but made in another country with which we have a bilateral co-operation agreement?

If the Government’s view is that, under the new overseas production orders, there will be no change, in either direction, in the interpretation of the criteria or basis for making or declining overseas production orders for electronic data compared with the current mutual legal assistance arrangements, surely that cannot definitely be the case in the future, because at present it is the court in the country in which the order for electronic data has to be executed that makes the order, whereas under the new arrangements in the Bill it will be the court in the country where the order is being sought that will make the order and determine whether or not the case for the overseas production order has been established. What would be the position if the overseas production order for the electronic data in question was being sought in respect of a case or investigation where the outcome for a defendant, if found guilty, could be the death penalty, as might apply in the United States? Would we allow the electronic data to be handed over or accessed in such circumstances, as we would apparently be required to under the terms of the Bill and any bilateral agreement?

Can the Minister say within what timescale it is expected that overseas production orders will produce the required electronic data or access to it, compared with the time taken through the present mutual legal assistance process? While I appreciate that many service providers and technology companies in other countries, including the US, are likely to provide the electronic data being sought once the overseas production order has been made by a UK court—and, no doubt, vice versa as well—can she confirm what will happen if they decline to do so, since neither the US CLOUD Act nor any international agreement made under it would create a legal obligation for US service providers to comply with a data request from a foreign Government, including that of the UK?

The Explanatory Notes suggest that non-compliance with an overseas production order made by a UK judge could give rise to contempt of court proceedings but, if I am correct, some further detail from the Government as to how this course of action would in practice work and be effective in this situation would be helpful. Likewise, can the Government explain what action could or would be taken if a person or company in this country named in a production order from a country with which we have a bilateral agreement declined to hand over or give access to the electronic data sought under that order?

The Bill, as we know, seeks to provide a speedier alternative to the mutual legal assistance route in respect of electronic data by enabling UK domestic courts to issue a production order rather than, as now, requesting a foreign court to do so following an MLA request. Under the required international agreement with the country concerned, this would almost certainly be a two-way process. Under the current MLA process, first, how many orders have we been seeking per year in respect of electronic data which have required the assistance of another country under MLA in making and executing those orders, and from which countries have we required such assistance? Secondly, how many orders per year sought by other countries have we been asked to make and execute under MLA arrangements in respect of electronic data, and by which other countries?

[LORD ROSSER]

What percentage of overseas orders in both directions under MLA are currently in respect of electronic data per year? What is the anticipated increase in each direction for orders for electronic data under the new arrangements for overseas production orders set out in the Bill, since the Explanatory Notes suggest that applications for overseas production orders for electronic data have been suppressed because of the time delay in executing such orders under the MLA process?

As the noble Lord, Lord Paddick, said, in April this year the European Commission published proposals for EU legislation to create a European production order as part of a package of measures on electronic evidence. The proposed European production order would allow a judicial authority in one EU member state to request electronic evidence directly from a service provider offering services in the EU and established or represented in another member state, regardless of the location of data. Where does the proposed European production order fit in relation to the new overseas production order process set out in the Bill? Do the Government intend to opt into the European production order measure or regulation? Finally, I say simply that while we support the objectives of the Bill, we want responses to the potential concerns we have raised about the possible application of its provisions.

4.24 pm

Baroness Williams of Trafford: My Lords, there have been so few speakers this afternoon that anyone would think there might be a football match on tonight. However, I thank both noble Lords for their very constructive comments and questions. I have been furiously writing everything down and I hope I also have the answers but if I have not, I will follow them up in writing.

The noble Lord, Lord Paddick, asked whether this could allow for an agreement with the EU. Obviously, we are going through negotiations with the EU on Brexit, but it is absolutely possible that we could eventually make an agreement either with specific countries or with multiple states in the EU. That is almost certainly a possibility. He also quite sensibly asked whether this will affect the adequacy judgment in the context of Brexit. It is about getting data from outside the UK into the UK, but UK providers responding to requests under any agreement would need to comply with data protection law, which is of course aligned with EU standards, as we saw when we were going through the Data Protection Bill recently.

The noble Lord also asked how the Bill affects the evidence proposal published by the Commission. EU member states and wider international partners are considering this very question of cross-border access to electronic data. The European Commission has published proposals on this issue which we are currently considering. The UK's opt-in applies to the regulation and the Government are committed to taking all opt-in decisions on a case-by-case basis, putting the national interest at the heart of the decision-making process. We are currently scrutinising the regulation, and we will make a decision on whether to participate in due course. The proposed evidence directive could be implemented before the end of the envisaged implementation period.

The noble Lord also asked whether contempt of court is enough if the CSP has no assets in the UK, which slightly goes to the point the noble Lord, Lord Rosser, made about seizing assets. Both are a possibility, but we anticipate working closely with overseas providers to create a high compliance environment. Given the general support for this, we hope that is the case. It is possible that some providers may have no UK assets, but those firms are unlikely to be within reach of any enforcement mechanism. We can always resort to MLA in the case of non-compliance.

The noble Lord, Lord Paddick, asked about what happens if you get more evidence than you asked for. The data received will be subject to the usual data protection laws and existing laws on data handling and retention. Law enforcement will be provided with guidance on how to handle data when using an overseas production order. I think he also asked about what happens if you need multiple different requests.

Lord Paddick: The question was: if you identify further offences from the information that you have requested, would you then need to go back to a judge to enable that evidence to be used?

Baroness Williams of Trafford: My view would be that, yes, you would because it would be a new request, but I will confirm that in writing. I would not wish to give the noble Lord misinformation at the Dispatch Box.

The noble Lord, Lord Rosser, asked how the US or other countries will be able to get information from the UK. The proposed agreement will be reciprocal and we would expect any country with which we have an international co-operation arrangement also to benefit from this more streamlined process for data and evidence gathering. The condition for any international arrangement or future arrangement is that each country recognises the other's rule of law—that is an important concept for the Bill—due process and judicial oversight for obtaining and dealing with information and evidence with regard to serious crime. Each agreement will be specific in scope in respect of the circumstances in which it can be used. Section 52 of the IP Act 2016 will be used to designate international agreements, and that will be the basis for another country to request information from UK service providers. The Secretary of State has the power to impose additional conditions when designating an agreement under that section.

The noble Lord, Lord Rosser, asked what would happen if the other country had a lower threshold for what is regarded as reasonable belief. What do we do if this arrangement is all about the mutual recognition of legal systems? The UK would not agree to any arrangement where the threshold for obtaining data did not provide similarly protective standards to those in the UK. The agreements will recognise a shared acceptance of the laws in another country with which we are entering into an agreement. It will recognise the other's rule of law, due process and judicial oversight for obtaining and dealing with information and evidence with regard to serious crime.

Under any proposed agreement the UK would require the other country to set out the powers it intended to use in pursuance of requests made under

the agreement. The UK would also ask the other country to commit that it would not rely on another power unless agreed by both parties. In addition, it would specify the evidential standard required before requests were made and ensure that the UK was satisfied with those standards before designating an agreement for incoming requests.

The noble Lord asked which countries we are negotiating agreements with. We expect the first relevant international arrangement to be with the US, unlocking the potential for streamlined access by UK law enforcement, but any future international arrangements would, like the agreement with the US that we have been discussing, be based on the recognition that robust protections for privacy are present in each country. Of course, not every country would meet those high standards, and any agreement that we reached with another jurisdiction would be subject to parliamentary scrutiny in the usual way. As discussed, that usually involves laying the agreement in Parliament for 21 sitting days without either House having resolved that it should not be ratified.

The noble Lord asked what powers exist to nullify incoming requests. The Bill is about requests from the UK rather than to the UK, but UK-based providers will not be compelled to comply with overseas orders and, if they do, must comply with data protection law. The agreement itself will be subject to the usual scrutiny by Parliament, as I have said.

The noble Lord also asked about the timescales for production orders versus MLA. Under an overseas production order, the standard time for compliance is seven days. However, the judge may shorten or extend this time depending on the circumstances of the case. Therefore we expect this to be a much quicker process compared with MLA, which can take up to 10 months unless there is a particular urgency. The noble Lord asked how many we were anticipating. We anticipate approximately 40 to 50 outgoing requests for electronic data. I will write on the other point regarding MLA numbers. I am guessing that there are more because it has a broader scope, but I will write to the noble Lord.

I have tried to cover every point; I am not sure that I have but I will of course follow up in writing any that I have not. In the meantime, I beg to move.

Bill read a second time and committed to a Grand Committee.

Afghanistan Update

Statement

4.34 pm

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, with the leave of the House, I shall now repeat a Statement made earlier today in another place by my right honourable friend the Secretary of State for Defence announcing an uplift to UK troop numbers in Afghanistan. The Statement is as follows:

“The UK will never forget the 9/11 terrorist attacks and the thousands of innocent women, men and children killed in this atrocity. This barbaric violence prompted the UK, alongside our NATO allies, to enter Afghanistan

to ensure that terrorists could never again use it as a base from which to attack our citizens at home or abroad.

Before I continue, I want to pay tribute to the efforts of tens of thousands of brave British men and women who have served in Afghanistan stretching back 16 years. We will never forget what they did there—particularly those 456 brave men and women who paid the ultimate price, as well as those who suffered life-changing injuries in the line of duty. Their service and sacrifice was not in vain.

