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PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
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

Thursday 9 May 2019

11 am

Prayers—read by the Lord Bishop of Rochester.

Public Appointments: Diversity Question

11.06 am

Asked by *Lord Holmes of Richmond*

To ask Her Majesty's Government what steps they are taking to increase diversity in public appointments.

Lord Young of Cookham (Con): My Lords, the Government are committed to improving diversity in public appointments. We have made good progress. New appointments of women, candidates from BAME backgrounds and those with a declared disability have all increased since 2013-14, but there is more to do. We aim to publish around the end of June a refreshed public appointments diversity action plan alongside a response to my noble friend's excellent review into opening up public appointments to disabled people.

Lord Holmes of Richmond (Con): My Lords, I thank the Minister for everything that is happening in the Cabinet Office. What is happening across Whitehall and in all government departments, which obviously have to play a role in this incredibly important issue?

Lord Young of Cookham: My noble friend is quite right. Although the Cabinet Office has overall responsibility for this topic, the actual appointments are made by individual government departments. One reason that we have taken a little longer to publish the document to which I have just referred is that we are anxious to get buy-in from all government departments to hit the ambitions that we are about to set out. I know from experience that Ministers in individual departments take public appointments very seriously. They are accountable for them, there is a Commissioner for Public Appointments to make sure the code is observed, and I know that Permanent Secretaries also take seriously the process of sifting applications before they go to Ministers. I will draw my noble friend's remarks to the attention of relevant Permanent Secretaries and Ministers.

Baroness Burt of Solihull (LD): My Lords, unless we get rid of the traditional recruitment methods of CVs and formal, structured interviews, we will never be able to recognise the talent lying on our own doorsteps. HS2 has succeeded in recruiting a workforce which exactly reflects the population. Will the Government look at its methods and consider the option of blind, online applications that reflect the needs of the job, not what is written down on a piece of paper? That would at least be a first step towards an inclusive Civil Service that looks like the people it represents.

Lord Young of Cookham: When I re-read my noble friend's document I was struck by the sentence:

"Currently, talent is everywhere, but opportunity is not".

He is absolutely right. One of his recommendations, concerning CVs, is that we should take non-standard CVs into account. His report states that, "lived experience ... is a talent".

Standard CVs and application processes sometimes do not reflect the life history of those who have a disability. I hope that when the noble Baroness sees our response to my noble friend's document, she will recognise that we have taken on board some of the unconscious discrimination against those with a disability when it comes to public appointments.

Lord Clark of Windermere (Lab): My Lords, I am very supportive of the Government's efforts in this field but I want to raise one point. The Minister just said that talent is everywhere. It is indeed everywhere but, unfortunately, appointments are largely concentrated in the south-east of England. Will the Government make an effort to see how the spread is in other counties throughout the United Kingdom?

Lord Young of Cookham: The noble Lord is quite right. Discrimination is not just about gender, race or disability; it is also about age, diversity of experience and regional balance. My noble friend's recommendations, although focused on disability, have wide implications for other underrepresented groups, not just in the public sector but in the private sector as well.

Baroness Finn (Con): Does my noble friend agree that a consistent, rigorous focus on the action needed to overcome the barriers to employment is more important than another grand strategy? That was our approach during the coalition Government when increasing appointments of women, with very impressive results. Is it not sensible to learn from what worked successfully then?

Lord Young of Cookham: I pay tribute to the work that my noble friend did alongside my noble friend Lord Maude at the Cabinet Office when we had an ambition that 50% of new appointments should go to women. In the five years that followed, the percentage went up from, I think, 34% to 49%. My noble friend is quite right that some of the lessons that were learned from the Cabinet Office at that time have been taken on board by my noble friend Lord Holmes, and he has built on them and applied them where necessary to adjust for issues connected with disability. That is why I said in my initial response that we will refresh the public appointments diversity action plan, building on the one that I think my noble friend was closely involved with.

The Lord Bishop of Rochester: My Lords, I am conscious that these Benches may not embody everyone's image of diversity. None the less, I was pleased to lead the final stages of the process by which these Benches were opened to women as well as men, although none of them is here today. I have also been chairing for the last five years a process within the Church where we

[THE LORD BISHOP OF ROCHESTER]

are tasked with increasing the proportion of BME people in senior roles in the life of the Church. We have made some modest progress, though there is lots still to do. Nevertheless, we have learned that while legislation and processes are important, as has been indicated, so are culture, attitudes and bias. I wonder whether the Government might welcome some kind of forum within which quasi-public bodies might engage with public bodies so that we can share our learning on these matters.

Lord Young of Cookham: I welcome the suggestion from the right reverend Prelate. An event was held at Windsor called Faith in Leadership to encourage those with a faith perspective to apply for public appointments. In response to his suggestion, we are anxious to learn any lessons that the Church may have to ensure that the recommendations in the disability review go forward. So the short answer to the right reverend Prelate's question is yes.

Baroness Hayman (CB): My Lords, does the Minister agree that, for people who do not have a conventional CV, the confidence to make an application for a board appointment can itself be a barrier? I believe that some important work has been done in Northern Ireland to give potential candidates, with talent but perhaps suffering from one of those barriers—it might well be class, as much as gender—experience of serving on a board and seeing how one functions to prepare them to be competent and able board members.

Lord Young of Cookham: That is a very helpful suggestion from the noble Baroness. One of the recommendations in the review was that we should seek out talent, encourage people to apply who might otherwise not have done and then support them through the process. There is also an issue about the visibility of appointments, in that there is a risk of this applying just to a self-selecting group if one does not reach out to underrepresented groups. I am very happy to learn from the experience in Northern Ireland to which the noble Baroness referred.

Social Housing: Older People

Question

11.14 am

Tabled by **Baroness Kennedy of Cradley**

To ask Her Majesty's Government what steps they are taking to address the provision of suitable social housing for older people.

Lord Kennedy of Southwark (Lab Co-op): My Lords, on behalf of my noble friend Lady Kennedy of Cradley, and with her permission, I beg leave to ask the Question standing in her name on the Order Paper. In doing so, I draw the attention of the House to my relevant interests as a vice-president of the Local Government Association and as a trustee of the United St Saviour's Charity in Southwark, which provides social housing for older people.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, I congratulate the noble Lord on so ably stepping into the breach. The Government have made £9 billion available through the affordable homes programme to March 2022 to deliver new affordable homes of a range of tenures, including social rent and supported housing. Supported housing, including sheltered housing, plays a vital role in the lives of the most vulnerable, including older people. Since 2011, we have delivered 34,000 units of specialist and other supported housing for disabled, vulnerable and older people.

Lord Kennedy of Southwark: My Lords, what plans do the Government have to support calls for the lifetime homes standard to be mandatory for at least some, if not all, social housing built in future? That would enable people to stay in their homes longer, help them to remain independent and save money on future aids and adaptations.

Lord Bourne of Aberystwyth: My Lords, the noble Lord is right to concentrate on that standard. He will know that Part M of the building regulations is about to be reviewed; we have touched on it previously. We very much hope that will be tightened for its requirements for disabled and older people. That will help to inform the sort of progress that we are all keen to make.

Lord Shipley (LD): My Lords, in February last year—15 months ago—the Communities and Local Government Select Committee reported on its inquiry into housing for older people. It had 41 recommendations. Eight months ago, in September 2018, the Government's response was published. It left many questions unanswered, but it did say this:

“We have been clear that we will consider housing as we develop proposals for the future of the social care system in the green paper to be published in the autumn”.

The two areas of social care and housing are clearly linked. The Green Paper was not published and there is no sign of it. Does the Minister accept the need to respond properly to the committee's recommendations, and that the failure to publish the Green Paper is turning into a major failure of public policy?

Lord Bourne of Aberystwyth: My Lords, the noble Lord is right about the importance of the Select Committee's recommendations, many of which we are taking forward. He will know that we have ensured that approximately 22,000 specific homes since 2011 have been geared towards older people. We have committed £400 million in the spending review to delivering specialist affordable homes for the vulnerable, elderly and those with disability. We are bringing the Green Paper forward, but he is absolutely right that it is important.

Baroness Greengross (CB): My Lords, I recently served on the ad hoc Select Committee on intergenerational fairness. It published its report two weeks ago. Although I know that the Government have not yet responded formally to the committee's

recommendations, the Minister will be aware of those we made on housing, many of which might help to increase the housing supply, especially of social housing. For instance, there is the presumption that local authorities be given priority to develop for housing any publicly owned land in their area, and the specific recommendation that retirement communities that provide extra care be designated as class C2—the same as care homes—to encourage their development. That issue is very close to the heart of the Associated Retirement Community Operators, ARCO, with which I work and for which I am proud to be patron. Will these recommendations be acted on, and quickly? They are very important.

Lord Bourne of Aberystwyth: My Lords, I thank the noble Baroness for what she does on behalf of older people, specifically on intergenerational fairness. I remember the work we did together on the Neighbourhood Planning Act to ensure that, for the first time ever, older people are recognised in the National Planning Policy Framework. She is absolutely right about the importance of this. In fact, pensioners as a class have never been better off than they are the moment, but there are specific needs relating to housing. I mentioned Part M and the importance of delivering more specific homes. We are carrying that forward.

Baroness Andrews (Lab): Is the Minister aware of the All-Party Group on Housing and Care for Older People, very ably chaired by the noble Lord, Lord Best, who cannot be in his place this morning? Is he also aware that in the next 20 years, by 2041, about 30% of older people will be in the private rented sector? This will be Generation Rent, who will not be able to afford to pay rent when they retire. What plans do his Government—and his department in particular—have to deal with that? We need to plan for that crisis now.

Lord Bourne of Aberystwyth: My Lords, the noble Baroness is right: the private rented sector has grown massively across all age groups. There is nothing inherently wrong in that; it was slightly implicit in the question that it was undesirable. Oh, she shakes her head—I misunderstood. There are particular concerns. As she will know, we have moved on a number of factors in relation to the private rented sector across the board to ensure fairness on rents, evictions, secure tenancies, tenant fees and so on. She is right to highlight this. I assure her that we will carry things forward.

Baroness Boycott (CB): My Lords, while everyone would welcome a housebuilding programme, can the Minister assure the House that all these new houses will be built to be as carbon neutral as possible, given the current state of the climate emergency?

Lord Bourne of Aberystwyth: My Lords, the climate change dimension is of interest to me, and the noble Baroness is right to highlight it. Modern methods of construction in particular will help us to deliver on that. Many companies are developing modern methods of construction and housing which are carbon neutral, and receive funding through BEIS to help with that programme.

Lord Howell of Guildford (Con): Is my noble friend aware that 7,000 high-quality new homes are being built per day in the Republic of India—which, admittedly, is larger than us and probably quite soon will be richer than us as well? Would he concede that new construction technology has a major part to play in adequate and swift provision of social housing for all ages?

Lord Bourne of Aberystwyth: My Lords, I was unaware of that statistic, but certainly India is developing incredibly quickly on a number of technological fronts, so I am not totally surprised. My noble friend is absolutely right about the importance of ensuring that housing delivery is carbon neutral and that modern methods of construction enable us to move very quickly. We are doing so across a range of areas. Last week, I saw modern methods of construction providing help for the homeless. It is pleasing to see that beginning to happen across all sectors; it cannot happen too quickly.

Nigeria: Fulani Question

11.22 am

Asked by **Baroness Cox**

To ask Her Majesty's Government what is their assessment of recent developments in Nigeria, with particular reference to attacks by Fulani militia.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, we remain deeply concerned by the escalation in intercommunal violence across Nigeria, which has a devastating impact on lives and communities and is a barrier to Nigeria's development. While religion is a factor, the root causes remain complex and include access to resources, population growth and displacement due to climate change and desertification. We are working closely with international partners and the Nigerian Government to develop measures to address the causes of the conflict, including the national livestock transformation plan.

Baroness Cox (CB): My Lords, I thank the Minister for his reply. Is he aware that since the Fulani insurgency began, thousands of Christians have been killed in the Middle Belt region? That includes about 300 killed in Kaduna between February and April this year. Also, on 14 April, Fulani militia invaded Nasarawa, killing 17 people, including a 100 year-old man, and a girl whom they raped to death, and on Good Friday, another dozen were killed in Benue.

Given that the Government's interim independent review into the global persecution of Christians has found that religious hatred plays a key part in these killings, does the Minister agree that while other factors may be involved, the asymmetry and huge scale of attacks by well-armed Fulani upon the predominantly Christian communities has a significant ideological base that must be acknowledged if the issues and the suffering are to be addressed appropriately—such as the Nigerian Government's responsibility to ensure that it will be safe for thousands of displaced Christians to return to their homes?

Lord Ahmad of Wimbledon: My Lords, I agree with the noble Baroness. It is exactly why the Foreign Secretary and I were intrinsically involved in that decision, and initiated the independent review of Christian persecution around the world. The interim report is not just sobering, it is actually pretty horrific in terms of the numbers. We are talking about 200 million Christians around the world being persecuted in some shape or form because of their faith.

The example of Nigeria is a very stark one. The noble Baroness knows Nigeria well. This was a focus area for my right honourable friend the Foreign Secretary's recent visit, and I assure the noble Baroness that any of the organisations that seek to represent or hijack a religion are doing so erroneously. It is important for all communities, all faiths, to stand against them. I am of course referring to Boko Haram and the Islamic State in West Africa. Through development, diplomacy, and security initiatives, we will defeat these radical extremist groups once and for all.

Lord Anderson of Swansea (Lab): My Lords, Nigeria is a valued member of the Commonwealth and as such, has signed the Harare Declaration and all other relevant declarations, yet Nigeria is mentioned by Open Doors as among the 50 worst countries in the world in which to be a Christian. What have the Government done, consistent with their new policy on religious persecution, to assist the Government of Nigeria to fulfil their commitments under the Commonwealth? Does the Commonwealth have a role in this tragedy?

Lord Ahmad of Wimbledon: First, I totally concur with the noble Lord. Membership of the Commonwealth brings additional responsibilities for any country wishing to be an active and fully engaged member. I assure him that we are working closely with the Government of Nigeria. President Buhari himself has condemned these clashes. There is also an initiative from the Christian vice-president, who is taking forward a national strategy to address the issue of violence directly. He has already engaged directly with governors. We are also providing support and assistance to communities on the ground to ensure that those communities—be they of whatever religion, Christian or Muslim—can work together to defeat the scourge of extremism. This is a long process; that does not mean that we bail out at the first challenge. I fully accept that the situation of Christians in Nigeria is dire, but it is important that we engage even more forcefully now to ensure that we can beat the groups which seek to destabilise Nigeria.

Baroness Berridge (Con): My Lords, as a fellow officer of the APPG it was a pleasure to respond to the request from the noble Baroness, Lady Cox, for the group to launch an inquiry into this matter. The evidence has been that the violence goes across many states but that it is complex and various factors are at play. One key theme has been that the perception is rising that religion is a motivating factor, due to the use of social media, fake news and, often, the lack of capacity in civil society to investigate what is happening. Whatever part religion actually plays, in and of itself, the perception that it is playing a heightened role is a concern. Will my noble friend the Minister please

outline what funding from the FCO and DfID can be given to civil society in Nigeria to increase its capacity to get accurate information about these attacks? Many of them, particularly Muslim-on-Muslim attacks, are going underreported in Nigeria.

Lord Ahmad of Wimbledon: My noble friend is quite right to point out the extensive level of support. I assure her that our work in Nigeria represents, I believe, the fifth-largest DfID support programme and our second largest in Africa. Various organisations are engaged on a series of initiatives; whether we are talking about schoolchildren, teacher training or building community capacity, we are working at all levels. When my right honourable friend the Foreign Secretary visited Nigeria, he went to Maiduguri and saw directly how the UK is contributing to a programme for Nigeria to fight against terrorism. Again, we have emphasised the importance of the British Government standing in support of all initiatives. We are working with a raft of organisations on the ground and I will write to my noble friend in that respect.

Lord Chidgey (LD): My Lords, in answering the Question that I put to the Minister last December, he said that the development of policies and plans with European partners to address the escalation of violence and deaths in Nigeria was “work in progress”, and that the Nigerian Government were planning to introduce a Bill to address the events that have occurred between the Fulani and the farmers. Can he confirm what progress has been made in developing these policies and plans with our European partners since then, and advise how much, if any, of the £150 million of new British aid announced by the Foreign Secretary will be allocated to these projects?

Lord Ahmad of Wimbledon: The noble Lord is correct to ask that question. Progress is being made; obviously, the election in Nigeria may have caused certain things to come to a halt but there has been a renewed focus. I have already referred to the vice-president's initiative. On the Bill that the noble Lord refers to, we are providing direct assistance to the communities affected. Consideration is currently being given to that very Bill, which will look at, for example, grazing reserves, routes and cattle ranches, to ensure that we can address the issue of land in Nigeria.

Elections and Referendums: Foreign Interference *Question*

11.29 am

Asked by Lord Tyler

To ask Her Majesty's Government what assessment they have made of the adequacy of the regulatory framework for protecting elections and referendum campaigns in the United Kingdom from foreign interference, including financial contributions.

Lord Young of Cookham (Con): My Lords, the UK has a robust electoral system with processes in place to defend it, and there is ongoing work to ensure our elections remain secure. The Government are committed to protecting electoral and democratic processes from foreign interference into the future. Measures such as those announced by the Government this week will continue to strengthen our resilience against any foreign interference and ensure that the regulatory framework is as watertight as possible.

Lord Tyler (LD): My Lords, do the Government recognise that there is now an emergency? There is no time for new legislation. The statement made by the Cabinet Office at the weekend of a new consultation is far too little and far too late. Shadowy campaign organisations are already spending hundreds of thousands of pounds on Brexit messages on digital media, and nobody knows where their money is coming from. Just two—Britain's Future and We Are The 52%—have outspent all the political parties, clearly seeking to distort the poll, which is in just 14 days. The Brexit Party will not tell the Electoral Commission where a £100,000 donation has come from until well after polling day. Surely the Minister recognises that it is totally unsatisfactory for Parliament and government to rely on the investigations of BuzzFeed, the *Guardian*, the *Observer* and Channel 4 to defend the integrity of our electoral system. The Government must now recognise that the outcome of the poll on 23 May, in 14 days, could be as dodgy as that in June 2016. Will the Minister undertake to meet me to discuss what can be done urgently to address this serious situation?

Lord Young of Cookham: As I have said before from this Dispatch Box, there is no evidence of successful interference in the electoral process in this country, either in referendums or elections. As I said in the Answer I gave to the noble Lord a few moments ago, we are considering the issues. While we do not believe there has been abuse, we are anxious to be ahead of the game. We are now considering increasing the transparency of digital political advertising, including by third parties; closing loopholes on foreign spending in elections; preventing shell companies from sidestepping the current rules on political finance; and taking action to tackle foreign lobbying. I hope the noble Lord welcomes the announcements we have just made.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, when I received my postal vote yesterday, in the same post I received an electoral address from just one party—not the Tory party, sadly not the Labour Party, and not even the Lib Dems, but from the Brexit Party. That indicates that it is well organised and very well financed. Yet on television, under pressure from Sophy Ridge, Farage refused to say where £200,000 has come from. We will not know until the end of July, which is far too late. Surely there is something the Government can do. Can the Minister talk to the Electoral Commission and make sure we know that these sources of finance are legitimate and come from the United Kingdom?

Lord Young of Cookham: I assure the noble Lord that a communication from the Tory party will be on its way well before polling day. I hope he finds it a persuasive document.

Noble Lords: Ha!

Lord Young of Cookham: My understanding from the television is that the majority of the finance for the Brexit Party has come from relatively small donations, of some £25, to Nigel Farage. It is up to the Electoral Commission to supervise elections, to monitor the rules and to take necessary action if any of them are broken.

Lord King of Bridgwater (Con): Does my noble friend recognise that it is no secret where a lot of this foreign interference comes from? The outcome of the presidential election in America and the referendum here gave no unhappiness at all in Moscow. Can I take it that the strongest representations are being made to the Russian Government that this conduct is unacceptable, we now know where it is coming from and we will watch it carefully?

Lord Young of Cookham: I am grateful to my noble friend. We have invested £1.9 billion in the national cybersecurity strategy for precisely the reason that he has outlined: to resist interference in the electoral process. Estimates of the reach of the Russians suggest that 105 accounts reached 16,000 people during the referendum campaign, in many cases simply amplifying arguments in circulation. The majority was 1.3 million. I honestly do not think that one can attribute that majority to the activity of Russian spooks.

Lord Grocott (Lab): My Lords, of course it is essential that we have maximum transparency in all organisations involved in referendum campaigns, general election campaigns and the like, but does the Minister agree that we need maximum transparency also on the part of those well-financed organisations whose aim is to reverse the result of referendums? I refer of course to the People's Vote campaign, which is a campaign to reverse the vote of the people in 2016. It is massively well financed, with opinion polling across the country in individual constituencies and with leafleting and campaigning—I have kept many of its documents because it kindly sends them to me as well. Will he ensure that, in any future investigation into transparency, organisations such as the so-called People's Vote campaign are included?

Lord Young of Cookham: Were there to be another referendum, there would need to be primary legislation, which would give an opportunity to the noble Lord and others to see whether the current legislation is adequate. Anybody taking part in any future referendum would have to register as a political party. There are maximum spending limits on such activity and there is the necessary transparency associated with it, but I take on board the warning from the noble Lord.

Lord Marlesford (Con): Does my noble friend agree that, in practice, the European elections will be a referendum on Brexit?

Lord Young of Cookham: The various parties will put out their manifestos, which will explain where they stand and what they want people to support. Depending on how people vote, the necessary conclusions will be drawn. I see where my noble friend is coming from, in that there will be a clear temptation to add up the

[LORD YOUNG OF COOKHAM]
 totality of votes for the “remain parties” and for the “leave parties” and see what the result is. Whether people are then motivated or influenced by the level of turnout is something that we will have to determine on the day.

Arrangement of Business

Announcement of Recess Dates

11.36 am

Lord Taylor of Holbeach (Con): My Lords, it may be for the convenience of the House if I make a short statement about recess dates for Whitsun. There is no need for people to make a note of them; they are with the Printed Paper Office as I speak. I do not need to emphasise that the following dates are of course provisional and subject to the progress of business. We will rise at the conclusion of business on Thursday 23 May and return on Tuesday 4 June.

Business of the House

Timing of Debates

11.37 am

Moved by Baroness Evans of Bowes Park

That the debates on the motions in the names of Lord Borwick and Lord Harris of Haringey set down for today shall each be limited to 2 1/2 hours.

Motion agreed.

Conduct Committee

Membership Motion

11.38 am

Moved by The Senior Deputy Speaker

That a Conduct Committee be appointed and that, as proposed by the Committee of Selection, the following members be appointed to the Committee:

Anelay of St Johns, B. Brown of Eaton-under-Heywood, L. Donaghy, B. Hussein-Ece, B. Mance, L. (Chair)

That the Committee have power to send for persons, papers and records;

That the Committee have leave to report from time to time;

That the reports of the Committee be printed, regardless of any adjournment of the House;

That the evidence taken by the Committee be published, if the Committee so wishes.

The Senior Deputy Speaker (Lord McFall of Alcluth) (Non-Affl): My Lords, I beg to move the first Motion standing in my name on the Order Paper. Last Tuesday, the House agreed to the Privileges and Conduct Committee’s fourth report and, in doing so, agreed to proposals for a new code of conduct, the appointment of a new conduct committee and a new standing order restricting debates on conduct committee reports on Members’ conduct. This first Motion appoints five noble Lords as members of the new conduct committee. A Motion to appoint the lay members of the committee will be brought before the House in due course.

The second Motion in my name on the Order Paper, which I shall move shortly, sets out the text of the new standing order. I would like to take this opportunity to inform Members that the new *Code of Conduct, Guide to the Code of Conduct* and *Code of Conduct for Members’ Staff*, as agreed by the House last week, were published this morning and copies are available in the Printed Paper Office and online.

Motion agreed.

Standing Orders (Public Business)

Motion on Standing Orders

11.39 am

Moved by The Senior Deputy Speaker

Further to the House’s approval of the 4th Report from the Privileges and Conduct Committee *Independent Complaints and Grievance Scheme: Changes to the Code of Conduct*, that the House agrees the following new Standing Order:

68A Reports from the Conduct Committee

Reports from the Conduct Committee resulting from an investigation under the Code of Conduct, together with any resolution on a sanction, are decided without debate.

Motion agreed.

Sri Lanka: UNHCR Refugees

Statement

11.40 am

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, with the leave of the House, I shall now repeat in the form of a Statement the Answer given by my right honourable friend the Minister for Asia to an Urgent Question in the other place. The Statement is as follows:

“Following the Easter Sunday attacks in Sri Lanka there have been reports of isolated incidents of violence and reports of intimidation and discrimination against Muslims, refugees and asylum seekers. In Negombo, one of the suburbs to the north of Colombo where the terrorist attacks took place, 985 refugees and asylum seekers were forcibly displaced from their ordinary places of residence according to UN figures. These refugees and asylum seekers, who are mostly of Pakistani origin, are being temporarily housed and protected to meet their immediate security and humanitarian needs. Our high commission in Colombo is in contact with the Government and UN agencies, working to find a more sustainable solution, and we are monitoring the situation carefully.

The United Nations is providing basic support—food, drinking water and immediate medical assistance—and co-ordinating with civil society to provide additional relief items. The humanitarian situation at the police station is a concern. The police have so far been welcoming, but we do understand that the facilities are insufficient. Staff at our high commission are also assisting in advocating and co-ordinating with the Sri Lankan Government to identify safe and secure relocation options to ensure the protection of refugees and asylum

seekers. We also understand that processes are under way for some of the refugees to be resettled in third countries. Some 412 refugees are currently in the resettlement process of the UNHCR.

Ministers and representatives of the UK Government have met Sri Lankan counterparts over the past three weeks to reinforce the importance of inclusivity and respect for human rights in the response to the Easter Sunday attacks and to underline the importance of Sri Lankans working together to avoid intercommunal tensions. The Minister for Security and Economic Crime visited Sri Lanka on 2 and 3 May and met the President, Prime Minister, military and religious leaders and senior government officials, highlighting the importance of those points. Lord Ahmad and I have met with the Sri Lankan high commissioner over the past fortnight to raise concerns about refugees and minority rights in Sri Lanka”.

11.42 am

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for repeating the response to the Urgent Question in the other place. I know that he understands the importance of this issue personally, particularly the Ahmadi Muslims, who have fled persecution in their own countries and Pakistan and who would face horrendous persecution again if they were to go back there. Will the Minister give a bit more detail about how we are able to support the Sri Lankan Government on immediate shelter for the refugees? Will this country be playing its part in any resettlement programme? Finally, on the discussion the Security Minister had, will we be supporting the Sri Lankan Government in trying to sustain a proper reconciliation process in the aftermath of that terrible tragedy?

Lord Ahmad of Wimbledon: My Lords, the short answer to the noble Lord’s final point is, absolutely. My right honourable friend the Security Minister made that offer to the Sri Lankan Government. I visited the high commission myself to sign the condolence book and had an extensive meeting with the high commissioner. I will be seeking to visit the country for the purpose referred to by the noble Lord. It looks towards the United Kingdom and I am proud—as I am sure all noble Lords are—to be part of a country which, notwithstanding its challenges, has shown that it has the respect of all faiths and none, and in which faith communities are an integral part of finding solutions to those challenges.

The noble Lord is right to point out the situation of the Muslim communities that were expelled under severe security concerns. He is quite right that the majority of those are Ahmadi Muslims; I declare an interest in this respect. I am sure that the irony is not lost on many people: those who fled Pakistan because they were targeted for not being Muslim are now being targeted for being Muslim in another country. I assure the noble Lord that we have made all necessary offers of support to the Sri Lankan Government. There has been no specific request as yet.

On the issue of relocation, the UN and civil society organisations are working with the Government to identify immediate relocation options and as I said,

there are 412 refugees currently in the UNHCR resettlement process. He asked specifically about the number for the UK. The UN says that seven are currently being processed for relocation to the United Kingdom.

Lord Dholakia (LD): My Lords, I thank the Minister for repeating this Answer. The world looked in horror when we heard about the massacre of more than 250 people, worshippers and tourists, in Sri Lanka on that fateful Easter day. We have all condemned such attacks, and it is right that Sri Lanka takes every legal measure to identify and prosecute the perpetrators and take steps to prevent further attacks. I single out the timely meeting of the all-faiths group that was held in the Lord Speaker’s premises upstairs, at which a number of people paid tribute to what happened in Sri Lanka that day.

Two questions arise. First, I was delighted that the Minister mentioned the measures being taken to protect the Afghans, Pakistanis and Ahmadiyya community in Sri Lanka, but who is actually monitoring that? Has the United Nations any particular role in ensuring the safety and security of this community? My second question concerns the Ahmadiyya community in this country and the very large Sri Lankan diaspora in the United Kingdom, as we have noted in the past. What is being done to assure the peace-loving Ahmadiyya community in this country about the protection of their friends and relations in Sri Lanka?