As I saw for myself when I visited back in March, not only do millions of ordinary Afghans now have access to clean water, vital medicine and education, which would not have seemed possible less than 20 years ago; not only have they enabled the Afghan people to take charge of their own security; and not only is the capability of the Afghan national defence and security forces growing, but elections are giving a voice to the people of Afghanistan, who are increasingly calling for peace—something that would have seemed unthinkable a short time ago.

Our commitment to Afghanistan remains an enduring one. Although UK combat operations ended in 2014, our troops are playing a key role in NATO’s Resolute Support Mission by leading the Kabul Security Force. They are performing a vital role training, advising and assisting the Afghan army and air force, developing the nationwide security structures that will strengthen Afghanistan’s democracy. They have a Quick Reaction Force, which works alongside the Afghan national army to provide urgent help in Kabul when required.

They continue to work alongside their Afghan, Australian, New Zealand and Danish partners at the Army Officer Academy to mentor staff. Since opening in 2013, it has held its 11th graduation. More than 3,000 high-quality officers have passed out of this great institution, modelled on the Royal Military Academy Sandhurst. They are making a genuine difference in helping the Afghan national defence and security forces maintain security and keep their citizens safe.

The momentum is with the Afghan forces, and the Taliban cannot militarily win. Ultimately, in the long-term, Afghanistan’s only chance for a better future is through a peaceful negotiation that is Afghan-led. Significant progress is already being made. The UK welcomes the Government of Afghanistan’s offer to start a discussion on a political process with the Taliban, supported by the recent ceasefire. It is encouraging to see bilateral relations with Pakistan improving, which helps build wider stability in the region. Critically, over the coming 12 months, parliamentary and presidential elections are planned, giving ordinary people the chance to shape their nation’s destiny for the better.

But despite the growing confidence of Afghan forces, atrocities such as the appalling attack against the Intercontinental Hotel at the start of the year, which killed 42 people, demonstrate that the insurgency has proven resilient. It still controls parts of Afghanistan and it continues to conduct brutal suicide attacks, killing innocent civilians. Of equal concern is the fact that terrorist groups such as Daesh are seeking a foothold in the region in order to conduct operations against Britain and other nations.

[EARL HOWE]

Given the upcoming elections and efforts by the Afghan Government to reach a political settlement, NATO has recognised that now is a critical time to give extra support. So today, in response to a NATO request, and in recognition of the professionalism and competence of our forces, I can announce that we will be increasing the number of troops to support our existing mission, sending an additional 440 personnel in non-combat roles to take the total UK contribution to around 1,100 personnel. This will make the UK the third largest troop contributor to the NATO operation. Around half of the 440 additional personnel will deploy in August; the remainder will follow no later than February 2019. The additional troops will initially deploy from the Welsh Guards, who already currently provide the UK's contribution to the Kabul Security Force.

Today's decision underlines our commitment to the people of Afghanistan. It will help strengthen the institutions that preserve Kabul's security and enable the Afghan-led peace process to develop. It will send a signal to the Taliban that we will not abandon this proud nation; nor can they simply outwait our departure. It shows our commitment to NATO, which in a darker, more unpredictable world must remain the cornerstone of our defence. Above all, it reiterates Britain's commitment to strengthen the security of our nation. History teaches us that the prize for a more secure Afghanistan is peace and security for all.

I commend this Statement to the House".

My Lords, that concludes the Statement.

4.41 pm

Lord Tunncliffe (Lab): My Lords, I thank the Minister for repeating the Statement, and join him in paying tribute to those who have served in Afghanistan. We remember in particular the 456 service personnel who died and those who have suffered life-changing injuries.

I too believe that Afghanistan is a better place as a result of our efforts. We have achieved this through co-operation with our NATO allies. Nevertheless, a further commitment of 440 personnel is significant, and it is our duty to probe this. Noble Lords will understand that 440 on the ground will involve many times that number, as personnel are trained, deployed and rested.

It is appropriate to pause at this point. We will be sending people into harm's way, and we civilians do not really understand what that is like. This place is enriched by the number of people who have done that; we even have one who has been in harm's way. Afghanistan is a dangerous place, and NATO personnel were killed in the early days of these training missions. I wonder whether the Minister can give us a sense of the risk involved by telling us how many NATO personnel have been killed since the end of NATO ground operations, which I believe was at the end of 2014.

I shall now turn briefly to the Chilcot inquiry, if I may. I am told that it contained 2.4 million words, but I felt that it really had only two key recommendations: first, that the decision to commit military personnel should be taken by due process; and secondly, that

before taking the first step one should have a plan for the second and subsequent steps.

On the first step, can the Minister explain the process by which the decision was made? Who was involved? Was the FCO or DfID part of the decision? Was the Prime Minister? What criteria were set to measure success? How were the risks to our troops' lives assessed? Can the Minister assure us that the risks are indeed minimal, and that there are no scenarios in which our people will be drawn into combat operations?

Secondly, how long will the deployment last? Is there an end date, or at least a set of criteria to measure success and, hence, lead to withdrawal? Have all scenarios been considered?

We all hope and pray that the mission is successful but, sadly, history is littered with limited military interventions turning into full-scale war. Can the Minister assure us that in no circumstances will that be allowed to happen? I have complete faith that our people will be able to help the Afghans fight more effectively, but could the Minister give us more detail on the training that will be provided? Will it be complemented by softer essential skills such as policing, particularly with respect to corruption, and governance? Will the further input to produce those skills come from the FCO and DfID, or will our allies provide the resource?

Baroness Smith of Newnham (LD): My Lords, like the noble Lord, Lord Tunncliffe, I thank the Minister for repeating the Statement, and I echo the words of the Secretary of State and the noble Lord, Lord Tunncliffe, on the commitments that this country has made to Afghanistan and the tributes paid to the service men and women who have given their lives in Afghanistan.

This is clearly a serious decision that is being announced today. As the noble Lord, Lord Tunncliffe, pointed out, 440 service personnel is a significant number. It increases the personnel that we currently have in Afghanistan by two-thirds. It is noticeable that the decision has been made, we are told, in response to a NATO request, at the time of a NATO summit and on the eve of a visit by the President of the United States. What is not clear is when the request was made. When was the United Kingdom asked to make this additional commitment and when was the decision actually taken? Is the confluence of timings just ahead of the NATO summit intentional? Is it intended in any way to send a signal to the President of the United States that the United Kingdom at least is keeping up to its NATO targets?

There is a whole set of other issues associated with the nature of the contribution and some of the key decisions that need to be considered, which, as the noble Lord, Lord Tunncliffe, has pointed out, have not necessarily been answered in the Statement. How long is this additional deployment intended to be? We have been told that about half the troops are due to be deployed in August 2018 and the rest by February 2019, but we are not told how long this is intended to last. The more deployments that we have, the more questions there are about the sustainability of deployments and the pressures put on Her Majesty's services. While we pay tribute to the service men and women who are

deployed to Afghanistan and everywhere else around the world, there is a question of the impact that this will have on forces morale. Is the Minister content that the resources are there to ensure that this additional deployment can be managed? Can he tell us a little bit more about what the Government's exit strategy might be?

Finally, the Secretary of State commented that this shows our commitment to NATO, which, "must remain the cornerstone of our defence".

Nobody in your Lordships' House would disagree with that, but does the Minister think that the President of the United States feels similarly? What discussions might the Prime Minister have with the President to try to ensure that, by the end of this week, the United States's commitment to NATO is strong as that of the United Kingdom?

Earl Howe: My Lords, I thank the noble Lord, Lord Tunncliffe, and the noble Baroness, Lady Smith, for their support for this announcement and, indeed, for their well-directed questions. Some of the questions from both noble Lords coincided, and I shall attempt to address them all in turn.

The noble Lord, Lord Tunncliffe, asked me about the process that led to this decision. He is absolutely right to remind the House of the lessons from Chilcot, and that there needs to be a formal deliberative process across government for a decision as momentous as this—and that is indeed what happened. The UK was initially asked to consider this additional deployment in March of this year—that request came from NATO itself. We subsequently did so; that is to say, the Ministry of Defence considered the feasibility and a decision, following a discussion, was taken formally by the National Security Council on 26 June. It was then endorsed formally by the Treasury and by No. 10.

The noble Baroness, Lady Smith, was again correct to make the point that the decision to do this was based not only on the fact that we thought it was the right thing for Afghanistan, for the UK and for NATO, but that it was intended—as I hope it will—to underline our commitment to NATO and the fact that Britain has particular skills that it can offer in a context such as this. I am sure that that message will not have been lost on any of our NATO partners.

The noble Lord, Lord Tunncliffe, made the perfectly fair point that we will be sending troops into harm's way. I would, however, just qualify that by making clear, as the Statement does, that the roles that are being and will be performed by our personnel in Afghanistan are non-combat roles. They are therefore quite distinct from the kind of role that we saw being performed under the ISAF banner before 2015, when our troops were very definitely on the front line against the Taliban. Chiefly, our troops will be charged with supplementing the Kabul defence force within Kabul itself. We have to remind ourselves that the NATO mission operates under the banner of "Train, Advise, Assist". The UK contribution will therefore be to support that NATO mission but—to come back again to a point made by the noble Lord, Lord Tunncliffe—the safety and security of our troops remains, as it always will, our key priority. We keep the protection measures

for our personnel under constant review and will not hesitate to adapt those measures to the changing threats. They are benefiting from bespoke equipment, such as the Foxhound armoured vehicle, which is suited to the streets of Kabul. Essentially, as far as force protection is concerned, our personnel are equipped and mandated to protect themselves, as well as to protect coalition and diplomatic personnel. It is the Afghan national defence and security forces which are responsible for maintaining security in Kabul.