Lord Ahmad of Wimbledon: My Lords, first, I join with the noble Lord and I am sure I speak for all noble Lords when I say that we were all appalled by the events that took place in Colombo, with worshippers and people who were enjoying a holiday being attacked. It shows again the importance of unity in standing up to those extremists and terrorists who seek to divide us. We have experienced it here in the United Kingdom, and it is tragic that this is a worldwide scourge which we need to unify against.

On the noble Lord’s specific questions, we continue to work very closely with the diaspora communities here in the UK as well as the Ahmadiyya Muslim community. The noble Lord will know that I am a member of that community; I have been working very closely with it and identifying its concerns. The situation for the refugees is very dire at the moment—indeed, they are taking refuge in a police station, a centre and an Ahmadiyya Muslim mosque in Colombo. I have raised these questions directly with the high commissioner and she has assured me of her co-operation.

I will share a poignant moment, if I may. The noble Lord talked about multifaith organisations. On Sunday, I attended such an occasion in a church near me in Putney: the high commissioner and the deputy lieutenant were present, and it was very poignant to hear readings from Christian communities and representatives of the Ahmadiyya Muslim community, who reflected on the need to stand up against those who seek to divide us, and prayers for those who have passed in these attacks.

Lord Howell of Guildford (Con): My Lords, we are dealing here with not one but two members of the Commonwealth family. Can we be assured that, in our position as chair of the Commonwealth, working with

[LORD HOWELL OF GUILDFORD]

the Commonwealth organisation generally, we are doing the maximum possible available to us in bringing to bear the co-ordinated efforts of the Commonwealth in meeting this difficult situation and the tragedy that lies behind it?

Lord Ahmad of Wimbledon: My noble friend speaks with great experience and insights, not just on the Commonwealth but on the two countries to which he refers, which are both friends of the United Kingdom. On the important issue of freedom of religion or belief, I visited Pakistan not so long ago, and I am sure that many of us have welcomed the recent steps that the Pakistani Government have taken in this respect, in what are pretty tense domestic environments. Indeed, yesterday we had the reported departure of Asia Bibi from Pakistan, which we all welcomed. We are working with the Pakistani Government on the importance of religious freedom and, as I said, we are also going to extend our work in building communal harmony and support for religious communities in Sri Lanka.

Lord Alton of Liverpool (CB): My Lords, I congratulate the Minister on the role he played in helping to secure the release of Asia Bibi and her ability to travel to be reunited yesterday with her family in Canada. The persecution of that Christian woman and the Ahmadi community in Pakistan should motivate us all in promoting freedom of religion and belief, and particularly Article 18 of the Universal Declaration of Human Rights. Can I take the Minister to Written Questions which I tabled yesterday, which I gave him copies of? One referred to the police stations where Ahmadis and Christians have been taking refuge in Sri Lanka, where, as the noble Lord has said, they are even denied basic food, humanitarian aid and assistance. Can he tell us precisely what discussions we have had with the UNHCR in making progress to help those groups? My second point was about the use of textbooks in Sri Lanka which have been criticised by UNESCO for stirring up religious hatred and the dominance of some groups against the position of minorities. Are we taking action to ensure that those kinds of textbooks are no longer available in Sri Lankan schools?

Lord Ahmad of Wimbledon: My Lords, again, the noble Lord speaks with great insight on these issues; equally, to return to the issue of Asia Bibi, I pay tribute to his efforts in that respect—I think we are all grateful for what has happened. But he is right that the real result will be not to have 1,000 Asia Bibi cases. We must work with countries such as Pakistan to ensure, first and foremost, that the long-term objective must be the overturning of these draconian blasphemy laws, which are used not just against minority communities in Pakistan but against Muslim communities themselves. I therefore assure the noble Lord that we are working closely with the Pakistani Government to ensure that we can build not just religious tolerance but understanding at a core level.

The noble Lord mentioned the UNHCR; we are engaged fully with the Sri Lankan authorities and UN agencies on the ground to see what level of support we can offer. There has been no specific request apart

from the figures I quoted to the noble Lord, Lord Collins, on specific refugees who may come to the United Kingdom. On the wider issue of textbooks, the noble Lord and I have discussed this matter, and I agree with him. We have a massive aid programme to various parts of the world, including Pakistan and Sri Lanka, and it is important that, as regards any support we provide, the values we seek to extend are reflected in the education and training, particularly which young children receive in those countries. I assure the noble Lord that we are working closely on that very objective with DfID colleagues.

Lord Cormack (Con): My noble friend is entirely right to draw our attention to the plight of these Muslim refugees. However, can I return to the appalling atrocity that took place on Easter day? Is he as satisfied as he can be that the small Christian community in Sri Lanka has adequate protection? To take up the point on the Commonwealth made by my noble friend Lord Howell of Guildford, would there be some value in convening a meeting here in London of Commonwealth high commissioners to discuss the persecution of Christians, Muslims and others of religious faith in the Commonwealth and to try to agree a much firmer code among them?

Lord Ahmad of Wimbledon: My noble friend makes a practical suggestion, and I assure him that I will take this forward. Many Foreign Ministers from across the Commonwealth will be attending the media freedom conference in July this year, and I will certainly look to take up my noble friend's suggestion in the margins of that. I am conscious of time, but I put on record that I assure my noble friend that we are working closely with the Sri Lankan Administration to ensure the safety of the Christian communities, who have suffered the worst kind of atrocity. Terrorism is bad enough, but to attack people who are at their most vulnerable, engaged in an act of worship on the holiest day of the Christian calendar—there are no words to describe it. It is unacceptable, and the motivation for such an act is inexplicable. However, as the Prime Minister's Special Envoy on Freedom of Religion or Belief, I am clear that freedom of religion and belief, which we enjoy here, should be a universal right; as the noble Lord, Lord Alton, said, it is a human right. I am sure that I speak with the support of everyone across this House and beyond when I say that the United Kingdom Government will work tirelessly to ensure that that objective is upheld.

Disabled People

Motion to Take Note

11.53 am

Moved by Lord Borwick

That this House takes note of the issues facing people with disabilities and the potential for improved treatment and outcomes in the next 50 years.

Lord Borwick (Con): My Lords, I declare my interests as noted in the register, particularly my interests in accessible transport, housing and charities.

The lives of disabled people are often challenging. We rightly work hard to try to meet those challenges, and many disabled people say that we do not work

hard enough. But the main reason I called for this debate today was to focus on the positives. Over the past 50 years, there has been an enormous improvement in the public's attitude to disabled people, public understanding of their disability, and provision for their needs.

Sir Bert Massie repeated a story of being told in a restaurant, "I'm sorry, we don't serve wheelchairs", only for him to reply, "That's okay: I don't eat them". That would not happen today, and that is something to celebrate, but, as we have seen those improvements over the past 50 years, we should now be optimistic that for the next 50 years we will promise even more.

A charity's main aim should be to shut itself down. It should strive to achieve its mission, fulfil its special purpose and find that there is no reason for it to exist any more—but this is rare, if not unknown. The perhaps mythical charity for the relief of the destitute of Beverly Hills might have been such an example.

In this House, and in politics generally, there are quite enough problems to keep us busy, and so often the important gives way to the urgent. Setting a date of 50 years hence for this debate, we can start to think about the important. It gives us the opportunity to talk about a tantalising time when many of the urgent problems have retreated, in the hope that that might reveal the important ones left exposed on the beach of debate.

One charity that considered the possibility of being redundant was RADAR, when it was run by the late Sir Bert Massie, whose enjoyable autobiography was recently published. I am told that RADAR produced an annual report for 2030 looking forward in that way. Sir Bert imagined a world in which disability discrimination no longer existed—indeed, when no discrimination on spurious grounds existed. But the original idea for this debate was sparked when I discussed housing matters with a fine social housing provider called Habinteg, known to many of us in this House. It should be congratulated on its 50th anniversary, but did it imagine what the world would be like now when it started? I am not sure that there were many disabled Members of this House 50 years ago, and public transport was wholly inaccessible. Life is better now—still bad for many people, no doubt, but also better for very many.

Many noble Lords present will—but I personally shall not—see the world in 50 years' time, when I would be approaching 115, but what will be the nature of disability then? Average longevity has been growing for years, so perhaps a life expectancy of 120 will be ordinary. We can hope to see ways of looking after the elderly improve, but perhaps the frailty that so often comes with age will grow further. Will dementia be preventable by then? Research is certainly progressing well, and there may turn out to be an infectious agent of some sort that can be prevented, just as we have discovered that many cancers are started by viruses.

Will we have solved some of the other problems of extreme old age? In every generation, people have felt that technology has passed them by, whether that be transport or iPhones. The older generations can now handle—just—the mystery of computers, but it has always been the case, and probably always will be to some extent, that technology will leave some of the older generation behind. It means that there are so

many people alive today who are isolated by technology—who, for instance, cannot handle a ticketing system that is online only or that restricts cheaper tickets to online only.

Isolation makes people miserable. It may be one of the big challenges of the future. We should always be grateful to be Members of this great House, because so many deserving people do not have our privilege of having friends to disagree with. Perhaps, when our successors are debating the installation not of 5G but of 50G, they will convince the teenage designers of that system to design it with older people in mind. Better communication should reduce loneliness, but does technology always achieve this? I can hope only that the sheer numbers of older people will mean that that demographic group is a commercial opportunity.

Many scientists believe that, were people to engage in a healthy lifestyle throughout their lives, they could live for well over 100 years in relatively good shape, with preservation of cognitive ability. In a book entitled *The Blue Zones*, Dan Buettner studies communities around the world where people frequently live past 100. They stay physically active, eat well and usually never smoke—not even on the terrace. Crucially, they also enjoy loving, purposeful relationships throughout their lifespan. Someone can be physically well but lonely; loneliness clearly increases the loss of cognitive function and accelerates costly, preventable decline.

Technology can isolate people, but it also has enormous potential to alleviate loneliness. For instance, we can be sure that autonomous cars will be routine in the next few years. That could mean much more independence for those who are currently dependent—but when will we see autonomous ambulances with perhaps only one nurse to look after the patient while the ambulance drives itself? Autonomous cars may enable those with learning difficulties to travel as easily as everyone else, but what will happen without the contact with other people that happens on a bus? Will buses find themselves priced out of existence? Perhaps the autonomous taxi will be just a haven from increased crime.

Again, looking 50 years ahead means that we can start to identify the important things that we hope will not become urgent, because we know that a lot of costs are associated with disability. Lifts, special bathrooms and automatic door-openers are all expensive and all need electricity and maintenance. Whether they will get proportionately cheaper in 50 years' time is an open question, but what is certain is that extra costs will exist, and I hope that all parties will accept paying towards them.

The subject of human helpers employed by many disabled people is more complex. With the growth of free trade—and, I hope, free immigration—around the world, I would expect the average wage of unskilled people to converge, so it will not necessarily be advantageous for British disabled people to employ foreign helpers. Will we see robots help instead? We see this already in places such as Japan, which has low levels of immigration.

One thing is predictable: in 50 years' time, the promised Green Paper will actually have been published, and at least 50% of houses will have already been built to the lifetime homes standard. That is because the

[LORD BORWICK]

Government will have accepted the recommendation from all sides of the House to make it mandatory. That the majority of all houses should be accessible seems easy to me. We are winning the argument; I believe that building accessible housing will be seen as helpful not only in a practical sense but in an economic sense too. Given the number of times a house will change hands over the course of its existence, there is a good chance that a resident over that timeframe will need wider doors or accessible plug sockets. Building those things in at the start will be more economical than making alterations over a number of years.

Technology in healthcare can help, too. A few years ago, the American company Theranos popularised the idea—albeit perhaps fraudulently—that it should be possible for every patient to take a small drop of blood by themselves, which should reveal all the health markers that are so hard to find now. It is likely that another company might produce this in the future, meaning that every person could monitor their health daily with complete accuracy at trivial cost. All infections and diseases will be caught early, probably leading to much less suffering. Such technology might also, almost unbelievably, reduce the cost of our National Health Service. For those with disabilities, being able to track other health issues easily and cheaply will be of enormous benefit.

State borders will not be limitations on these benefits. For medicine in resource-limited countries, telecommunication and telemedicine will be very helpful. It is happening today. Pathology reports and X-ray images can be sent to experts, and we can get second opinions through a group of physicians who volunteer to help in this effort. Surgeons can now operate remotely, thousands of miles away. So, looking forward, will it be easy for UK doctors to routinely treat patients in third-world countries, and will it be easy for doctors trained in South America to take on patients in the UK? How will we sort out prescriptions written in India and delivered in Westminster? Perhaps with prescriptions dispensed by Amazon—who knows? Treating conditions that might exist alongside a disability should be easier for those in the UK and overseas, which is a welcome prospect. Again, having a 50-year perspective is a useful framework for working out what issues might be important, so that we can start to use technology to tackle them.

I have addressed how technology can be used for good, but I have also acknowledged that it can isolate people. I think that loneliness might be the biggest long-term challenge for improving the lives of disabled people. The Government have, to their immense credit, recognised the problems that loneliness can cause. They have even given a ministerial role to the task, which my honourable friend Mims Davies MP currently occupies. The Government's loneliness strategy was launched in October last year, and there is much to recommend in it. The strategy recognises the potential that technology has to reduce loneliness as opposed to exacerbating it, and it also seeks to discuss loneliness in classes at school so that children can learn about its impact.

While I welcome the Government's willingness to tackle loneliness, it is also true that the best solution is the long-term care and support provided by families and loved ones. The Government can and should help

when someone is truly alone, but they cannot and should not replace a family. There are thousands of family carers across the country, many of whom are balancing jobs and young families at the same time. This is a tremendous resource not just for the lonely person but for the country, and we should be immensely proud of these people. I have noticed an increase in award ceremonies and the like celebrating the role of family carers, and that is absolutely right. They are national heroes and may be the secret to making the next 50 years even better than the last.

12.07 pm

Lord Faulkner of Worcester (Lab): My Lords, it is a pleasure to congratulate the noble Lord, Lord Borwick, on securing this debate and also on an excellent speech, which I am glad to follow. When we speak about minorities, we all too often lose sight of the fact that disabled people are the largest minority group in our country. Out of the UK population of 66 million there are, according to the charity Scope and the Family Resources Survey, 13.9 million disabled people. Despite that, disability discrimination is still considered by the public, the media and in some cases the Government to rank below racial, homophobic and religious discrimination.