Both the noble Lord and the noble Baroness asked about the timescale. I hope that they will understand that it is not possible to put a timescale on the deployment of our troops within the NATO mission in Afghanistan. All NATO allies are agreed that we will continue to support the Afghan national defence and security forces until the conditions are right for our collective withdrawal, which includes the ability of the Afghan forces to protect the people of Afghanistan without support from international forces, and when progress has been made on a peace process.

The noble Baroness—and, I think, the noble Lord—asked what kind of training we are delivering in Afghanistan. As I have already said, the mission goes under the strapline "Train, Advise, Assist". The UK is mentoring and advising Afghan personnel, helping to develop capable and independent Afghan government and security structures, and working in the mission headquarters and the Afghan security ministries. An example of this is at the Afghan national army officer academy, where we are working alongside our NATO allies and Afghan partners to produce the next generation of Afghan military leaders.

Finally, the noble Baroness asked about the messages that we wish to deliver this week at the NATO summit. We have a number of objectives for that summit. Essentially, they can be summarised as making NATO more modern and adaptable. NATO continues to adapt to ensure that it is less bureaucratic, better at prioritising its activity and more capable of taking and implementing decisions quickly. The principles for all those things were largely agreed at the NATO summit in Cardiff and endorsed at the subsequent summit in Warsaw. We are confident that allies will agree ways to deliver those objectives, with the aim in view of strengthening deterrence and defence against Russia, increasing our efforts on tackling terrorism and addressing the threats presented by cyber and hybrid warfare. That very much relates to how we can improve readiness so that we can make sure that we have the right forces in the right place so that they can act when needed to protect our people. I believe that the UK already has an important part in that process, supporting the design of a new NATO command structure, and I think that we can be very proud that we will be committing an extra 100 posts to that structure, taking our commitment to over 1,000 UK service personnel.

4.57 pm

Baroness D'Souza (CB): My Lords, recent research begins to suggest that certain kinds of assistance can have the effect of stabilising communities, even within the context of war and conflict. I am talking about investments in infrastructure such as roads, sewerage

[BARONESS D'SOUZA]

and water. Can the Minister tell us something about whether the Army will be involved in working with the Afghan army in trying to further infrastructural projects in the interests of creating some kind of stability in local communities?

Earl Howe: The noble Baroness makes an excellent point. I can tell her that the UK is supporting the Afghan people by helping to provide them with greater access to healthcare, education, safe drinking water and many things that a few years ago they were unable to enjoy. But it is also about building a better basis for the Afghan economy to function: helping to create jobs, boosting economic development, and, importantly, tackling corruption, which I am afraid has been endemic in many parts of the country. To that end, the UK has pledged to spend up to £750 million in aid to Afghanistan between 2016 and 2020, depending on security conditions and Afghan government performance.

As I understand it, our Armed Forces are not directly involved in that civilian type of work, although they could be called on if needed, as indeed could personnel from any of the NATO allies—but on the whole our focus is on enabling the Afghan agencies themselves to undertake that work with financial support.

Lord Robathan (Con): My Lords, I think that I visited Afghanistan five times while at the Ministry of Defence, and every time I went there I was sure that things were getting better. The House should remember that we first assisted in getting rid of the Taliban Government in Kabul in 2001, nearly 17 years ago, yet it does not appear that the Taliban is defeated in any way. There is a vexed history between Britain and Afghanistan which, as people will know, dates back to the first Afghan war and the appalling slaughter and retreat from Kabul of 1842. Will the Minister take back to his Secretary of State and indeed to the Government as a whole that we must work towards getting an Afghan Government taking control? I fear that this is just another step along the road that has not achieved very much in the last 17 years.

Earl Howe: I very much respect my noble friend's views on this, but I do not share his pessimism. The NATO-led ISAF combat mission was completed at the end of 2014, as noble Lords are aware. The Afghan National Defense and Security Forces are now taking the lead in the security of Afghanistan, and I believe that they have repeatedly proved that they are capable of carrying out their responsibilities. President Ghani himself has said that he believes that we have now turned an important corner. The momentum is definitely with the ANDSF and, as the Statement said, the Taliban cannot now win militarily. However, I acknowledge my noble friend's point to the extent that significant challenges still exist in Afghanistan; we cannot get away from that. That is why the international community remains committed to the future of Afghanistan, and why NATO is clear that it is vital to continue to train, advise and assist Afghanistan's forces through the means that I have referred to.

Lord Robertson of Port Ellen (Lab): My Lords, as the person who invoked Article 5 of the North Atlantic Treaty, from which the Afghanistan mission derives,

I commend the Government for this further reinforcement of our troops in Afghanistan. We cannot too often pay tribute to those who died or were injured and to the tens of thousands of British troops who have served in Afghanistan over these long years. However, I do not think that we do nearly enough to explain to the public in this country why we went there in the first place, how much we achieved when we were there and why it is of continuing importance that we maintain our commitment there. It is important that we get that message over and do much more about it.

I will just say to the Minister that Gordon Brown as Prime Minister made one speech in the House of Commons about Afghanistan. David Cameron made one speech in the House of Commons about Afghanistan. Mrs May has yet to make a speech about Afghanistan, yet our forces have been committed over that long period and have substantial successes behind them. Therefore, will more efforts be made in the information war to get out to the British public why their security and the security of the alliance, which is being questioned today in Brussels, depend on the resolution and unity of the North Atlantic Alliance?

Earl Howe: I pay tribute to the noble Lord's distinguished role in the early stages of our involvement in Afghanistan and to the support that he has given since leaving ministerial office through his various other commitments and responsibilities. He makes an extremely good point. I think that many of us at ministerial level appreciate that we do not say enough to the public. We do not tell the story sufficiently often and sufficiently clearly of why this mission is so important. We certainly should look for every opportunity to step up that effort. I shall take that advice back to my colleagues in the Ministry of Defence and see that it is relayed further up the chain.

Lord Craig of Radley (CB): My Lords, can the Minister explain the legal status of our forces in Afghanistan? Is there an MoU with the Afghan Government? Do they work entirely under a NATO umbrella? What is their position? If they were to get involved in hostilities, what further legal protection would be required?

Earl Howe: My Lords, as I have said, the Resolute Support Mission is NATO-led. The legal framework for Resolute Support is provided by a status of forces agreement signed in Kabul in September 2014 and ratified by the Afghan Parliament later that year. The status of forces agreement defines the terms and conditions under which NATO forces are deployed as well as the activities that they are authorised to carry out. The mission is also supported by the United Nations Security Council Resolution 2189, which was unanimously adopted in December 2014. The Resolute Support Mission provides training, advice and assistance in eight key areas: multiyear budgeting; transparency, accountability and oversight; civilian oversight of the Afghan security institutions; force generation; force sustainment; strategy and policy planning, resourcing and execution; intelligence; and strategic communications.

Baroness Hodgson of Abinger (Con): My Lords, I thank my noble friend for repeating the Statement and welcome the UK's enduring commitment to Afghanistan. I have been to Kabul twice this year and welcome the

progress that has been made there. Although I, too, acknowledge that there are many challenges, I especially welcome the progress that has been made there for women. Today I had the pleasure of welcoming the woman cadet from NMAA who won the Sword of Honour, Somaiya Haidari. She is outstanding and is spending this year at Sandhurst. Two weeks ago, I had the pleasure of welcoming and hosting the Afghan First Lady in this House, who has done so much to speak out about the importance of supporting women. She has held five symposiums, gathering women from all over the country. As my noble friend says, ultimately we need an Afghan-led peace process. Is the UK encouraging the Afghan Government to ensure that women are taking part in preliminary talks and that they will be at the peace table? If not, there is a threat that this peace process will leave half the population in danger, because we all know about the Taliban's attitude to women.

Earl Howe: I am grateful to my noble friend for raising this important issue and I thank her for her part in flying the flag for female representation in the Armed Forces. This issue is very much on the agenda in Afghanistan. I remember that my former colleague in the MoD, Penny Mordaunt, when she was Minister for the Armed Forces, visited the training academy, which we are mentoring in Afghanistan, came back with the news that there were an encouraging number of female officers going through the academy at that time. There is no doubt that President Ghani takes this issue as seriously as we would like him to. The equality agenda is being promoted in Afghanistan, which is, as my noble friend said, a vital piece of the jigsaw in countering the philosophy and ideology of the Taliban. If we can get that pattern well established in Afghan society, it will be difficult to reverse.

Lord West of Spithead (Lab): My Lords, the noble Earl will know that I am firmly on public record as supporting our invasion of Afghanistan in 2001. Indeed, as commander-in-chief on the ground there, I was able to see how huge the training camps were that sent terrorists around the world. They had various laboratories where they were trying to develop anthrax and things like that.

I am also firmly on public record as saying that after six months, when we had totally thrashed al-Qaeda and pushed it into the FATA, we should have cobbled together some agreement in Afghanistan and got out. We stayed there and lost sight of what we were really there for. In the interim, we invaded Iraq and there is no doubt whatever in my mind that we became part of the problem on the ground because we lost sight of what we wanted to do. Did we want women's rights and clean water? Did we want to help the poppy fields not to be there? All those things were thrown up as options, but that was not the reason we went in.