Your Lordships' House has led the way in championing the needs of disabled people, and we can see evidence of that in the speakers' list for this debate. It was a privilege to be asked to serve on the Select Committee on the Equality Act 2010 and Disability under the excellent chairmanship of the noble Baroness, Lady Deech, in the 2015-16 Session. Many of the issues that I suspect will be raised in the debate today were covered by that Select Committee inquiry, and I would gently suggest to the Minister that it would be helpful if she and her department were to go through the 55 recommendations made in that report and see how many of them still need to be implemented.

I should at this point declare my interest as a vice-president of the charity Level Playing Field. I have been involved with the charity for 12 of the 20-plus years that it has been campaigning for improvements in access to sports stadia for disabled supporters. The charity gave me tremendous support when I took a Private Member's Bill, the Accessible Sports Grounds Bill, through this House in 2015. Virtually everyone who spoke in its Second Reading debate was strongly supportive, particularly of the principle that each stadium should follow accessible guidelines and improve the experience for disabled people attending matches. As is the fate, sadly, of almost every Private Member's Bill that starts life in this House, mine made no progress in the other place—but there seems to be little doubt that the pressure put on the football authorities by your Lordships helped to secure a remarkable change of approach. Access is now high on the agenda for clubs and sports governing bodies, and clubs have a clearer understanding of what they need to achieve.

Level Playing Field tells me that the Premier League pledge has resulted in the biggest change in facilities for disabled fans since the league was founded in 1992. Of its 20 members, 17 now meet the accessible stadia guidelines for wheelchair user spaces, and over 1,000 more

spaces have been provided across the Premier League since the pledge was signed. There have also been 16 changing places and 10 sensory rooms created. All Premier League clubs have identified easy access and amenity seats, and more disabled away fans can now sit alongside their fellow supporters.

As recently as 2016, after the publication of the Select Committee report, I was still very critical of the lack of progress. While there is still a lot more to be achieved in the Premier League—including ticketing processes, sight-lines, persistent standing, appropriate audio-descriptive commentary and away-match experiences—I am pleased to acknowledge how much the situation has got better. I commend six clubs in particular where the pledge has led to really significant improvements: Everton, Chelsea, Watford, Newcastle United and our two proud competitors in the European Champions League final, Liverpool and Tottenham Hotspur. They all meet the accessible stadia guidelines.

The English Premier League pledge has also had a beneficial effect on the Football League. Championship clubs now have two years following promotion to meet the accessible stadia guidelines. Some good work is being done in Leagues One and Two and lower down, but there are inconsistencies that need to be addressed. The same applies to sports such as rugby, cricket, tennis and horseracing, which are following the Premier League's example in assessing their own facilities and making improvements.

While these advances are very welcome, there is an overriding need to create a more inclusive culture in society as a whole, so that disabled fans enjoy a genuinely equal experience. We shall therefore need clear legislation, such as my proposed Private Member's Bill, that binds sports clubs by the accessible stadia guidelines as part of their licence. There also needs to be an appropriate governing body to oversee and manage these arrangements.

Looking more widely, we should review the disposable income of disabled people. Scope estimates that on average there are additional costs of £583 per month to being disabled. Looking ahead, we can anticipate that during the next 50 years there should be technology improvements, increased life expectancy and more leisure time, as the noble Lord, Lord Borwick, has described to us. Disabled people are entitled to expect improvements to public transport links, including equal access for wheelchair users travelling on trains and buses and in taxis.

I also hope there will be better understanding of hidden disabilities, including mental health, learning disabilities and dementia. These will need more public awareness and better staff and service provider training and information. We shall need to recognise that an ageing population will mean an increased demand on existing facilities.

Finally, I will say a word about one of the most unpleasant aspects of the debate on disabled people. I refer to the growing incidence of abuse and discrimination. In the past 12 months, reported incidents of hate crime have increased in the UK by 33%. According to police figures there were 5,342 reported cases in 2017-18, compared to 4,005 in 2016-17. There is evidence of significant underreporting of cases. Many sports fans,

for example, do not report what they see or experience due to fear, uncertainty and not having confidence in anything eventually being done about such incidents. That needs to be tackled by proper information-sharing arrangements, centralised data sharing, focused research, measuring change, and players and fans speaking out and not tolerating this.

There is a lack of consistent messages about what to do in a situation where a hate crime arises, and there has to be united and consistent action that makes it clear that any form of discrimination is not tolerated. I would like to see a charter to which everyone involved signs up—sports governing bodies, supporters' groups, clubs, charities and the Government. In some cases, the constitution of fan groups will need to be amended to make it clear that discrimination against disabled people will not be tolerated. That needs to apply equally to social media and online forums and to written constitutions and rulebooks. If something is not acceptable on the street, it is not acceptable online either.

12.15 pm

Lord Addington (LD): My Lords, when it comes to disability, the first thing that strikes me is how incredibly wide the field is. There is a grave danger that when we talk about disability we start to talk about a bit of it. I am afraid that virtually all the lobby groups—although it does not happen so much in this Chamber—tell you that their particular problem is the worst. They say, “You don't understand. The problems are so great”, usually when you are talking about someone you are helping and supporting in that group.

We have achieved things in this field. I have been here so long that I can remember the initial Disability Discrimination Act. It was one of the first Bills that I was allowed to take a leading part in, if noble Lords know what I mean. Then, the whole of the lobby spoke with one voice. We must try to get back to that. The way we do that is to accept the themes that run across. One is the need for independence and to be involved in the whole of society. With the modern world and technology, that is getting easier. It is at least technically possible that it will become easier all the time. That is where we should look.

However, the problem is how we facilitate that potentiality, because many parts of the system at the moment seem to be designed to make that as problematic as possible. Now might be a good time to remind the House of my declared interests as president of the British Dyslexia Association and chairman of Microlink, which deals with this for a fee—my card will be available to anyone who wishes to speak to me later on.

Yesterday, in the first Question of the day, I asked whether we could accept one form of identification for dyslexics, who are one of the biggest disability groups although not the biggest, throughout the whole education system. We discovered that we had decided to have two forms of identification, one before you are 16—it used to be 18—and one afterwards because the lifetime condition would change. People did not understand that the way you cope with these conditions might change, but the condition itself does not change. It is there. That is true of all the neuro-diverse conditions. There is a lack of understanding. The two parts of the

[LORD ADDINGTON]

education system were incapable of speaking to each other. They had to be dragged to have their heads banged together. I thank Ministers again for helping me in that process. We must make sure that we co-ordinate. All the potential advantages will be stifled if we do not.

Passporting of identification and problems would help in virtually every field. There is a diagnosis, it is carried through, and that is how we deal with it. There is identification at school, then the disabled students' allowance, through to access to work; I have looked at that path myself. How do you make sure that one diagnosis says that you go through? People will be able to give examples of this in other fields but, unless you carry it through seamlessly, you will have problems.

Why does that matter? If you want to make somebody economically active and be of benefit to society, you make sure that they have the opportunity to gain an education, qualifications and a job so that they can function in the outside world. There is a question over whether we should let people bear some of the extra costs, which have already been mentioned, but the state should help at certain points. There might be agreement that there should be some assistance from the state but, if the person is employed in their own right, the level of burden falls.

The noble Lord spoke about isolation. If you happen to be in work when you are diagnosed with a disability, one of your major social interaction points is removed, at least to an extent. However, if somebody at the workplace sees that the person with a certain physical condition or disability can function, suddenly a barrier is removed. It is about getting the person into that situation. One of the greatest lessons I have learned is that you encourage that to happen by making sure that it is as easy as possible to provide assistance.

We have discovered that slightly changing a line manager's budget is one of the greatest barriers to making sure that the right assistance is provided in the workplace for a person identified as disabled. That is often the case with a late-onset disability. Someone might say to their employer that they have rheumatoid arthritis and will need a new chair and a new keyboard. The employer asks, "How much will that cost? Wait a minute. I want to paint the office and upgrade the entire computer system. How am I going to get the money for that?" If the assistance comes from elsewhere, things will happen quickly. The employer will then find that they do not have to deal with somebody, possibly with mental health problems, who turns up late, and they will not have to face legal fees for constructive dismissal and so on. Things become easier and quicker if there is identification and you are told that there is a comparatively straightforward way of dealing with the problem. All disability groups will benefit if we encourage government to do that.

One major barrier arises if people say, "That's not what we do and that doesn't concern me". That happens largely because many people—usually those with the less obvious forms of these conditions—never identify themselves and carry on underachieving, not getting promoted and hiding in corners. We have to embrace the difficulties and try to get the potential out of this

group. A great deal of time, energy and money can be saved by doing that, and the lives of the people in those groups who are around you will be improved.

The Government should take on board that people should be encouraged to self-identify, and it should be communicated to them that any problems they have can easily be solved or at least mitigated. That is what I would encourage the Government to do. Looking 50 years into the future, if we properly implement the solutions and take the practical steps that we have identified now, a great many of these problems will, if not disappear, at least become rather more manageable.

12.23 pm

Baroness Browning (Con): My Lords, I congratulate my noble friend Lord Borwick on bringing this very important debate to the Chamber today. I am very pleased to follow the noble Lord, Lord Addington. The point that he made about the breadth of disability is very important because, for many people born with a disability, it will impact on them for their whole life. People might become disabled due to disease or accident, and then there is the frailty of old age. We must not forget parity of esteem and make sure that we recognise mental health and cognitive impairments, which sometimes also link to a physical disability. Therefore, it is a broad spectrum.

I welcome the prospect of what artificial intelligence will bring to that very wide and diverse group. Medical genetics, biopharmaceuticals and personalised healthcare offer us all—particularly those in the disability group—an opportunity for increased support and, in some cases, even a cure. But we should not focus only on machines and technology; as has already been mentioned, people are involved in caring for other people with a disability. We must make sure that people are at the forefront: people who are properly trained, who understand the nature of the disability, and—if I may say so—who are rewarded in an appropriate way for the important work that they do.

I want to talk about money—I know it is vulgar but I will do it, even in the House of Lords—and by that I mean money from the Government and money that people contribute personally to disability care costs. I shall speak first about money from the Government. Yesterday, the Alzheimer's Society, of which I must declare I am a vice-president, announced that it believed the Government should provide a dementia fund for people with a diagnosis of dementia. People living with dementia face higher charges for care than those with other conditions, many of which allow for free care on the NHS. This is due to a lack of social care funding.

No one should face increased costs from developing dementia. Through the Green Paper on social care, which we are yet to see, the Government must ensure that people with dementia no longer face a disproportionate financial responsibility just because of the condition that they have developed. It is a disease. There are 850,000 people living with dementia in the UK, and that figure is expected to rise to more than a million within the next two years. The progression is rapid. The system of support for people living with dementia is unfair, unsustainable and in need of a long-term

overhaul to ensure that they receive affordable, high-quality and appropriate care. Despite living with a health condition just like people with cancer or diabetes, people with dementia get most of their support from the social care system and do not receive most of it free at the point of use.

According to research by the Alzheimer's Society, people with dementia typically pay £100,000 in care costs, with 15% to 20% higher costs than people without a complex condition, and in some cases more. There were 70,000 avoidable hospital admissions of people with dementia in 2016-17; this represents an increase of 70% in the last five years. Although the Alzheimer's Society is looking to the Government to provide a dementia fund, noble Lords can therefore see that adequate provision would create savings throughout the health and social care system. Training for those in adult social care who interact with people with dementia is also really not up to par; it is not up to tier 2 of the dementia training standards framework. I hope that will be addressed when we eventually see the Green Paper.

Dementia costs the UK economy £26.3 billion per year, an average of £32,250 per person; that is enough to pay the energy bills of every household in the country for a year. But the people affected by dementia shoulder over £17 billion of care costs—an extraordinary amount that represents two-thirds of the total costs. It would take someone around 125 years to save for their dementia care costs if they saved at the same rate as for their pension. There is a need for the Government to consider very seriously this request from the Alzheimer's Society for a dementia fund that will assist with increased training and the financial costs that the public bear.

The other area I want to touch on is money and the individual. All Governments, of all persuasions, in recent years have failed to take the opportunity that the tax system could offer to those with dependants who have a disability.

We can talk about many issues here. I declare an interest as a vice-president of the National Autistic Society, and I have raised the subject of autism on the Floor of both Houses for many years. I have a very personal family interest in the subject. Regarding autism or any other disability, we spend a lot of time talking about education, social care and getting into employment, all of which are incredibly important, but when you talk to parents of a child with a lifelong disability you find that the one thing that haunts them is, "What happens to that child when I am no longer here?" It does not matter if the child is four or 40.

There are parents around the country whose children, including adult children, have many different disabilities, and they would quite willingly make provision for their child in their own lifetime, to make sure that that child or dependant was able to survive to a more suitable standard of living and in a more sustained way when their parents were gone. Yet we have inheritance tax rules in this country which have said for decades that under the lifetime gifts rules you can gift only £3,000 per year, and even if you are able to make a substantial gift to a child to make provision for them for later on, you have the difficulty of the seven-year rule. I know there are trusts. I have looked at trusts; I

have spent a lifetime studying them, and I have to say that solicitors do very well out of them. I will say no more than that. Sorry, I am looking at one or two lawyers around the Chamber. Some are nodding. How very honest of them.

When the Government look at inheritance tax and taxation generally, could they please look at people with responsibilities for disability? Can we not change the rules so that such people are not penalised, but are able to take the opportunity to use money that they themselves have earned to make provision? Many of them are very willing to do so.

12.31 pm

Baroness Thomas of Winchester (LD): My Lords, I too congratulate the noble Lord, Lord Borwick, on knitting together two very different issues: the here-and-now problems that disabled people have in their everyday lives and the potential for improved treatment and outcomes in the next 50 years.

If we look back 50 years, there are many life-enhancing technologies that were not available then, such as hip and knee replacements, voice-activated software and computers themselves, while disabled access to many public buildings was impossible, with few accessible toilets. I do not think that the terms "autism" and "dyslexia", both of which we have heard about this morning, were as well recognised then as now, and mental health problems were often hidden. In Britain, 22% are reckoned to live with a disability—or 19% of working-age people—meaning, in UN terms, that they have poorer health, lower educational attainment, fewer economic opportunities and higher rates of poverty.

It is refreshing to be asked to consider what the future for disabled people might look like in 50 years' time, although we should not get carried away with thinking that today's problems will have melted away. In the medical field, there will undoubtedly be all kinds of exciting breakthroughs—such as, for example, the amazing technology, now in its infancy, that allows some people with spinal cord injuries to begin to learn to walk again. We also hear that artificial intelligence can help blind people and PowerPoint can help deaf people.