I am very concerned about this announcement that again our numbers are creeping up in Afghanistan. The Statement mentioned that the Taliban "outwaits our departure". The Taliban has been outwaiting our departure for 17 years, as the noble Lord, Lord Robathan, said. I am very concerned that it can outwait our departure because this is an open-ended commitment. We have to be very careful that we do not end up

sending more troops and more people there. Yes, it would be lovely to have a nice, calm, polite Afghanistan. All my experience of Afghanistan over many years is that it is not that sort of country. It is not like Belgium, I am afraid. It is different. I am very worried that we are putting our people in harm's way—because that is where they are. This could grow yet again. I am not sure exactly what we will achieve.

Earl Howe: Again, I very much pay tribute to the noble Lord's experience and first-hand knowledge of the situation in Afghanistan. I am not as pessimistic as he has just sounded; recent events have shown some encouraging signs that a peace process is possible. As the Statement made clear, only a political settlement will finally secure the safety and peace of that country. President Ghani's offer of peace talks without preconditions and the recent ceasefire were steps in the right direction, as I hope the noble Lord will agree, and a definite sign of progress. We now want and have to build on those historic steps taken by the Government of Afghanistan. I believe that the uplift in NATO representation will provide the right climate for those peace initiatives to continue.

Viscount Waverley (CB): My Lords, the noble Baroness, Lady D'Souza, touched on an important point about the contribution of infrastructure. I am reminded about the region at large, not least Tajikistan, which has water and therefore energy that could be supplied to the north of Afghanistan and would make a big contribution. Also, the Uzbeks should be commended for the railway down to Mazar, which has also played a role.

The noble Lord, Lord West, touched on poppies. To what extent is it believed that the opium industry continues to be a root cause of the conflict in Afghanistan? Will the Minister urge those who are minded to look for a long-term solution to take account of this, not least the need for access into markets? Farmers can have a market for agricultural products, rather than the need to supply or cultivate poppies.

Earl Howe: I am grateful to the noble Viscount for his pertinent insights. As he will know, the whole issue of the poppy harvest has been near intractable since we became involved in Afghanistan. I am not in a position to offer ready solutions, but I can tell him, from a political point of view, that the need to resolve the endemic problems arising from the poppy harvest and the opium trade in Afghanistan is high on the list of political imperatives. It is undoubtedly the source of great corruption in Afghanistan and a source from which the Taliban derives funding. We therefore need to hit the supply side, not least by means of a peace settlement. If we can achieve that, there will be far less incentive for the proceeds of the poppy harvest to be used for nefarious ends.

The Earl of Sandwich (CB): My Lords, I am bound to say that my nephew was one of those junior officers who set up the new academy. I am delighted to hear that so many officers have now been trained.

We are used to hearing tributes being paid, quite rightly, to the soldiers who fought and lost their lives. Can the Minister mention also the many hundreds of

[THE EARL OF SANDWICH]
aid workers who have been in Afghanistan, among them many who have lost their lives as well? They do not receive sufficient tribute. Are aid workers among those who have been offered close protection from our soldiers?

Earl Howe: I am grateful to the noble Earl, Lord Sandwich, for that point, which is well made. My noble friend Lord Bates, who sits beside me here, will be all too aware of the role played by aid workers, many of them from this country, in Afghanistan and of the risks and dangers that they face there. The noble Earl is right that some have paid the ultimate price for their selflessness.

Protecting those aid workers is of course an important part of the work done by the Afghan national defence force when required. It is its responsibility, as I have explained, to maintain the security of the country, but I am not aware that it has been lacking in either commitment or effectiveness in that way. If I can find out more about the topic, I will be happy to write to the noble Earl.

Neglected Tropical Diseases

Question for Short Debate

5.17 pm

Asked by Lord Trees

To ask Her Majesty's Government what assessment they have made of progress made in combating neglected tropical diseases following publication of the Fifth Progress Report on the London Declaration on Neglected Tropical Diseases.

Lord Trees (CB): My Lords, given that there is another major attraction this evening, I am very grateful to noble Lords who have put down their names to speak in this debate.

The neglected tropical diseases are a group of 20 bacterial, viral, fungal and parasitic diseases—to which snake-bite has recently been added—which affect more than a billion people a year in some of the poorest countries of the world. Recognition of their importance as a burden on health in those countries was enhanced by bringing them together under the term “neglected tropical diseases”, which we shall call NTDs, and was further strengthened by the London declaration of 2012. I shall try to limit my use of lots of names, for I fear *Hansard* might get apoplexy dealing with visceral leishmaniasis, schistosomiasis, onchocerciasis and the like. Suffice it to say that the colloquial names of those diseases vividly convey their consequences, such as elephantiasis, river blindness, or the appalling biblical disease of leprosy, which is still prevalent in many poor countries.

A key feature of the NTDs is high morbidity, with chronic disability, disfigurement, social stigma and long-term loss of health affecting the poorest members of society. NTDs are a result of poverty, but in a malignant circle they are a cause of poverty, because they reduce the potential of millions of people to improve their economic well-being.

While chronic disease is a feature, some NTDs cause considerable mortality. For example, snake-bite is estimated to kill about 100,000 people a year. We are also beginning to understand the important role that NTDs play in predisposing to a range of other significant health problems, such as mental ill health, HIV/AIDS, epilepsy and cancer, among others. While the impact of NTDs is huge, in many cases we have the tools available to tackle them so that, given the will and the funding, we can do a great deal about their impact now.

The London declaration of 2012 focused specifically on 10 NTDs for which there are drugs available and which could be tackled by mass drug administration, which I shall refer to as MDA. That has been facilitated by donation of key drugs by several pharmaceutical companies, and the scale and significance of this is massive. Arguably, this is the greatest philanthropic gesture by industry to benefit the global public good there has ever been. Some \$2 billion to \$3 billion-worth of drugs is donated annually and in 2016 more than a billion treatments were donated in 130 countries.

Another important development has been the linking of NTDs to the achievement of the sustainable development goals. MDA is a great example of universal health coverage and tackling NTDs will contribute greatly to the achievement of the SDGs, especially SDG 3 to ensure healthy lives and promote well-being for all at all ages. Conversely, the attainment of other SDGs, such as the water and sanitation objectives of SDG 6, will contribute hugely to NTD control.

The progress to date in controlling NTDs has been remarkable. Between 2011 and 2016 the coverage of MDA has nearly doubled from 37% to 63% of the target populations and concomitantly the global population at risk has fallen by nearly 500 million people. In 10 countries lymphatic filariasis has been eliminated as a public health problem, as has trachoma in five countries; onchocerciasis has been almost eliminated from the Americas; and Guinea worm has been almost completely eradicated from the globe. Major progress has been made in reducing morbidity with other NTDs, all of these in countries with logistic and economic handicaps.

The UK's contribution has been huge and is something of which we should be proud. Funding from the UK Government has been pivotal, both for research and for disease control. I am sure that the Minister will tell us about this, so I will not steal his thunder. UK scientists, too, have been and continue to be at the forefront in tackling these diseases. Here I pay particular tribute to my former colleague Professor David Molyneux, who has been at the Liverpool School of Tropical Medicine for many years and has been a tireless campaigner on NTDs. This Parliament's All-Party Group on Malaria and NTDs, under the committed chairmanship of Jeremy Lefroy MP, has been extremely active and influential.

In tackling these diseases, a “one health” approach is extremely important, where as well as medical scientists, veterinary scientists can make an important input. This may be where infections are known to be zoonotic—that is, transmissible between humans and animals—or in other cases where we are discovering a role for

animal hosts not hitherto known, such as in the epidemiology of schistosomiasis and of Guinea worm. Most significantly, it can be in the development of drugs where the commercial market to treat worms in animals has driven research and discovery of key drugs now being repurposed and donated for MDA programmes in humans, such as ivermectin for onchocerciasis.

That brings me to rabies, a truly horrific zoonotic NTD estimated to kill nearly 60,000 people a year, of whom more than 40% are children. That is year in and year out and compares to the 11,000 that died in the recent tragic Ebola outbreak in west Africa. Once clinical signs of rabies appear, whatever the treatment given, 99.9% of all patients die a horrible death, yet this is preventable. We have the technical tools required to consign this disease to history. Almost all cases of human rabies are caused by the bite of an infected dog, but we have a simple, safe and effective vaccine to immunise dogs. Field research in a number of regions and countries in Africa, the Americas and Asia has demonstrated the success of canine vaccination campaigns in eliminating human rabies. An international effort is now under way with the key organisations: the WHO, the OIE—the world organisation for animal health—the FAO and the Global Alliance for Rabies Control, which has very recently produced a global strategic plan to end dog-mediated rabies by 2030, the Zero by 30 campaign. Key to that campaign is a dog vaccine bank that the WHO has already set up. I ask the Minister: what specific support is DfID giving to rabies control? This is a disease on which the UK could single-handedly make a huge, cost-effective impact.

Because the dog vaccine is largely an altruistic vaccine, in that it is given to dogs in order to benefit public health, it is difficult for human health ministries in low-income countries to justify expenditure on a dog vaccine from their budgets. On the other hand, impoverished dog owners are unlikely to vaccinate their dogs to benefit the general public. The donation of dog vaccines to the WHO's vaccine bank would cut this Gordian knot and catalyse progress. Professor Sarah Cleaveland of Glasgow University, one of the world's leading authorities on rabies control, has estimated that only \$15 million to \$20 million per year would purchase enough dog vaccines for all of Africa. I suggest to the Minister that a commitment to provide dog vaccines on such a scale would be a huge boost to the Zero by 30 campaign and would leverage a colossal amount of support in delivering those vaccines by NGOs, charities and ministries of health in low-income countries, acting under the umbrella of the global strategic plan to end almost all human deaths from rabies in the world.