However, it will probably be all the things that help disabled people to live independently that will make the most difference to the greatest number. That means not living in residential care but having help to get out and about; to work, if necessary; or just to live a normal life. Yes, there will definitely be sophisticated electronic devices to help with this, and in 50 years' time perhaps everyone will have some form of smart home technology. But are smart devices really going to supplant personal assistants or carers? A great number of disabled people in 50 years' time will be very elderly, like the noble Lord, Lord Borwick, will be. I cannot see technology being the sole answer for them, as he said. I hope the Department of Health and Social Care has factored this into its calculations.

I join with others in saying that it is shocking that we have not yet seen the Government's plans for social care, which are so urgently needed. Unless some serious training and recruitment is done, there will not be nearly enough care workers to cope with the growing

[BARONESS THOMAS OF WINCHESTER]
demand for home care, particularly if Brexit goes ahead. How care is paid for is, of course, the burning question that must be tackled, as is sorting out the fuzzy and unsatisfactory boundary between NHS continuing care and social care.

But before I leave the world of assistive technology in the home, I hope in time that it can be harnessed to enable far more disabled people to be employed. I hope it is something that work coaches at the Department for Work and Pensions are exploring right now. Far more attention also needs to be paid straightaway to the provision of both accessible and adaptable homes, and wheelchair accessible homes, which are needed now as well as in the years to come. That is something that the noble Lord, Lord Borwick, touched on when he praised Habinteg, the housing association for disabled people. As for transport, perhaps we will all be riding in driverless cars in 50 years, although I find that a terrifying thought. “Who will help us in and out?”, I wonder.

So what would make a difference to disabled people’s lives going forward? I envisage a world where there are more hydrotherapy pools for those with limited mobility—I hope that the noble Lord, Lord Luce, will touch on this when he speaks; where wheelchairs and scooters have long-life batteries for travelling good distances; where most restaurants, cafés and shops are accessible; and where a lot of good hotels, far more than now, have electronic beds and hoists. Surely these things could be available in far less than 50 years.

Also by then, we should have far more disabled people not just in employment but in positions of power and influence as local councillors, school governors, mayors, CEOs, MPs, Peers, judges and, yes, government Ministers. I know that the noble Lord, Lord Holmes, is on the case. We again heard about that today at Questions. Let us mandate all local authorities to have an access officer who has a disability.

To sum up, society must be eternally vigilant over the needs of disabled people; otherwise, we risk the clock going backwards, however good the technology. Being disabled is very expensive and probably always will be. In 50 years’ time, life may well be better for all disabled people, but only if those in positions of leadership always involve disabled people themselves in what they really need and what really works for them.

12.39 pm

Baroness Campbell of Surbiton (CB): I thank the noble Lord, Lord Borwick, for tabling this debate today. He has been a great friend of disabled people, championing developments in housing, transport and deaf children’s inclusion in education. I am also glad that he mentioned Bert Massie, an exceptional disabled person whom I had the pleasure of working with from when I was about 22. We worked together on the Disability Rights Commission. That body probably drove some of the best changes in disability equality that this country has seen. He mourned its closure, as I do. He was a disabled person, he worked with disabled people and together we were able to ensure that the Disability Discrimination Act was implemented. Things are going a bit cold now.

This House has a long history of working with disabled people and furthering our causes. Great pioneers, such as the late Baroness Felicity Lane-Fox, Lord Ashley, Lord Morris, Lord Rix and Baroness Darcy de Knayth, are but a few. We have gone from being hidden away and cared for by charities, to being citizens with equal rights enshrined in legislation, within a matter of 50 years.

With the passing of the Disability Discrimination Act, the advent of social care direct payments and a number of entitlements such as disabled facilities grants for home adaptations and disability living allowance—now PIP—our ability to live independently, for many but not all, became a reality. The package, taken together, enabled greater inclusion in the community as active and not dependent citizens.

Our case for a more integrated and joined-up response to our needs, with the emphasis on self-determination, is what disabled people call independent living. This is about living—living a life, as we all do today. This important principle has been largely accepted but not yet fully realised. In probably the last 12 years, there has been a notable slowdown in progress. Independent living is not just about social care. It is not about living on your own or doing things for yourself. It is about having choice and control over whatever support we need to go about our daily lives—working, socialising, raising our families and so on. It means, as the UN Convention on the Rights of Persons with Disabilities says,

“the equal right ... to live in the community, with choices equal to others”.

Independent living aspirations rely on an integrated support framework and the removal of barriers in all aspects of our lives. Remove or reduce one aspect of support, and independent living becomes more expensive, dependent living. It is probably 13 years since the UK adopted the promotion of independent living as an official policy and committed to developing a system of integrated support. However, due to a combination of austerity measures, the closure of the Independent Living Fund, changes to disability living allowance as it migrated to PIP and a lack of progress in the realisation of the UN Convention on the Rights of Persons with Disabilities, progress has ground nearly to a halt in this area and, in some aspects, is regressing rapidly.

What must be done? In thinking about this debate, I asked the noble Lord, Lord Borwick, what he was hoping to hear from our contributions. He encouraged me to think big. So, here I go. If I were Prime Minister tomorrow, I would look to develop radically disabled people’s current ideas of what it would take to be independent, as articulated in the life chances report and in Article 19 of the UN CRPD. A friend of mine suggested an excellent term for such an enterprise: “a comprehensive access to living scheme”. That sums up the kind of integrated, wraparound support required to support living a full life. This would replace our current support provision, which divides disabled people up into unwieldy boxes of social care, continuing healthcare, housing or employment support.

To do this, the Government would, first, develop a national access to living fund, which would bring together all the current state-funded work streams earmarked for our various support needs. Secondly,

the Government would reinvest in the regional networks of crucial peer support as currently practised by user-led organisations such as the centres for independent living, and seed-fund new ventures in the form of co-ops, social enterprises, community businesses and other charities. This would enable a hundred flowers to blossom, making for a strong access to living culture, and enabling all disabled people—all, no matter what their medical condition—to maximise their life chances. An access to living investment would foster the transformative social capital we have yet failed to realise under current outdated systems, which, in social care support alone, now offer only the top-down, survival safety-net services.

I therefore invite the Minister to start by meeting the disabled people who have been thinking about this new idea. The national Independent Living Strategy Group, which I chair, is a disabled people-led think tank, set up especially to look at progressing independent living. It is working on this and another very important proposal, which is for an access to living programme of action: namely, to amend current legislation to deliver a new free-standing Bill to achieve this joined-up vision. The Independent Living Strategy Group has already looked at what the incorporation into British law of Article 19 might look like, and we would like to share our thinking with the Government on this.

However, this cannot be done without disabled people. Unfortunately, this Government have not been very good at working with disabled people. I remember the 1990s, when we worked with Ministers and experts in the Civil Service practically weekly; now, you would be lucky to get a meeting once every three months. That has to stop. We need to work together—I mean truly together—because it is high time that disabled people's right to social inclusion was a reality and not a dream.

12.48 pm

Lord Holmes of Richmond (Con): My Lords, it is a pleasure to take part in today's debate and I congratulate my noble friend Lord Borwick on having such a visionary title for it. Few people have done as much as he has on access to transport, not least when it comes to London's licensed taxis. We should all be incredibly thoughtful on that point when others seek to let new entrants into the taxi market. That same level of access should absolutely be guaranteed before they are given a licence in this city. I must, however, pull up my noble friend on his most pessimistic point. I have no doubt that he will celebrate his 115th birthday. I look forward to celebrating it with him, when I will be a mere child of 97.

There is much I would have liked to cover in today's debate—education, employment, social inclusion and everything around the fourth industrial revolution, not least artificial intelligence—but I will limit myself mainly to the issue of public appointments. Outside your Lordships' House, who even knows what a public appointment is? Yet there are more than 6,000 public appointments to 500-plus public bodies responsible for the governance of over £200 billion of public expenditure. For that reason and many more, I was delighted to accept an invitation from my right honourable

friend the Minister for Implementation, Oliver Dowden, a year ago, to lead a review into public appointments in the United Kingdom, not least what was happening for disabled people.

There are 6,000-plus public appointments. Currently, 3% are held by disabled people. That is around 180 public appointments. When compared to the overall figure, perhaps we should consider them public disappointments. People fortunate enough to hold public appointments often hold a number of them, which actually means that fewer than 180 disabled people exercise those most important functions in our society. I wanted to look at the reasons that so few disabled people came forward, even fewer were appointed and why we knew so little about the disability status of all people applying for public appointments.

Giving an inclusive and accessible approach to applying for a public appointment is not seeking to give a disabled person an advantage or a leg-up; it is merely enabling disabled people to apply with fairness, dignity and respect. Allowing alternative means to apply for that public appointment is not giving a neurodiverse person an unfair advantage. It may be the difference between them being able and unable to apply for a public appointment at all.

I will share some of the recommendations of my review, not least because my intention in doing the review was that these would be specific to public appointments but would have wider application across all areas of public, private and third-sector life. First, to set a target, 11.3% of all public appointments should be held by disabled people by 2022, with a review held this summer. I do not believe that 11.3% should be a ceiling, but an interim target. It reflects the current target for disabled participation in the senior Civil Service. I ask my noble friend the Minister whether she agrees with that target of 11.3% and what progress is being made towards it. By 2022, I believe we should be well set to go beyond that target.

I wanted the whole review to be focused through the lens of talent, because that is ultimately what we are talking about—the golden thread that runs through all our lives. When it comes to attracting disabled talent, role models are critical. I have already said that less than 3% of public appointees are disabled people. That means that the number of role models is small but incredibly important.

The Government should undertake a serious mentoring programme for all diverse potential applicants for public appointments. They should look at the multipliers, connectors and conduits; at all the channels of the excellent organisations of and for disabled people; and, equally, at organisations across our society. If, for example, the Ministry of Justice was looking to have a disabled person on one of the legal boards, it should look to legal publications, the Law Society, et cetera—to go broad and deep on this. Innovation should be at the heart of everything we do. Why can one apply only with a relatively inaccessible application form and, irony of ironies, a pretty inaccessible monitoring form? We should do stuff differently; if we do not, how can we expect to achieve different results? Why have interviews? Why not have mock boards or shadowing? Think wide, think broad, think innovation. If we want public

[LORD HOLMES OF RICHMOND]

bodies which truly reflect and represent our fabulous, bright, beautiful and diverse Great Britain, we need to go about this differently.

Ultimately, we are talking about change. Change is not easy, but it is essential. When I was lucky enough to lead Channel 4's Year of Disability in 2016, not only was I incredibly fortunate to lead a group of people called the Year of Disability advisers—which meant that I was the chairman of YODA—but we were able to put in place many positive impacts both for broader society and for the channel. As noble Lords have mentioned, we need people to identify as disabled people. We were able within seven months though specific, targeted interventions to take the level of our people at Channel 4 self-identifying as disabled from 3% to more than 11.5%. Change is difficult, but it does not need to take a generation.

To take us to the big level—the next 50 years—heading not only towards my noble friend's big, fabulous birthday party, what do we need to see? Many years before that point, I would hope to see a complete elimination of the attainment gap for disabled people in education. I would want equality of opportunity and representation in all areas of employment and in every aspect of our public life.

As I have already said, it is pretty simple if we take it down to the question of talent. We need government, civil servants, private sector, public sector—all of us—to look harder and further for that talent, not least that held in all the fabulous disabled people up and down the country who, sadly, all too often do not get the opportunities. Ultimately, our business needs to be about this, addressing the fundamental issue that still blights our society. Talent is everywhere; currently, opportunity is not.

12.58 pm

Baroness Grey-Thompson (CB): My Lords, I, too, thank the noble Lord, Lord Borwick, for tabling this debate—I have to say, he made me smile. Unfortunately, some of the discrimination that I still experience these days is people wafting a hand in my direction and telling me that people like me cannot do lots of things. I hope that I am able to channel the spirit of the much-missed Sir Bert Massie in saying that my response to that is always, “What? You mean Welsh people can't do those things? Oh, sorry, you mean the disabled?”

I understand that the Minister might not be able to answer all my questions today because my contribution will cover a wide variety of areas, from physical activity to wheelchair provision and public transport, but the issues and solutions for disabled people show that they do not fit into just one government department; we are not just one homogenous group.

I declare an interest in that I am chair of ukactive and of the national Wheelchair Leadership Alliance. As I hope most of my noble friends will be able to attest, having the right wheelchair is crucial to living an independent life. Having the wrong chair or the wrong cushion can be disastrous. A pressure sore alone can cost the National Health Service £150,000 to heal. While I am delighted that in their response to the consultation on their 10-year plan the Government

have committed to creating a legal right to a personalised wheelchair budget, there is still much that we need to do. I hope that the Minister will be able to reiterate that commitment. Within this work there is an amazing opportunity to create greater alignment of health and social care support for disabled people through integrated personal budgets and applying the comprehensive model for personalised care. Providing the right chair is a complicated issue of tariffs and access. This is not just about creating significant savings but, if we get it right, radically improving the health and lives of disabled people.

We know that everybody benefits from having more physical activity in their life. The Alzheimer's Society has recently produced an amazing guide to show what those with Alzheimer's can do and how they can benefit. Activity Alliance recently published research showing that a significant number of disabled people have concerns about being physically active in case it affects their support and benefits. Everyone Can is a project, commissioned by Sport England in 2017, which aims to encourage more disabled people to be physically active by identifying and addressing a number of specific barriers encountered when using gym and leisure facilities. Slightly worryingly, Sport England's 2017-18 Active Lives survey found that 42% of disabled people and those with long-term health conditions were inactive. This is double the rate of those without disability or impairment.

We have to turn physical activity into a reality for disabled people, so ukactive has been working alongside disability organisations, such as Activity Alliance, Disability Rights UK and Sense, to identify the common barriers and a range of potential solutions which could be piloted and rolled out in the next two phases. This has included consultation with disabled people, disability experts, advocacy organisations and leisure operators. In phase 2, interventions will be piloted across a select number of sites and will be underpinned by rigorous assessment and evaluation. They will look at a consistent data standard, how we make changes to the physical environment, and staff training and workforce development, encompassing technical and communication skills. We have to create a more joined-up stakeholder community that highlights the importance of physical activity among disabled people and signposts them to appropriate local provision. To combat the fear of being physically active, we have to look at the personal independence payment structure and how assessments are carried out to make sure that people who are being active do not have their benefits removed and that being active is not seen as a negative thing. It can only be positive if disabled people are able to be active.