In conclusion, the progress made in reducing the effect of all NTDs has been a remarkable testament to the efforts of the international community. To cement the progress made to date and drive these diseases to oblivion, it is essential that we maintain our efforts. Endemic countries need to take more responsibility. While the healthcare budgets of low-income and middle-income countries may be modest, the cost of delivery of donated drugs—about 20 cents to 30 cents per person per year—would amount to only 1% to 2% of such budgets, yet donated drugs are not getting delivered.

We need also to better integrate interventions between various NTDs and with other healthcare interventions to be more cost-effective.

In the affluent world, we need to maintain our commitment. There is a funding gap. The WHO has estimated that an additional \$300 million to \$400 million is required per year up to 2020. Currently, of world Governments, the UK and the US have been the principal donors; other affluent nations need to increase their efforts. The UK pledge to spend 0.7% of GDP on overseas aid is an admirable example. We need to recognise that, even when there are many calls on public expenditure, improving the health and welfare of those in poorer countries is not only ethically admirable but makes sound sense.

Let me elaborate. Analysis has shown that, given the scale of drug donation, NTD interventions are one of the most cost-effective measures in public health, one estimate giving a 25:1 rate of return. In addition to being highly cost-effective, support for NTD control is quite simply enlightened self-interest. I need hardly emphasise to your Lordships that the issue of economic migration is a huge challenge to the affluent northern countries. I submit that the solution lies not in fences and walls but rather in improving the health, and hence wealth, of populations ravished by endemic disease, so that people can stay at home assured of a healthy, productive and economically adequate life.

5.29 pm

Baroness Stroud (Con): My Lords, I thank the noble Lord, Lord Trees, for tabling this Question for Short Debate. The story of tackling NTDs is one of extraordinary progress and collaboration. There is plenty to celebrate in this space but, as always, still more to do.

Earlier this year I had the opportunity to visit Rwanda and see a mass drug administration take place in a school. It is not hard to imagine why children whose bodies are infected with parasitic intestinal worms find it difficult to go to school, concentrate in class and get an education. The children I visited are now free to learn and fulfil their potential. Almost 4.5 million people a year in Rwanda receive treatment for NTDs, and for every one of those children I met, there are millions more stories of lives changed. Across the world, this story of lives changed is multiplied. Some 1 billion people received treatment for at least one NTD in 2016. These people are now able to see, walk to work, access education, get jobs and have better lives.

The reach of treatment of all NTDs has grown dramatically, freeing more people from disease every year. There has been a 68% reduction in the number of cases of sleeping sickness, and several countries, such as Bangladesh, have significantly reduced the number of new cases of visceral leishmaniasis—I say this because I have just learned it. In several cases countries have managed to eliminate diseases entirely. I will not go through the entire list because the noble Lord, Lord Trees, has already done so.

This success is testament to people working together across the world in a co-ordinated response. Researchers have been developing effective cures and treatments.

[BARONESS STROUD]

Pharmaceutical companies have provided the means to fight the diseases: 1.8 billion treatments were donated by pharmaceutical companies in 2016 alone. Targeted funding has been provided by international development agencies and private foundations to train medical professionals and provide help where it is needed. Domestic Governments in endemic countries have financed and enabled NTD programmes, meaning that in 2016 interventions against NTDs were able to take place in more than 130 countries.

This progress is testament to the extraordinary power of networks, and should give heart to any who doubt that large-scale change is possible. I pay tribute to the work of the END Fund, one of the sister charities of the Legatum Institute, in which I declare an interest. It has shown the power of mobilising private philanthropy and what can be achieved by building coalitions to actively identify gaps and opportunities for investment. In 2006, Alan McCormick saw an article in the *Financial Times* by a professor of tropical parasitology, Alan Fenwick, which explained that for just 50 cents per person, a life could be freed from disease. Alan and the Legatum group went on to found the END Fund to co-ordinate and generate the capital that would scale up their response. A decade later, in 2017, the fund invested in 23 countries to train 345,000 health workers and treat more than 97 million people. It has been chosen to manage the Reaching the Last Mile Fund, which is a 10-year, \$100 million dollar fund founded by His Highness the Crown Prince of Abu Dhabi. It is excellent news that DfID has committed a further £1 million to the fund for 2019, in addition to co-investment with the Bill and Melinda Gates Foundation. This partnership has enormous potential and, I hope, will lead to greater collaboration beyond 2019.

As we celebrate these extraordinary achievements, it must not be forgotten that these diseases affect the world's poorest and most vulnerable communities and trap them in cycles of poverty. These diseases are not rife in wealthy communities; they thrive where conditions are symptomatic of severe poverty. Margaret Chan, the former director-general of the WHO, said that,

“all of these diseases thrive under conditions of poverty and filth. They tend to cluster together in places where housing is substandard, drinking water is unsafe, sanitation is poor, access to health care is limited or non-existent, and insect vectors are constant household and agricultural companions”.

An effective response is therefore not just one which treats the diseases themselves but has a strategy to invest in raising the prosperity of communities and nations where these diseases are rife. More than 70% of countries and territories that report the presence of neglected tropical diseases are low-income or lower middle-income economies. We must be investing to break the cycle of poverty of which NTDs are a part. Can the Minister expand on what the Government are doing, through our Commonwealth and other relationships, to ensure that this is a priority at the highest level of government in endemic countries? The targets set in 2012 were ambitious; to meet them, more work must be done to reach the remaining 1.5 billion people affected. The role of DfID investment in eliminating neglected tropical diseases is a genuine success

story and we have a proud history, as a nation, of contributing to this fight. I therefore call upon the Minister to comment on how we will commit to seeing this fight through right to the end.

5.36 pm

Lord Stone of Blackheath (Lab): My Lords, it is really an honour to be involved in this debate with those of your Lordships who are great experts and involved in the long-term effective work of relieving millions of people the world over, particularly children, from suffering from these diseases. We, as a nation, can be proud of the work that we are doing.

I am no expert but I know particularly about the work of the Schistosomiasis Control Initiative at Imperial College. I declare an interest as a past member of its advisory board. One reason that I was taken on is that I can pronounce schistosomiasis and the drug that controls it, praziquantel. I am not surprised that these diseases are neglected, as no one can pronounce their names. Schistosomiasis affects 200 million people, primarily in sub-Saharan Africa, and very few people know about it but we do. The latest figures from the World Health Organization suggest that over 70 million people received treatment in 2016. Our own SCI, supported by the British Government since 2010, has delivered over 40% of Schistosomiasis treatment globally—thank you, the Government.

What I do know about is quality control and systems. SCI has rigorous monitoring and evaluation processes in place to ensure that it is able to track closely the treatment numbers. This also allows for the identification of areas where the prevalence and intensity of the infection are not being reduced at the expected rate, and enables those Governments to be supported to take corrective action. Due to the complex epidemiology of schistosomiasis, in which the parasite is able to multiply many thousands of times in the snail intermediate host, continued progress will require a sustained effort, as the fifth progress report says. SCI and other organisations are committed to reaching the World Health Organization targets for schistosomiasis but also to ensuring that the disease-specific NTD interventions support the health systems of endemic countries and therefore the broad sustainable development goals. In addition, there is an issue with water and sanitation. Work on that needs to be accelerated so that we progress the targets for NTDs.

If I have any expertise, it is in linking business with good works. Arup, the global business of designers, planners and engineers, is currently involved in a number of projects related to sanitation and new and emerging water-quality issues worldwide. It has a strong global water-skilled network of staff, with specialisations covering all aspects of the water cycle. These staff work with ecologists in an interdisciplinary manner, which allows them to develop solutions based on holistic whole-systems thinking, and they feel that they may be able to view the problem and the potential solutions from a slightly different angle. What are Her Majesty's Government considering doing to link investments made by DfID with these organisations to promote improved water and sanitation and strengthening systems?

My mentor in all this, who has already been mentioned, is Professor Alan Fenwick, the founder of SCI, who is now an adviser to the Global Schistosomiasis Alliance—GSA—which brings together donors, implementation organisations and country programme managers to assist in the development and implementation of country plans for the control and elimination of schistosomiasis country by country. He and others are concerned that the member states of the World Health Organization passed a World Health Assembly resolution in 2012 identifying schistosomiasis as a disease that could be eliminated. The resolution called on the World Health Organization to prepare guidance for member states towards the elimination of transmission, to establish procedures for the confirmation of the interruption of transmission and to support countries with post-elimination surveillance to prevent reintroduction of transmission. Six years later, there is still a lack of guidance from the World Health Organization on the treatment strategies needed to fulfil the resolution. How can Her Majesty's Government support the World Health Organization to develop that guidance?

On a positive note, Wendy Harrison, who now leads the SCI team, reports that last year NTDs entered the Guinness book of records with the world's largest mobilisation of donated drugs: the delivery in 2016 of more than 200 million doses, which arrived in distribution sites in six countries in one 24-hour period. One of the drugs that I mentioned that treats schistosomiasis, which has been generously donated by Merck, is praziquantel. Donations of praziquantel more than doubled from 72 million tablets in 2014 to 183 million tablets in 2016, but those donations still covered only about one-third of the 563 million tablets needed. How will Her Majesty's Government support the market for praziquantel to reach the full number of tablets required?

Finally, to celebrate the UK's innovation, entrepreneurialism and care in these times, and linked to our work, I was yesterday on your Lordships' Terrace with Patricia Carter a director of Howad Ltd, which produces incognito insect repellent. She smiled at the fact that as we were talking, a bus crossed Westminster Bridge with an advert for incognito. The company has won a Queen's Award for Enterprise in Sustainable Development for its product, which protects people from mosquitoes and other biting insects at home and overseas. We should be proud of that, as a country. Due to our work and expertise, here is an example of a small UK company protecting people against neglected tropical diseases and exporting to 22 countries. It also donates 10% of its profits to charities. On that note, I am now going to donate the four minutes that I have not used to the noble Baroness, Lady Hayman.

5.42 pm

Baroness Hayman (CB): I am a very charitable cause. My Lords, I am delighted to take part in this debate, and I draw the House's attention to my interests as set out in the register. I congratulate the noble Lord, Lord Trees, on obtaining this debate and on introducing it so effectively and comprehensively. It has become something of an annual parliamentary event. If we look back to last year's debate, we can see

the value of having an annual debate. I start off by congratulating and thanking not only the noble Lord, Lord Trees, but the Minister, the noble Lord, Lord Bates. Last year, those of us who spoke in this debate—many of us are in the Chamber today—gave him not a hard time but an element of harangue because we were coming up to some crucial funding decisions. He took on board everything that we said. He went back to the department—and maybe there was an element of harangue in his conversations with colleagues—and he certainly came up with the goods. I think we ought to record, if not our effectiveness, his effectiveness in ensuring that the DfID commitment to NTDs continued.

As we have heard, that commitment is showing results. When we look at the fifth annual assessment following the London declaration and the published work of Professor Hotez, Professor Molyneux and Professor Fenwick—to whom the noble Lord, Lord Stone, referred—we can see that, particularly in sub-Saharan Africa, and particularly through the mass drug-administration programmes, we are making a real inroad into the diseases that we have described every year in terms of their debilitating effects on individuals and communities and their educational and employment status. We have often said that these are diseases of neglected people, not just neglected diseases.

We also have to recognise that while we have seen successes—I think we can say with some confidence from the academic research that the integrated MDA programmes are highly successful, and of course they are immensely cost effective because of the donations, as has been referred to—there are also areas where success has stalled. Sometimes that is because of conflict and political destabilisation. Last year we discussed the areas of Syria and Iraq, which have seen a rise in NTDs, but also in Venezuela destabilisation has resulted in the rise of Chagas disease, malaria infections and indeed schistosomiasis.

The noble Baroness, Lady Stroud, said correctly that we do not see these diseases in wealthy communities but we see them in wealthy countries. A growing number of NTDs now occur among the poorest living in G20 nations. For example, today 90% of people living with leishmaniasis and Chagas disease, particularly the latter, live in the four leading economies in the western hemisphere—the US, Argentina, Brazil and Mexico—and 99% of those sufferers are denied access to diagnosis and treatment. They are the diseases of the poor but they are not only diseases of the poor living in poor countries. It is very important that we realise that. There are 12 million Americans living with NTDs, particularly in the south.

So we need to look at conflict zones and at the poor in G20 nations. That means we have to continue with the drive for innovation, creativity and new treatments, particularly antihelminthic drugs, and I will bang the drum for vaccines once again. I particularly know about the Texas Children's Hospital Center for Vaccine Development, which is developing a whole new generation of NTD antipoverty vaccines for Chagas, leishmaniasis, schistosomiasis and hookworm, among others. Many of these vaccines are being developed jointly with manufacturers in disease-endemic countries, and obviously one can see the benefits of that. They are key technologies to ensure the elimination of NTDs.

[BARONESS HAYMAN]

Talking of vaccines, if I may digress a little, we have to be aware of the dangers of the anti-vax movement. Look at the progress of measles: last year we had 20,000 cases in Europe, and it looks as if we will have more this year. The pernicious effects of the anti-vax movement are already being felt among their own children and children among Europe. What we do not want to see is new vaccines coming in for these diseases being subject to the same sort of scaremongering. That is why it is very important that we take on the anti-vax movement very strongly, otherwise we will quickly erode the gains that we got through MDG 4 and Gavi.

I want to raise a point that I know is of issue particularly to those concerned with leprosy. For very obvious reasons, DfID has had a focus on five diseases and on mass drug administration programmes. In terms of bangs for your buck, one can see exactly why that has happened, but the London declaration went much further than those five diseases. I know that the work of DfID goes much wider than that—for example in the aid match that it has given for leprosy.

It is important that we recognise that many people suffer from not one NTD but several. We must not neglect opportunities to treat the whole person and all their diseases because we are too much in a single disease silo—which of course goes against the whole ethos of universal health coverage, which NTD treatments could be a pathway into.

Can the Minister reassure me that the department will look widely in asking for bids and expressions of interest for NTD work and consider bids that are not necessarily from the five priority areas but particularly involve co-ordination with one of those diseases and a separate disease? It would be nice to know a little more about the Ross fund and what elements of that are going into vaccine and treatment development.

I end by thanking the Minister once again so much for what he did last year.

5.51 pm

Baroness Warwick of Undercliffe (Lab): My Lords, I am grateful to the noble Lord, Lord Trees, for once again giving us an opportunity to consider what progress has been made in the unceasing challenge to combat neglected tropical diseases. He is steadfast in his commitment to bringing this issue to the attention of the House.

We have now had the fifth report on the progress of the London Declaration on NTDs, and I share other noble Lords' satisfaction with the tremendous strides that have been taken in the five years since the World Health Organization set out its road map and prompted the London declaration. As the report highlights, the story of tackling NTDs is one of great progress alongside continuing challenge.

The progress is well documented. In 2016, more than 1 billion people received treatment for at least one NTD. Since 2012, pharmaceutical companies have collectively donated more than 10 billion tablets. With the support of many logistical partners, ministries of health and local NGOs, treatments are getting to some of the remotest communities across the world.

The noble Lord, Lord Trees, enumerated many of the key successes, and I shall not repeat them, but I mention Pfizer, which just last month agreed to extend to 2025 the donation of Zithromax, its antibiotic, to the International Trachoma Initiative, to help eliminate that horrible disease. Trachoma is the world's leading infectious cause of blindness. Pfizer's recommitment is a critical component of the global strategy to eliminate trachoma. It will certainly help accelerate progress brought about by drug donations, which in the past decade have resulted in a roughly 50% decrease in the number of people at risk compared to 2011. In May, Nepal became the sixth country to declare the elimination of trachoma. Ghana is close to being validated by the World Health Organization, and when this happens, it will be the first country in sub-Saharan Africa to achieve this milestone.

Like the noble Lord, Lord Trees, I want to mention rabies. It is one of the oldest and most terrifying of diseases. Although it can be prevented, it kills an estimated 59,000 people a year. About 40% of the victims are children younger than 15 living in Asia and Africa. It is almost universally fatal yet, unlike many other NTDs, there is a vaccine. However, implementation, research and political challenges still mean that it has been neglected for a very long time. Until recently, the global response to rabies was fragmented and unco-ordinated. Now, the WHO, the FAO, the World Organisation for Animal Health and the Global Alliance for Rabies Control are joining forces to support countries as they seek to accelerate their actions towards the elimination of dog-related rabies by 2030. So there is at last some global momentum working towards breaking the cycle of neglect, but much remains to be done to achieve the goals the global community has set.

The challenges overall remain enormous. NTDs kill 170,000 people every year, but the biggest impact is on the millions they disable and disfigure. Currently, NTDs affect some 1.5 billion people in the world. These are the poorest of the poor, who live in the hardest to reach, most marginalised communities. We know also that women and girls bear the highest burden of infection.

The London declaration's 2020 timeframe for eliminating 10 NTDs is not far off, and there is a more urgent tone to the latest progress report to make sure no one is left behind. We know that drugs alone cannot achieve the London declaration goals. There needs to be an increased domestic financial and political commitment to tackling NTDs, as well as new resources, new partners and new approaches. Among these new approaches, I was fascinated to learn of the role technology is playing in some critical areas. I am thinking of the work of German biochemist Christian Schröter, who as head of pharma business integration at Merck, has been involved with a WHO donation programme to treat children in Africa against schistosomiasis. He has worked with supply chain experts from around the world to develop a method for tracking medical donations from the warehouse to NTD treatment points in the most inaccessible places, using a simple cell phone. In his recent TED talk he describes the process as being similar to the way you track a package you order on Amazon: text messaging allows you to see in real time when the drugs leave the

warehouse and when they reach the school or medical centre. We can see how many tablets have been administered, and where, and how many are still on the inventory.

The system was piloted in Mozambique last year and has huge promise. Schröter describes how it could mean excess shipments being rerouted after treatment campaigns have been completed; an end to drugs being stuck in warehouses reaching their expiry dates and having to be destroyed; and an end to paper-based reporting, which can take months to receive and process. Noble Lords will see from my description that his enthusiasm has certainly communicated itself to me.