I turn to public transport. There is still a lot of discrimination if disabled people want to travel by plane. The noble Baroness, Lady Vere, has offered me a meeting. The ball is firmly in my court to take her up on that. I take more than 100 train journeys a year and I was recently asked what I wanted for disabled people. It is really simple: I want the same miserable experience of commuting as everybody else. Sadly, we are not there. Luckily we do not have to travel in the guard's van any more but—this is slightly tongue in cheek—at least then we had a chance of getting on and off trains. I apologise to anyone who follows me on social media for the amount that I post about trains, but it is to

show the challenges that many disabled people face every single day. There was no accessible toilet on the train that I used on Monday to come to London to be in this Chamber. I knew about it before I got on the train, but in this day and age it surely cannot be acceptable for trains to run with no accessible toilets. The booking system needs a lot of work. I have had many positive interactions with Network Rail and the train operating companies. To be fair, they did not realise the size and scale of the issues that we have to deal with, but the Government can also do more.

In recent days, FirstGroup confirmed to a colleague of mine that there will be only two spaces on the new London to Edinburgh service that comes into effect in 2021. The new Caledonian Sleeper has no accessible shower on board. I am looking forward to a time when I book such a journey and push through the station in my pyjamas looking for an accessible shower that may or may not be in the station. I am not sure that anyone is ready for that. The accessible twin rooms on that sleeper do not have any access to the lounge, so disabled passengers will be very isolated in the room that they book. It is not currently possible to book online. What about people who are deaf or have multiple impairments? At the moment, the only way to book is by phone: this is not accessible. I have not yet written to the operators of the Caledonian Sleeper; I will be making contact this week. It has recognised that it has to do more. I found out this morning that GWR's sleeper service has designated space in a room with wheelchair access but, again, no access to the lounge. It provides room service or at-seat service, but limits the way that a disabled person can move around the carriage.

The new Azuma trains that have come on line with LNER have had a mixed response. I was offered an opportunity to go and look at one. I was not able to take up that particular date, but I shall go and look at it in the next couple of weeks. I heard this morning that the wheelchair seats have no windows and are isolated at the front and back, which does not always provide easy access for people. There are examples of good practice. Abellio is apparently very good at consulting disabled people, but other train operating companies in the network have to continue that good practice.

Finally, I ask Her Majesty's Government not only to support co-production and consultation with disabled people—it is a travesty that train operating companies are not consulting disabled people on these issues—but to look at the design regulations again to ensure the best outcome for disabled people, so that we can have the same miserable experience as everybody else.

1.05 pm

Lord Lingfield (Con): My Lords, I am indebted to my noble friend Lord Borwick for tabling this far-seeing debate. I remind your Lordships of my registered interest as the chairman of the stroke charity ARNI, Action for Rehabilitation from Neurological Injury.

Stroke is the leading cause of disability in the United Kingdom and there are some 1.25 million people living with its effects at any one time. My noble friend mentioned the period 50 years ago when stroke, often then loosely called apoplexy or seizure, was a

death sentence; today things are, of course, very different. There are about 130,000 new stroke victims each year in the UK, and the vast majority leave hospital having survived. The reasons for this are the extraordinary advances in acute clinical care during the last decades. There is also far greater public awareness of stroke, of its immediate symptoms and of the absolute necessity of seeking urgent help from the emergency services. I pay tribute to the Stroke Association and other stroke charities for their very successful dissemination of this vital information.

If you have a stroke, you should be rushed off to hospital and treated with a thrombolytic—a clot-busting drug—within four hours. You then stand an excellent chance of survival. However, it is on discharge from hospital that, for many people, their future disabilities really strike home; disabilities which will require lifelong support for a great proportion. For instance, 70% of them will have upper limb problems that render a hand useless and many will suffer weakness and lack of control of a leg, which makes walking extremely difficult. If they are of working age, too often employment becomes impossible. The annual cost of stroke in the UK is estimated at £26 billion. The stark reality is that families and carers pay for three-quarters of long-term care themselves. The current evidence suggests that the average annual cost of a stroke can be as much as £22,000 per family.

Alarmingly, the incidence of first-time strokes in people aged over 45 is expected to increase by 60% over the next quarter century. Many of these people hope to return to work. They are, in fact, three times more likely to be unemployed than if they were not disabled by stroke. Following discharge from hospital, patients may receive some, largely passive, physiotherapy and, if necessary, speech therapy, but this is quite strictly time limited, measured in weeks rather than in years—and then, to quote Andrew Marr, whose own stroke brought him considerable disability, you fall “off a cliff”.

Most stroke survivors, therefore, are stuck in perpetuity with their impairments and incapacities and a much-reduced lifestyle; the consequent effects for them and their families and carers are huge and debilitating. What can be done in future years to improve their rehabilitation? We most seriously need more research on rehabilitation. At the moment, stroke research is allocated about £56 million each year, compared to, for example, £554 million for cancer. Most, quite rightly, has gone on clinical research on the acute stage, on primary care, the causes of stroke and its prevention; far too small a proportion has gone on rehabilitation.

One hopeful area is to take advantage of neuroplasticity, the ability of the brain to reorganise itself by forming new neural connections to compensate for injury. However, this reorganisation does not just happen; it seems to require constant repetitive active exercise to make neural connections stronger and to drive functional changes. To give an example, last year I met a stroke survivor aged 38 who had lost all ability to grip a glass or mug. She was trained by my charity constantly to attempt this, day after day, in a special routine. At first the movements were almost imperceptible, but she persevered. Eight months afterwards she could demonstrate to me an extraordinary improvement: she

[LORD LINGFIELD]

could lift the mug to her mouth and drink. Each day of determined repetitive exercise had made her neural connections stronger until her hands operated again.

Another patient, a young man aged 17, was devastated to be paralysed by a stroke, probably caused by a sports-related injury. Absolutely determined to improve his ability to walk, he devoted himself for a year to a series of specially tailored repetitive exercises, performing them day after day and gradually making tiny improvements. He was, at the end of this period, able to kick a ball and catch it. I have seen very many other examples of success: they require dedication and patience. My charity trains and qualifies specialist rehabilitation instructors. They visit patients in their homes to help them with repetitive exercise routines, to do action control work for upper limbs, to do strength training and to teach crucial physical coping strategies for those with loss of control on one side of the body, such as getting down on and getting off the floor without support. In short, this is targeted therapy aimed at finding what improves individual stroke survivors.

At the moment, stroke rehabilitation of this kind is carried out by only a few charities; it has been subject, however, to some excellent pilot studies. We badly need a national programme of such treatments, publicly funded and assisted by ongoing research into outcomes. Given our ever-ageing population, we need these in the next five years, not in the next 50. Given this serious gap in provision, I hope my noble friend the Minister will be able to give me some hope and reassurance that there will be a change in attitude and direction concerning rehabilitation after stroke.

1.13 pm

Lord Luce (CB): My Lords, I am delighted to follow the noble Lord, Lord Lingfield, who demonstrates how many types of disability we have to consider. I thank the noble Lord, Lord Borwick, for setting us the very good challenge of imagining where we would like to be in the field of disabilities in 50 years' time, and even enticing us with the prospect that we might all be here in 50 years' time to take part in this debate again and to take stock—indeed, that we might have a Green Paper or even a White Paper to consider for that debate.

I want to say one thing in particular. There are noble Peers in this House, many of whom have taken part in this debate, who suffer from very notable disabilities and we owe them an enormous debt of gratitude for the service they give here, the courage they show and the leadership they give to all those outside this House who suffer from these varying disabilities. For my part, I declare an interest as someone who for 50 years has suffered from chronic pain linked to musculoskeletal problems. As I will say in a moment, there are many millions of people who suffer from this. I just want to put down two considerations in this debate for this category of people. First, we need to implement a national chronic pain management service which is well co-ordinated and effective: we have a long way to go. Secondly, in the field of work and health, we need to ensure that people who suffer from chronic pain and other disabilities in their jobs retain those jobs or, if they have lost them, are helped to get back to work.

I shall give some facts. First, some very cautious figures, there are at least 8 million people who suffer from chronic pain, many with musculoskeletal links, of which 4 million suffer from severe chronic pain that hinders their activities quite seriously. Of course, it is true that those who are over 65 suffer more pain, but let us take people in their jobs. Some 25% of those who do jobs and suffer from chronic pain lose their jobs—that is a critical figure. Moreover, in five out of 10 global diseases, pain is a major component. So pain is common, expensive, disabling and distressing. People want to see a reduction in their pain and an improvement in their quality of life. I have worked with other specialist pain organisations in the last 10 years to campaign for this.

The first thing we need to recognise is that there are core quality standards for dealing with pain management services. NICE has set out certain standards on back pain, for example, and how to deal with it. Pathways have been established. There is evidence of best practice—in Sheffield, Gloucestershire and Scotland, for example. What is missing is the effective, well co-ordinated implementation of these guidelines. Across the country, it is still very much a lottery, with particularly poor services in areas with people who have very low levels of income, who suffer badly. These pathways should indicate, in my view, a kind of pyramid of pain services, because at least 50% of patients can be dealt with through primary care. GPs have been described to me very well as acting as a sophisticated sieve to do the initial assessment, but the more serious cases enter the region of multidisciplinary support, which is what they need. That needs to be tailor-made to their particular setting and their own problem.

The key to this is to learn self-management, but you then have to draw on the multiplicity, the battery, of different specialisms. There is medication, of course. I will not get into opioids now, but I have weaned myself off opioids after 10 years and I think that that is quite a good thing to do. Physiotherapy is critical and there is osteopathy and acupuncture, of course. Psychologists can be vital, because there is not yet a recognition of the mental health aspects of suffering from pain. I will come in a minute to the role of occupational therapists, who play a vital role in getting people back to work. Learning self-management is like conducting an orchestra: you need to know what instruments to draw on—what medical specialisms to draw on—in conducting that orchestra in order to strengthen one's own health and reduce pain. Providing a national service is the first priority.

The second priority is health at work. Over the last 10 years Dame Carol Black has produced two remarkable reports on how to make it easier for people who suffer to stay in their jobs, or come back to their jobs if they have lost them. In that period, one thing that has been achieved is that it is now accepted that work is good for the health of people who suffer from a disability. Indeed, I was a great friend of Mrs Pearsall, who invented A-Z maps, who suffered from intense pain for 50 years. I asked her the secret—“How do you deal with it?” She said, “Divert the pain's attention”. I replied, “That's easy during the day—you just work hard. What about the night, when you can't sleep?” She said, “My dear, it's very easy. You just read the Bible all night”. I have not quite got to that stage, although I am trying hard.

Many at work suffer and, as I have already said, many lose their jobs because they suffer from chronic pain and related problems. Those who have pain are a big cost to the economy: £12 billion a year. The challenge for the Government is to improve employment for adults. They have set a very good target of getting another 1 million disabled people into work by 2027, but to achieve that, you need to ensure that you have an effective scheme. What has been known as the Fit for Work scheme is not working. Here, we have to recognise that it is not so much about the large employers who provide some occupational assistance but the small businesses. Above all, I emphasise occupational therapy, which I would like to ask the Minister about. There is a vital role to be played by occupational therapists in helping people to assess what is needed to enable them to stay at work, to ensure that the employers have a flexible system. What progress is being made with the Wellcome expert working group that has been set up to study occupational health and see what improvements can be made?

I welcome the progress that has been made but there is a long way to go if we want to keep people in jobs, improve their quality of life and indeed improve productivity for this country. That is what we should aim for in 50 years' time.

1.21 pm

Baroness Masham of Ilton (CB): My Lords, it is a pleasure to follow the noble Lord, Lord Luce; pain is such an important issue. I thank the noble Lord, Lord Borwick, for securing this debate on issues facing people with disabilities. Disability can be complicated and varied, as has been illustrated by this debate today. Disability is covered by many different government departments, so it may be difficult for the Minister in today's debate to answer all your Lordships' questions; perhaps she may be able to write to us.

I take this opportunity to say a few words about the Spinal Injuries Association. I declare an interest because, about 40 years ago, I started it and am its president. Most of our members have experienced traumatic injuries and life-changing experiences. Our members, who are often paralysed from the neck or back down, do not have feeling in that region. The three Bs are affected: bladders, bowels and bed-sores. There is a need for more advanced technology, such as superior wheelchairs, turning beds to help prevent bed-sores, suitable houses—with all the new houses being built, I wonder how many are suitable for people using wheelchairs—and all sorts of communication devices, the number of which increases all the time. I am sure that, in the next 50 years, there will be some wonderful developments. However, I was disappointed when the Government did not back the disabled access Bill of the noble Lord, Lord Blencathra, two years ago. It aimed to improve access; many people use electric wheelchairs and, without a ramp, it is impossible to get the wheelchair up a four-inch step. These ramps are not expensive, but many people do not know about them.

All spinal cord injury people should and must have access to specialist spinal health services, and the NHS must commit to funding the additional capacity it identified in its own service review of spinal cord

injury services. There must be a joined-up approach between health and social care, with each ensuring that disabled people are given the means to live independently, contribute to society and make the most of their lives. There must be independent monitoring and scrutiny of NHS continuing healthcare to ensure that the most vulnerable in society are enabled to live independently. The Government should explain how they intend to make £855 million-worth of savings from this national continuing healthcare by 2020-21. We cannot see how it can be done.

On Tuesday, I attended in the Cholmondeley Room the launch of myelopathy.org. It is dedicated to improving patient outcomes in cervical myelopathy—an under-recognised, progressive, painful and disabling condition—through scientific and clinical research, education, and collaboration with patients and the wider myelopathy community. The team is excellent, led by a charming Austrian doctor and with volunteers, some of whom are enthusiastic medical students. The team is based at Addenbrooke's Hospital, Cambridge. This gave great encouragement to many people who were there. I feel that we should all support each other, as our needs are often very similar.

Antimicrobial resistance—AMR—is an escalating global threat that puts millions of lives across the world in danger. We cannot rely on the development of new antibiotics alone to mitigate this threat. We need better preventive measures, as well as alternative treatments, including innovative ways to use the body's own immune system and healthy bacteria. There is a new white powder called micropore particle technology, which is a treatment for wounds—Acapsil is the trade name. When placed on the wound's surface, the particles use microcapillary and evaporative forces to remove moisture from the wound's surface, removing the toxins and enzymes excreted by the microorganisms. This support of the immune system enables the immune cells to selectively remove the unwanted microorganisms, while preserving the wanted micropopulation, removing the infection and, it is hoped, closing the wound. It functions as a passive immunotherapy. The Spinal Injuries Association is very interested in this and hopes that it will be accepted on to the NHS list. It could well save millions of pounds, as pressure ulcers cost billions of pounds a year across the world. Perhaps in the next 50 years there will be all sorts of interesting treatments.