I was also captivated by the ingenuity and practicality of Zipline, a start-up company which uses drones as a delivery system to transport blood and plasma to remote clinics in east Africa. This fleet of electric autonomous aircraft are helping to ensure that local people can have access to basic healthcare, no matter how hard it is to reach them. Equally inspiring is the software being devised in Malawi to ensure that health records can be kept electronically, even in areas of sub-Saharan Africa with power outages, low technology penetration, slow internet and understaffed hospitals.

I have enumerated these because it seems to me that such new ideas are vital if we are to beat these diseases. Alongside the basic science, multidisciplinary and long-term medical research and development, we need to be funding our engineers and smart technology experts to take forward new and exciting approaches to mapping NTDs. Can the Minister tell us whether DfID is looking at the use of such smart technologies?

The World Health Assembly recently set out an ambitious target to eliminate at least one NTD in 30 additional countries between 2019 and 2023. It is clear that if we are to continue to make progress against these awful diseases and future threats to global health, existing scientific partnerships must be expanded and new ones created. Yet our future involvement in European research programmes remains uncertain. Can the Minister reassure us that the UK's research expertise and commitment to the London declaration goals will be supported as we look beyond 2020?

This is probably a bit unfair, but I asked exactly the same question last year in relation to our continuing collaboration with member countries of the European and Developing Countries Clinical Trials Partnership. I was not reassured by the Minister's answer. Programmes such as EDCTP have proved very effective, yet I got rather a bland response last year, and I still feel very uneasy that our participation in such programmes would be a casualty of Brexit. So I ask the Minister, a little more bluntly: can he tell the House categorically that the impetus for this European funding will be continued?

5.59 pm

Baroness Sheehan (LD): My Lords, I too add my congratulations to the noble Lord, Lord Trees, on bringing this debate to your Lordships' House, and thank him for his very thorough introduction to the huge global health burden that NTDs pose for developing countries. I will keep my remarks short, as it is not every day that the England football team has an opportunity to secure a place in the World Cup final.

The success of the London declaration in bringing together the partners necessary to deliver a holistic attack on 10 NTDs is documented quite thoroughly in its fifth progress report. Let us be clear—and other noble Lords have emphasised this point. Without collaboration among stakeholders, including Governments, donors, civil society—particularly the private sector—and academia, this record of achievement would have remained a pipe dream. What a catalogue of progress it documents.

Let me pick out a couple of highlights. Lymphatic filariasis—I am not sure whether I said that correctly—is no longer a public health concern in 10 countries, and Guinea worm disease is poised for eradication, with only four cases reported by WHO from 1 January to the end of May this year. When the eradication programme began in 1986, there were 3.5 million cases worldwide. That is a real testimony of what determined leadership from an individual such as President Carter can achieve.

Can I ask the Minister about DfID's approach to leprosy? The Leprosy Mission's briefing informs me that DfID currently does not include leprosy as a priority NTD. Can the Minister elaborate on why that is the case, particularly in light of the fact that multi-drug therapy is available free of charge through the WHO and is a very effective cure for all types of leprosy?

The fifth progress report on the London declaration makes it clear that it is the poorest of the poor in developing countries who continue to be disproportionately affected by NTDs. The noble Baroness, Lady Hayman, is quite correct when she says that poor people in developed countries are also facing attack from NTDs. It is clear that those living in closest proximity to dirty water and soil are worst affected. Clearly, prevention is the first line of defence in ridding the world of these diseases of the poor, and WASH initiatives are key to prevention. I hope the Minister agrees with me that, if we are to sustain the progress made to date, basic principles of clean water, sanitation and hygiene, in collaboration with in-country organisations, must underpin all DfID NTD partnership programmes.

On data, in the Parliamentary Office of Science and Technology report of May 2017 entitled *Global Health Inequalities*, we are told that, although more people have access to essential health services now than at any time in history, profound health inequalities persist—that is, differences in health status between different population groups such as age or socio-economic status. To overcome health inequalities and meet the 13 targets of SDG 3, which is to ensure healthy lives and provide well-being to all at all ages, it is essential that we have access to good-quality data. Yet it seems that good data, although gathered at distribution points, are nevertheless not captured further up the report chain. For example, the November 2016 report from Uniting to Combat Neglected Tropical Diseases, *Neglected Tropical Diseases: Women and Girls in Focus*, makes the point that current WHO reporting forms include sex-disaggregated data, collected at the point of distribution. However, these are not reported up when the data are aggregated, which is a lost opportunity for action. It is important to understand where these data are lost, so that the integrity of information can be restored. Maybe we can bypass human error through smart technologies, as outlined by the noble Baroness, Lady Warwick of Undercliffe—that would be a way to move forward on this. Nevertheless,

[BARONESS SHEEHAN]

will the Minister undertake to follow up with WHO on this point, and will he undertake to write to me if and when he receives a response?

In its briefing for this debate, the British Society for Immunology quite rightly draws our attention to the importance of immunological research in developing new drugs, vaccines and diagnostics for NTDs. However, it goes on to say that, since the London declaration was signed, research progress has been slow. The importance of vaccines and new drugs in the face of rising antimicrobial resistance is self-evident. Let me focus on the importance of rapid point-of-care diagnostics, which need little skill to operate. This is an area where huge opportunities exist, and with good payback. At present, seven of the 10 NTDs in the London declaration lack essential rapid point-of-care diagnostic tools. Yet government agencies have demonstrated that, with the correct support, they are able to very quickly develop medical products for other diseases, such as the rapid antigen diagnostic test for Ebola. Will the Minister make inquiries as to why this success, in collaboration with industry and clinicians, cannot be replicated for the NTDs listed in the London declaration? I believe that this is a clear case of where there is a will, there is a way. The British Society for Immunology certainly thinks so.

My final question to the Minister is about the Ross fund, about which we still know very little. In preparing for this debate, I reread last year's debate and was surprised to find that there had been five speakers—namely my noble friend Lady Northover, the noble Baronesses, Lady Hayman and Lady Chalker, the noble Lord, Lord Collins of Highbury, and myself—who asked for more details on the role of the Ross fund in delivering UK aid to NTDs. It may be churlish of me to say, but I note that the Minister did not address these questions in his response last time. I hope that he will take the opportunity today to do so, or, if time does not permit, will he undertake to write to me and others who are interested with a response?

6.07 pm

Lord Collins of Highbury (Lab): My Lords, I, too, thank the noble Lord, Lord Trees, for initiating today's debate. Like the noble Baroness, Lady Hayman, I am pleased that he has kept up the tradition of maintaining this debate on a regular basis since the 2012 summit, which set out the way forward towards achieving a world free of NTDs. I was just thinking, as noble Lords were talking about pronunciations, that I have successfully managed throughout five years of debates not to use one Latin word—so I will continue with that and avoid slipping up with any mispronunciations.

As we have heard, neglected tropical diseases are the most common infections among the world's poorest communities. Like the noble Baroness, Lady Hayman, I use the term "communities" because it is not about rich countries and poor countries: it is about poor people, and poor people have suffered the most from these diseases. It is a vital issue, and one reason why I have been so pleased about this annual event is that it is a way of keeping the public and the Government aware of the impact of these diseases and ensuring that they continue with the battle against them.

While their effects are not always fatal, their effects on individuals and families can be devastating, and the brunt is often felt by women and children, which acts as a serious impediment to economic development. I remember that, before one of the debates we had, the noble Baroness, Lady Hayman, introduced me to John Kufuor, the former president of Ghana, who said:

"There is no silver bullet remedy to helping a country break the cycle of poverty, but investing in the health of its population offers one of the best options for unlocking economic potential. With full support both from national governments and from the global community, we can ... put an end to NTDs on the African continent".

That sums up what tonight is all about.

We have heard that treating NTDs is extremely cost effective, and heard about the tremendous impact that public-private partnerships and the commitment of pharmaceutical companies to donate nearly all of the drugs necessary for counteracting the seven most common NTDs have had. Like the noble Baroness, Lady Hayman, I recognise the huge progress that has been made, which was highlighted in the fifth progress report. I also pay tribute to the Minister for his continued activity in this regard, pushing the Government. I know that I have done this in the past, and I am sure that it has not necessarily helped his career, but I will continue to do so.

As the fifth progress report rightly highlights—noble Lords mentioned this—the programmes that have been introduced have been an important gateway to universal health coverage, reaching as they do some of the world's most isolated and poorest communities. They do so by training health workers and empowering health facilities with scant resources to reach more people effectively. As the noble Baroness, Lady Hayman, said, they can fuel innovation, which is crucial to ensuring universal health coverage, and can ensure that everyone has access to high-quality essential healthcare without suffering financial hardship—which of course is what the SDGs are all about.

DfID has promised to help countries build "resilient, responsive health systems". Will the Minister say how his department is using the lessons learned from the NTD programmes to deliver on that DfID promise? Labour is committed to establishing a new centre for universal health coverage to give technical and policy assistance to support low-income countries to strengthen and expand their own free, universal public health systems. As we have heard tonight, despite the striking progress since the 2012 summit—it has been striking—the long-term elimination goals cannot be reached without addressing the primary risk factors for NTDs, such as access to clean water and basic sanitation, vector control, and, as I mentioned, stronger health systems, particularly in endemic areas.

As we have also heard, many of the issues and concerns raised in our last debate on the subject still hold. As my noble friend Lady Warwick said, one of those concerns is Brexit and the impact it may have on our research institutions. I hope that the Minister will be able to respond to questions in a direct way.

The other threat that we referred to in the last debate is the impact that President Trump's changes, particularly to USAID, might have. The United States, through its private foundations and as a Government,

has played a critical role in the NTD campaign. As we have heard, Governments and private philanthropists have been providing generous funding, with \$812 million pledged at the 2017 summit.

The progress report calls on existing donor countries such as the UK to invest more to support NTD programmes and to support the leverage that can occur from those donations, multiplying the impact, particularly with donated drugs, of every dollar committed. I know that the Minister may have difficulty in answering this, but can he tell us what steps the Government are taking to ensure that the US stays the course until these diseases are eliminated and to encourage new donors to join this global effort? For example, will the Prime Minister raise this issue with President Trump when she meets him this week? US aid is a critical factor in these programmes. The report also calls on us to encourage new donors to join the global effort. Will the Minister tell us whether the Government have made representations to others who have not yet committed to encourage the programmes?

My noble friend Lady Warwick highlighted trachoma—I have managed to pronounce one term—which is a bacterial infection that can lead to permanent loss of sight. It is one of the world's main infectious causes of blindness. As we have heard, five countries have been validated by the WHO as having eliminated trachoma. The Minister was present at the CHOGM where I was extremely pleased to hear the announcement that the UK would step up its programme to combat the disease that affects 52 million people across 21 Commonwealth countries. That support is extremely welcome and will be added to by additional donors, including the Queen Elizabeth Diamond Jubilee Trust, which is working towards elimination in 12 Commonwealth countries.

Later this month, the UK will host the first Global Disability Summit with its Charter for Change, which aims to ensure rights, freedoms, dignity and inclusion for all persons with disabilities. One way of delivering real change would be to ensure that lessons from initiatives such as the UK-funded trachoma programme are shared so that all people with disabilities are empowered and no one is left behind.

6.18 pm

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, I join other noble Lords in paying tribute to the noble Lord, Lord Trees, for securing this debate on NTDs. The noble Lord, Lord Collins, mentioned that he is a veteran of five such debates. I think that I have probably managed three, the last one, last year, introduced by the noble Baroness, Lady Hayman. I also particularly pay tribute to the noble Lord, Lord Trees, for his work as the chair of the advisory group for DfID on zoonosis. I also take the opportunity to commend the work of the APPG on Malaria and Neglected Tropical Diseases, and I am delighted that part of our proceedings have been observed by Jeremy Lefroy, who has done so much to raise the profile of this area and to continue interest in it. I also thank the noble Lord, Lord Kakkar, for his support, including at the global health forum.

It has been a fascinating debate, with a lot of new areas being raised. The noble Lord, Lord Trees, began by reminding us that NTDs are a result of poverty, as well as a cause of poverty. He placed this debate in the context of the sustainable development goals—particularly three, although others are impacted too.

My noble friend Lady Stroud spoke about the impact she had witnessed at first hand in Rwanda. She referred to the work that had been done and the impact it had on children's education, reminding us of the connectedness of these diseases with other development needs.

The noble Lord, Lord Stone, again reminded us of the incredible work of Imperial College in the schistosomiasis group and the work of Professor Alan Fenwick, which is well regarded in this area.

The noble Baroness, Lady Hayman, is an example of persistence and perseverance in this area, which is not only necessary to tackle neglected tropical diseases but to advance the issue up the agenda of government. She pressed us on that.

The noble Baroness, Lady Warwick, reminded us that women and girls often bear the greatest burden of these diseases. She then went on to highlight a series of technical innovations—such as the example she gave in Mozambique—and called for new ideas.

The noble Baroness, Lady Sheehan, pointed out that none of the progress which has been made would have been possible without collaboration. She said that it would have remained a pipe dream. She also pointed to the important role that data and diagnostics can play in achieving this.

The noble Lord, Lord Collins, reminded us that investing in health systems and the health of populations is one of the most effective ways of correspondingly lifting people out of poverty. Again, he placed that in the context of further work that will be carried out on 24 July at the global disability summit. I am delighted that he is participating in it.

Let me update the House on progress over the past year and then seek to address some of the questions that have been raised. Neglected tropical diseases impact on the most disadvantaged, especially those living in remote areas or areas affected by conflict. They prevent children attending school, as my noble friend Lady Stroud reminded us. Tackling NTDs enables us to ensure that everyone has the opportunity to reach their full potential, a value protected through UK aid and declared, as the noble Lord, Lord Collins, reminded us, through the SDGs, with no one being left behind.

NTDs can result in families falling into poverty as a result of having to sell assets or borrow money to pay for healthcare. Combating these diseases is a development best buy, with the average treatment for a range of commonly occurring NTDs costing between 20 and 50 cents, as the noble Lord, Lord Trees, reminded us.

As the fifth progress report shows, progress is being made. It demonstrates that the number of people needing treatment for an NTD has fallen from almost 2 billion in 2011 to 1.5 billion in 2016, reducing the numbers of people at risk from these diseases. One billion people received treatment for an NTD in 2016. This progress is continuing. Since the report's publication, the World Health Organization has verified Ghana's

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and Nepal's elimination of blinding trachoma, a fact mentioned by the noble Baroness, Lady Warwick. Guinea worm disease has fallen from 3 million human cases a year in 1986 to just 30 cases in 2017. However, there is more to do.

These are, of course, huge achievements, but hundreds of millions of people remain without the treatment they need. We know the last mile is often the hardest. The World Health Organization has just announced that a case of Guinea worm disease has been found in Angola, a country previously thought to be free from the disease. This is disappointing to us all but I know that globally we will rise to this challenge on the path to its eradication.

The UK invests in high-performing programmes tackling a range of NTDs. These programmes are delivering results. DfID programmes delivered more than 145 million treatments for NTDs in 2017 and carried out 50,000 surgeries to prevent blindness from trachoma. Asia is making progress towards achieving the elimination of visceral leishmaniasis as a public health problem. We are prioritising the tackling of five high-burden NTDs that we can have the greatest impact on. With our increased investment, we welcome bids that include additional activities to tackle other NTDs included in the London declaration, which identified 10. We have said that we want to focus on five, but I have been persuaded by some of the representations made by noble Lords, particularly on leprosy. I want to see what more can be done there. I received representations from the Leprosy Mission, which I am looking to meet, and Lepra, to see how we can involve leprosy more. Once that meeting is scheduled, I will invite other noble Lords to attend it.

The noble Lord, Lord Trees, focused on rabies. It is a devastating disease. DfID focuses on tackling some of the priority NTDs selected following careful analysis of the disease burden, the value for money and the likely impact of our investment. We welcome the inclusion of other diseases included in the London declaration. We also support the World Health Organization's NTD efforts, which address an even wider range of NTDs and work to improve health systems in all countries, including those affected by rabies. That is something I will take away.

I am conscious, as officials are now, that noble Lords will be reading the record in a year's time. I want to do slightly better than I did last year in respect of the questions from the noble Baronesses, Lady Warwick and Lady Sheehan, on the Ross fund. In that context—rather than reading the short response I have from the Box—one of the interesting things about what the noble Baronesses raised on the Ross fund is that we work very closely with the Department of Health and Social Care and we need to co-ordinate a better response there. DExEU has an impact on the relationship with the EU, as does the Department of Health and Social Care. Perhaps the noble Baronesses will allow me to write a more substantive response, which other noble Lords will be copied into.

The noble Baroness, Lady Warwick, also asked what we are doing about technologies. DfID is using smart technologies. An example is trachoma mapping; another is the use of an app to guide medical staff on the dose of drugs and treatments. I know that we are also looking at the use of drone technology, which the noble Baroness also mentioned.

The noble Lord, Lord Stone, asked what we are doing to link water and sanitation work. The UK is committed to supporting people to gain access to water sanitation and hygiene. Since 2015, DfID has provided 27.2 million people with access to clean water or sanitation as part of our commitment to reach an additional 60 million people with water or sanitation between 2016 and 2020.

In passing, I will make a short reference to the Ross fund. We fund research into the development of new drugs and diagnostics for NTDs, as well as operational research. Some £100 million of the Ross fund portfolio, managed by DfID and the Department of Health and Social Care, is allocated to this work, investing in our world-leading research in this area. I also pay tribute the work of Professor Molyneux at the Liverpool School of Tropical Medicine.

Our work on NTDs is one way in which the UK is showing leadership on the global health goal, which will help others. There is a unique public/private partnership. I again pay tribute to the END fund, mentioned by my noble friend Lady Stroud, and the visionary work of Alan McCormick in seeking to advance that particular area. Most of the medicines are donated by pharmaceutical companies. As the noble Lords, Lord Collins and Lord Stone, mentioned, NTDs entered the Guinness book of records in 2017 with the most drugs donated in a 24-hour period. The noble Lord, Lord Trees, was absolutely right to remind us that this must be one of the greatest philanthropic acts in history.

In April 2017, the noble Lord and I attended the NTD summit to mark the fifth anniversary of the London declaration. To mark that conference, we announced an increase in investment to protect more than 200 million people from the pain and disfigurement of NTDs over the next five years. A total of over \$800 million was pledged at that conference. The noble Baroness, Lady Hayman, was generous in recognising any small contribution which I may have made to that; I would rather pay tribute to the power of a compelling argument.

There is much more to do in this area, but I assure noble Lords that the UK is meeting our commitments. We must continue to widen the donor base and increase the domestic resources committed to health. We have made considerable progress, but more will need to be done if we are to banish to history the suffering from these dreadful diseases, which we are all committed to do.

House adjourned at 6.30 pm.

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