Last week, the noble Lord, Lord Lansley, had a debate on antimicrobial resistance. The noble Lord, the noble Baroness, Lady Thornton, and I spoke of Achaogen. This start-up company in America is developing a therapy that was given FDA approval in July 2018 for the use of plazomicin in complex urinary tract infections. Sadly, the company filed for bankruptcy in April. The problem is that this new, much-needed drug was approved for use but there is no revenue to support it. Novel antibiotics such as this one get a relatively narrow indication for use, because the antibiotic is not broad-spectrum. It was targeted at the infection, which is what is needed because of drug resistance, but the sale is limited. Many spinally injured people get urinary infections, and resistance is growing to the present drugs for that problem. The noble Baroness, Lady Thornton, asked a question that I now ask

[BARONESS MASHAM OF ILTON]
again—I hope that we will get an answer. What will happen to this drug? It can treat the most serious superbugs. Will it be bought and developed by another company? It is needed. Urinary tract infections are very serious if untreated.

1.30 pm

Baroness Meacher (CB): My Lords, I too applaud the noble Lord, Lord Borwick, for initiating this helpful debate. If we want to improve outcomes in the disability field in the next 50 years, surely the best way of doing so, where we possibly can, is to prevent disability occurring in the first place. I therefore take this opportunity to speak about the potential to prevent some disabilities—obviously a limited number, but some—and to ameliorate many others, if only the UK could agree to establish a special category for medical cannabis within our regulatory framework. This sounds a narrow subject, but actually it has huge implications for many people.

First, why should cannabis be treated differently from other medications? One important reason is cost. Sativex, one of the only medications so far approved by the MHRA, went through so many expensive random control trials that NICE would not approve it on grounds of cost. The result is that severely disabled MS patients tell me that they still go to the illegal market to obtain cannabis to alleviate their symptoms. They say that the risk of arrest is worth it to feel better and have less suffering. I find that abominable, but that is what our system is causing.

I fear that a similar fate awaits Epidiolex. GW Pharma tells me that it has spent hundreds of millions of pounds on random control trials. I do not blame the companies—that is what they have to do. But NICE will surely rule that Epidiolex is too expensive to be prescribed on the NHS. The evidence from other countries, meanwhile, shows that cannabis medicines can be extraordinarily effective—much more effective than we recognise in this country—but their research is often based on outcome measures, rather than the very expensive, pukka random control trials. Of course I support random control trials and understand their point, but we have to make sense of our system for the benefit of patients. Ultimately, that is the only thing that really matters.

Epidiolex is coming on to the market, but it is already a suboptimal medicine: it is out of date before it even reaches patients. Israel has identified specific cannabinoids that are extraordinarily beneficial for treatment-resistant epileptic children, but in this country these children will, if they are lucky, be prescribed Epidiolex, if their parents can afford it. Epidiolex will perhaps help them to some extent for a short period, but that is just wrong when similar children in other countries have medication that stops their seizures. Why is this so important? We know that seizures cause brain damage and disability. Every week that we delay recognising cannabis as a medicine for treatment-resistant epileptic children, children are becoming disabled. Fifty years on, they will be suffering disability that they did not have to suffer. That is the point.

I implore the Minister to see what she can do in the department to hasten, ideally, recognition of a special category for cannabis—if only for a temporary period

of five years, initially—so that these children can get hold of the medicine they so urgently need. In Germany, cannabis medicines are recognised for more than 50 conditions. Many of them will involve disability and could be alleviated. Can we not follow something similar to the German example? Across the US, Canada and much of Europe, the extraordinary medicinal value of cannabis for some people—I am not saying that it would help everybody—is recognised far more than it is here.

Another important field is pain; chronic neuropathic pain in particular. I applaud the contribution of my noble friend Lord Luce. Chronic pain is such an important issue, given the enormous number of people who suffer every day. As it happens, cannabis medicines are far less dangerous, far less addictive and have far fewer side-effects than opioid medications, which are prescribed every day to people with severe chronic pain. What is wrong with us? What is going on here? We are doing something really bad, and I fear that it has something to do with our regulatory system and the costs involved for certain medications.

I briefly mention mental health. One does not think of cannabis in relation to mental health. I spent years in the mental health services, and I used to ask patients why they took cannabis, given that it interfered with their treatment. They used to say, “Because it makes me feel human. It makes me feel alive”. I thought that that was very interesting, and that was years before I had any interest in any of these drugs. Research evidence is emerging—it is not there yet—that cannabis may alleviate some of their positive symptoms as well. If patients with severe psychotic disorders could manage with cannabis and none of the antipsychotic medications that cause such severe side-effects, it would be completely wonderful. We just have to watch this space. As someone interested in mental health, I am watching rather carefully.

Research evidence is emerging about the benefits of cannabis medicines for these and many other indications: Parkinson’s, Crohn’s disease, brain tumour, PTSD and many more. Many of those conditions cause disability. We can prevent some disabilities—most particularly, I would argue, epilepsy and brain damage—and certainly ameliorate a huge number of others, but only if we put our prejudices behind us and change our regulatory rules.

1.37 pm

Baroness Jolly (LD): My Lords, I thank the noble Lord, Lord Borwick, for tabling the debate, his challenging speech and the invitation to the birthday party. The debate has been rich in not only its breadth but its depth. Last time we debated this topic, I spoke about the British film “The Silent Child”, which highlighted the difficulties facing many deaf children and their parents. The film was powerful in part because it placed the viewer in the position of a child who could not hear. A person-centred approach to disability is paramount to progress in disability rights. Over the next 50 years, we must work to ensure that people with all kinds of disabilities are included in policy spaces and that their diverse concerns and experiences are considered and acted on.

I was recently in contact with a young man, desperate to live independently, who, through his experience as an individual with physical disabilities, has developed an expert knowledge of gaps in the personal assistance system that supports his independent living. As a younger person, the sky should be the limit, but only when he can recruit suitable individuals trained to assist him with his day-to-day tasks. Crucially, he pointed out to me that for an active person such as him, the ideal assistant should be trained to do everything from heavy lifting and basic care to aiding him with administrative tasks and assisting him with his studies at university. Such a person is difficult to find when personal assistants are underpaid and their professional development training is neglected. Different funding streams from different parts of the public sector are often still not enough to pay a personal assistant a proper wage. He made a strong argument for reform, noting that disabled individuals wanting to live an independent life is the new “reality”. I would be grateful if the Minister could suggest a way forward for him and others in his position. I declare my interest as chair of the board of trustees for Hft, a national charity that supports adults with a learning disability.

There have been huge improvements in care for people with disabilities in the past 50 years; I expect that our imaginations cannot begin to determine what care might be like in 2070, in 50 years’ time. Every one of us wants to feel valued and loved, to have a home to share, employment, friends and to be cared for. This is the same whether you have no disability or a physical or learning disability. Debates on adult social care in this place tend to revolve around the need to support older people; that is important but I welcome this debate on disability, which is often forgotten. If you ask someone about their mental picture of a disabled person, it is usually someone in a wheelchair or with other aids or adaptations. Across the UK, organisations work tirelessly to provide those basic wants for adults.

I will focus the rest of my contribution on learning disability and the financial problems in delivering care. The estimated 905,000 adults with learning disabilities in England represent a growing cohort of adults needing social care support. For the most part, they look like any of us—able-bodied people. According to the County Councils Network, adults with learning disabilities can account for up to 35% of the total budget for adult social care spending for local authorities in England. Adults with learning disabilities also represent the fastest-growing sector in adult social care. In 2005, only six of the 151 local authorities in England spent more on care for working-age adults than they did on care for the elderly; in 2017, 57 did so, so the switch during those 12 years has been considerable. Adults with learning disabilities are living longer lives. While this is to be welcomed, we should also be aware that the support these individuals will need will become more complex if they develop secondary support needs; for example, adults with Down’s syndrome are more likely to develop dementia earlier in life than their non-disabled brothers or sisters.

Unlike care for older people, support for adults with learning disabilities is funded solely by local authorities, with no self-funders. Figures published by NHS Digital show that between 2014-15 and 2017-18

the number of adults with learning disabilities requesting social care support more than doubled, but 66% of people ended up getting no support and only 19% ended up with long-term support. Local authorities have considerable power over providers. They are the only purchasers of services in any given area, so are, in effect, a monopsony. With few providers having reach beyond one or two local authorities—and with exit barriers relatively high and entry barriers relatively low—most providers are beholden to individual local authorities for all their funding.

However, noble Lords will be aware that local authorities have borne the brunt of the Government’s austerity programme, with funding from central government rapidly decreasing. This has placed a downward pressure on the rate at which they are able to commission social care packages. Providers are becoming overrisked and underrewarded. Contracts are typically commissioned annually on the basis of the number of support hours an individual needs. The more independent a person is deemed to be, the fewer the support hours commissioned for them. This creates perverse economic incentives, as providers which are able to invest in improving the quality of care they deliver face being penalised by having the number of hours reduced. This could have potentially damaging consequences for both the financial sustainability of the provider and the support of the individual in receipt of care. My charity’s recent report, *Sector Pulse Check*, stated:

“More than half (59%) of providers have begun to hand back contracts to local authorities as a way of responding to funding pressures, compared to 25% in 2017. Looking forward, 68% said that they envisage having to hand back contracts ‘in the near future’ if their financial situation does not improve”.

Learning disability cannot be treated. There are few aids, adaptations or devices to help the individual and the carer. However, I am optimistic about changes in the digital sphere. I hope that digital technology will soon be able to detect changes in behaviour to indicate when someone will have an epileptic fit, and that virtual reality will be used to teach skills such as cooking and road safety without danger. The technology is there, but it requires the big digital innovators to work with interested university departments to see this as a good social project and invest. I hope that they are listening.

In his recent appearance before the Lords Economic Affairs Committee, Health Secretary Matt Hancock said that he saw a “series of injustices” in the system but was,

“more attracted to options that build and directly improve on the system than ripping up the whole thing and starting from scratch”.

I welcome the Secretary of State’s interest but wonder whether the Minister can tell us how much longer the wait for the Green Paper will be—a green thread that has run through the debate.

Looking ahead to the next 50 years, Governments should look to a more outcome-focused way of delivering social care for adults with a disability. By incentivising providers to invest in the future of their services, and rewarding them for delivering improved outcomes, we should begin to see the creation of a social care system that delivers high-quality support for adults with disabilities in a way that lowers local authority spending and does not threaten the financial stability of providers.

[BARONESS JOLLY]

On a final note, I hope that the newly appointed Minister, Justin Tomlinson, takes note of this debate and, more importantly, takes action.

1.47 pm

Baroness Thornton (Lab): My Lords, I congratulate the noble Lord, Lord Borwick, on initiating this fascinating, well-informed debate. I declare an interest as a member of a clinical commissioning group.

I appreciate that the debate is fundamentally optimistic about the future for people with disabilities. It celebrates the progress made and expresses the hope that science, medicine, technology and societal enlightenment hold for curing, preventing and alleviating many conditions, as well as creating the living conditions we would want for ourselves and all members of society. Every day we hear about life-saving, gene-altering drugs and treatments, which are exciting and bring hope to many people and their families. Indeed, the planning, environmental and other changes that seem likely in the next 50 years were eloquently mentioned by the noble Lord, Lord Borwick.

In these remarks, I of course want to speak about the future and the hope that it holds for disabilities of all kinds. However, we need to start by being truthful about the situation currently facing millions of our fellow citizens with disabilities in this, the fifth-largest economy in the world and a rich first-world country. We must do so for two reasons. First, it is important to hold this Government to account for the poverty and reduced life chances that their policies over many years have visited on the disabled. Secondly, what will the Government do to ensure that disabled people are treated with equality and have equal access to the advances in medicine and technology we have spoken about?

There are 13.9 million disabled people in the UK. Some 8% of all children are disabled, as are 19% of working-age adults and 45% of pension-age adults. In 2018 the Social Metrics Commission published a report which found that disabled people are much more likely to be living in poverty than the population as a whole. Nearly half of the 14.2 million people in poverty are living in families with a disabled person—6.9 million people, equal to 48% of those in poverty. The SMC report recognises the inescapable costs of disability, accounting for them alongside the value of disability benefits to reflect a lived experience of people with a disability.

The facts of life of living with a disability in the UK are stark and, in my view, shameful. It is almost a perfect storm of failed public policy, which is to put it much less tactfully than did the noble Baroness, Lady Campbell, who called it an adverse reversal of progress. Since 2010, £7 billion has been taken out of adult social care budgets as a result of reduced funding. Some 80% of local authorities say that there is not enough provision of social care services and we have a social care system in crisis. We know that the NHS faces huge challenges in terms of staffing because that has been headline news over the past few days. We have immediate shortages of GPs and nurses, with a knock-on effect for those who require continuing support and healthcare. We have not had a social care Green Paper for more than two years, as many noble Lords have said. The Institute for Government has said:

“The green paper has become an object of ridicule, but the Government’s constant foot-dragging is no laughing matter ... Delays to the green paper make it impossible for councils to plan ahead”.

What is to be done? The Labour Party’s policy is a social model of disability; while people may have a condition or an impairment, they are disabled by society. Rather than adopting such a model, and through the way they have handled support for disabled people, the Government have not significantly challenged the stigmatisation that often goes with a disability. Some 40% of our disabled fellow citizens do not feel involved in or valued by our society. Indeed, my noble friend Lord Faulkner eloquently described some of the abuse suffered by disabled people.

According to the OBR’s January 2018 report, almost 1 million disabled people will be made thousands of pounds worse off as a result of universal credit, and the basic disabled child addition in universal credit is worth less than half of the equivalent in child tax credit. This could affect around 100,000 disabled children, who may receive up to £32 a week less than they would under child tax credit. It is therefore not surprising that a piece of research by the think tank Demos says that the Department for Work and Pensions should be stripped of its responsibility for providing social security benefits and job support to ill and disabled people, because of a series of botched reforms to disability benefits and the imposition of a brutal sanctions regime that has left many vulnerable claimants stressed and in poverty. The call comes amid concern over what critics say is the DWP’s punitive and insensitive benefits policy and contemptuous treatment of some claimants. Last year, the chair of the charity Scope, the former top civil servant Andrew McDonald, who receives PIP because he has Parkinson’s and terminal cancer, called the disability benefits system a “hostile environment”. The United Nations report on extreme poverty described this Government’s cuts as “callous”, “punitive” and “mean-spirited”. The Equality and Human Rights Commission has said that one in five disabled people suffers an erosion of their rights because they are disabled and, despite government pledges to improve conditions for the nearly 14 million disabled Britons, their situation is getting worse. They find it more and more difficult to live independently, to be included and to participate in their communities on an equal basis.

I agree completely with the aspirations rightly mentioned by the noble Lord, Lord Holmes, and indeed those described by many noble Lords, but we are not there yet. I therefore encourage the Government to hold a mirror up to the issues facing disabled people in the UK and make that their starting point for reform. As noble Lords have said, the Government must talk to disabled people about what they think and need for the future. There is no doubt about the huge change in society’s attitude towards disabled people, which is precious and needs to be built on.

I am going to dwell on science and technology in medicine. It is wonderful that our world-class, cutting-edge science research has, for example, produced a drug such as Orkambi, which targets the underlying causes of cystic fibrosis. It targets a mutation that around 50% of people with CF have. It is licensed for use in the UK,

but NICE has not recommended it for use in the NHS. It is available only rarely on compassionate grounds. There are drugs coming down the pipeline that could cover 90% of the CF community, and we have to find a way to ensure that these life-changing treatments are available to everyone who suffers from such conditions. The report of the Health and Social Care Select Committee is now out and makes that recommendation. I should like to know what the Government's response is going to be. Muscular Dystrophy UK is running a campaign known as FastTrack to identify and remove any barriers to accessing life-changing treatments. The charity says that this is an "encouraging time", with many clinical trials in development and treatments emerging. However, existing drugs have been subject to lengthy assessment processes which cost individuals time that cannot be recovered. That is because, once lost, muscle mass and strength cannot be regained. The noble Lord, Lord Lingfield, also talked very adequately about the issues around stroke.

An increasing number of drugs and treatments are becoming available to treat a whole range of conditions mentioned in the debate. The problem we face is that it takes too long for them to reach the people who need them, and the deals being made are not helping. In the past two days we have read the amazing story of a young woman who has received the very first treatment for cystic fibrosis. She had a lung transplant that went well, but then developed infections which could not be treated because they were impervious to the antibiotics available in the hospital. The University of Pittsburgh has been enlisting students to collate the world's largest collection of bacteriophages, which are viruses that prey solely on bacteria. Three have been identified so far which have been used to treat this young woman for the past six months. She will recover.

This is an important story on any levels. The first is how to replicate this science to get it into common use. The second is how to make it available at the point of need, because I suspect that it is expensive. Finally, it feeds into the antimicrobial challenges that we face in our NHS here and among health services across the world. This is something that the Government need to address. NICE needs to increase its capacity and not have its funding cut as it has been, so that it is forced to charge for its appraisals—a false economy if ever I saw one. NHS England needs to up its game by holding earlier pricing discussions with pharma, reaching flexible treatment access arrangements, meeting additional costs for early access schemes and urgently reviewing individual funding requests. The noble Baroness, Lady Meacher, made a very good point about unacceptable delays. The noble Baroness, Lady Campbell, rightly mentioned the importance of the pioneering work of your Lordships' House, and I am proud to have been on the receiving end of much of her determination in this matter. Does the Minister agree that we are in a fast-moving world, so the Government have to respond appropriately?

1.58 pm

Baroness Barran (Con): My Lords, it is a privilege to respond to this important debate, and I join with other noble Lords in congratulating my noble friend Lord Borwick on having secured it. I also join him in

congratulating the Habinteg Housing Association on its work over the past 50 years. The issues raised by noble Lords on all Benches have highlighted some of the challenges and opportunities not just for the Government but also for businesses, civil society organisations, our communities and our families. In my remarks I will focus on the role of government in responding to the challenges and opportunities—the important rather than the urgent, as my noble friend put it—presented by the changing face of disability in the coming half-century. This is in no way to diminish the vital role of families, carers and civil society organisations. Indeed, government has important judgments to make about how to help them flourish, but also about knowing when to get out of the way.

The past 50 years have seen huge changes in the way disabled people are cared for, supported and regarded by society. Gone are the asylums that kept disabled people hidden from society. Instead, important legislation—which a number of noble Lords have been part of—including the Disability Discrimination Act and the Equality Act, has been passed, creating a platform from which the rights of disabled people can be upheld. In every field of public life, from politics to sport and from academia to the arts, there are powerful and inspirational role models, as raised by the noble Baroness, Lady Thomas, and my noble friend Lord Holmes. They are role models for those with or without a disability—including, of course, in your Lordships' House. We can contrast this with a time when Roosevelt was President in the US and the Secret Service was reported to have seized and smashed the cameras of journalists who tried to take photographs of him in his wheelchair.

As we have heard from all noble Lords this afternoon, much still needs to be done to ensure real equality for people with disabilities, to remove stigma and discrimination and to offer proper care and protection from threats such as hate crime and the risks of loneliness and isolation. Successful management of such huge changes, of the types that noble Lords have debated requires a clarity of vision. So what are we aiming for? My noble friend Lord Holmes talked about fairness, dignity and respect, not just in relation to appointments in public life but with much wider applicability. I also liked the words of Alex Fox of Shared Lives in his book, *A New Health and Care System*, in which he wrote that we should be achieving and maintaining well-being for people with disabilities.

Well-being is a core principle underpinning much of the legislation in this area, and government has a role to play in helping to align funding, assets, incentives and regulation to make this happen. We need not just to encourage the provision of services but to foster the relationships that are so crucial for genuine well-being, of which we have heard much today. Organisations such as L'Arche for people with learning disabilities—whose remarkable founder Jean Vanier died this week—have been prophetic over 50 years in emphasising the importance of recognising the gifts that those with a disability offer us all. That must underpin the kind of culture change that the noble Lords, Lord Addington and Lord Faulkner, talked about.

[BARONESS BARRAN]

A number of noble Lords, including the noble Baronesses, Lady Thornton and Lady Thomas, highlighted that, despite the progress of the last 50 years, all key indicators still show multiple disadvantages for disabled people—from poverty to educational outcomes, employment, discrimination, isolation and a lack of opportunity. This Government are committed to addressing this across a range of key policy areas including, to name but three, employment, healthcare and transport. I assure the noble Lord, Lord Faulkner, that I will read and share the report from his Select Committee on this.

As my noble friend Lord Borwick described, the shape of disability is projected to change significantly in the next five decades, with a sharp increase in the number of people over 65 to around 21 million and a tripling of those over 80 to 9.5 million. It will be quite a birthday party when it comes. Conversely, important medical advances should presage declines in the prevalence and impact of many cancers and other life-limiting diseases. We have the potential to move from what has been described as a national sick-care service to a national preventive healthcare service.

Regarding prevention, government also has a role to play in understanding and acting on some of the wider factors that can lead to disability, which I think the noble Baroness, Lady Thornton, hinted at in her speech. Research that has shown the impact of adverse childhood experiences on the brain—and on later-life outcomes, not just mental ill health but also physical conditions such as cardiovascular disease and diabetes—needs to inform the response we offer to children growing up today with domestic abuse, parental substance use or parental mental health problems, as well as those living in poverty or with a parent in prison. This understanding underpins the so-called public health response to serious youth violence adopted in Glasgow and London and now being consulted on nationally. The potential for neuroscience to explain some of our health challenges is genuinely exciting, as my noble friends Lord Borwick and Lord Lingfield argued.

Perhaps better understood are the links between diet and exercise and cardiovascular health, diabetes and dementia, where our colleagues in public health services play such a crucial role. For example, we recently announced an ambitious plan to halve childhood obesity by 2030. We also believe in the importance of risk reduction; around one in three dementias are considered preventable. Perhaps the most important task—many noble Lords have raised it today—for government in a rapidly changing world of disability is to keep listening to those with lived experience, their families and their carers. This is not something that Governments of any hue find easy, but that does not make it any less important. Understanding the perspective of people with lived experience is essential for government's response to address their needs, as well as recognising and celebrating their gifts and talents.

So what do disabled people say are their key concerns? They talk about their health, of course, but also about financial insecurity, weak social connections and a fear of losing their independence. These issues have been raised by many noble Lords today. The noble Baronesses, Lady Campbell and Lady Thornton, raised

the importance of user groups; they are vital in this area. For example, patient groups—especially those that are networked—can make a crucial contribution to government policy. There are over 500 groups of stroke survivors co-ordinated by the Stroke Association, over 400 for diabetes and almost 1,000 groups of cancer survivors co-ordinated by Macmillan. These networks offer people with disabilities information they can trust and, crucially, put them in positions of authority, which in turn can be combined with specialist medical input if needed.

I say to the noble Baroness, Lady Campbell, that I would be absolutely delighted to meet the national Independent Living Strategy Group. I am not sure whether the question from the noble Baroness, Lady Jolly—about the young man she talked so eloquently about—is about where he starts or where we start, but we should start by listening.

While noble Lords developed a green thread around the Green Paper, they were perhaps kinder on funding—but funding is obviously a crucial area where government plays an absolutely vital role. This is not just about enough funding, which many noble Lords raised, but about how to use our funding in a way that drives the outcomes that people want and that actively rewards success. I noted my noble friend Lady Browning's suggestion regarding incentives in the tax system.

My noble friend Lady Browning raised the challenges from the Alzheimer's Society report that was recently published. She will be aware that the Government published the Dementia 2020 Challenge in 2015, which aims to make England the world leader in dementia care, including in the area of training as well as research and awareness of dementia, and will respond to the Alzheimer's Society report.

My noble friend Lord Lingfield raised issues around funding for stroke patients. He will be aware that the NHS long-term plan identifies stroke as a clinical priority.

More broadly, noble Lords welcomed the introduction of personal health budgets. I thank in particular the noble Baroness, Lady Grey-Thompson, for her remarks in this regard. The NHS long-term plan set out a commitment for 2.5 million people to benefit from personalised care by 2023. The growing demand for care, which the noble Baroness, Lady Jolly, raised, means that we need to reach a longer-term sustainable settlement for social care. Sadly, I do not have a magic wand at the Dispatch Box, so I cannot give a date for the publication of the Green Paper, other than to say that it will be at the earliest opportunity. But it will aim to address the issues of both sustainability and providing a genuinely human response. Through integrating health and care services, the intention is to establish the right organisational and financial incentives for providers to collaborate in order to deliver preventive, proactive and co-ordinated care for local populations, and, crucially, care that feels human.

A number of noble Lords raised issues around developments in technology. Clearly, a crucial role for the Government is to consider how to encourage innovation and research, manage intellectual property rights for the greater good and share best practice. The noble Baronesses, Lady Meacher and Lady Masham, raised specific questions on that and I will write in

response, if I may. The noble Baroness, Lady Masham, also raised very practical challenges around the three Bs, which are obviously important, albeit possibly less glamorous than some of the other areas of innovation.

The noble Lord, Lord Luce, raised the important issue of chronic pain. As he said himself, many patients with chronic pain can be successfully supported and managed through routine primary and secondary care pain management systems. The noble Lord mentioned the existing standards, but the National Institute for Health and Care Excellence is also in the process of developing new clinical guidelines for chronic pain, which are due for publication in August 2020. He also raised the crucial issue of supporting employers.

Issues around employment were raised by a number of noble Lords, including my noble friend Lord Holmes and the noble Lord, Lord Addington. The Government have a key part to play in addressing the financial insecurity that all too often accompanies life for disabled people. This includes creating opportunities for disabled people to gain employment and to stay in employment, as set out in our 2017 plan, *Improving Lives: the Future of Work, Health and Disability*, which aims to increase the number of disabled people in the workforce by 1 million in the next 10 years. As noble Lords acknowledged, overall employment has been rising, and our goal depends on disabled people fully sharing in this success.

I thank my noble friend Lord Holmes for his work on encouraging diversity in public appointments. The Government are confident that it will help us understand the issues in this area and will respond to his recommendations later this year.

The noble Lord, Lord Luce, raised issues about encouraging employers to play their part in supporting employees who are struggling with their health. Later this year, the Department for Work and Pensions and the DHSC Work and Health Unit plan to consult on measures to encourage employers to play a crucial part. Noble Lords will have noticed the announcement this week from Centrica about giving its employees with caring responsibilities extra days off.

The Government also need to play a supportive role in enabling employers and civil society organisations to strengthen social connections for the disabled. Increasingly, older people will be retired for much longer than their parents and grandparents were. That risks losing the stimulation, the social network the sense of purpose and the income that a job can bring. In our vision document, *Prevention is Better than Cure*, we set out a number of areas for action, including work and jobs, homes and neighbourhoods, childhood and early years. Included within this will be access to sport, which the noble Lord, Lord Faulkner, raised. I thought that he was no longer in his place but I see that he is now in a more important place on the Woolsack. I was disappointed, given the number of Arsenal fans in my family, that the club did not get a mention in his top six list.

I hope that we can aspire to more than the same miserable journey that the noble Baroness, Lady Grey-Thompson, described, although we can probably imagine it. But I will raise the points that she made with the department, particularly regarding design regulations and co-production.

I am running out of time, as ever. I want to say a word on independence, because that was one of the strongest themes raised by the noble Baronesses, Lady Thomas and Lady Campbell, and my noble friend Lord Borwick. Loneliness can have a huge impact, as we know, on physical and mental health, and the Government have now published the first cross-government strategy on loneliness in England. The action plan to support carers involves six different government departments working together. We are in the process of rolling out a regional stakeholder network, which is a step towards some of the exciting plans that the noble Baroness, Lady Campbell, put forward about user involvement. The noble Baroness, Lady Thomas, also raised concerns about the availability of carers and continuity of care, which I will raise with the relevant Ministers.

As several noble Lords noted, the potential offered by increasing amounts of data brings with it some risks but also important ethical considerations about how we build public trust in our services. Using data to design support for disabled people needs to avoid bias, be accurately targeted and give the individual the greatest possible control. Noble Lords will be aware that the newly formed Centre for Data Ethics and Innovation is playing an important part in shaping our thinking on this area in future.

In closing, I would like to rest on an area that is less one of government responsibility but which is of critical importance to all of us as human beings. In listening to the voice of those with disabilities, we must remember that as human beings we want people to be there with us rather than for us. I am grateful to all noble Lords for their contributions to the debate, and look forward to a world where the gifts and talents of disabled people are fully recognised.

2.19 pm

Lord Borwick: My Lords, I will quickly thank all noble Lords for taking part and for taking a few seconds to pay undeserved compliments, for which I am very grateful. I think that, when the noble Baroness, Lady Thomas, called for more influential disabled people, she underestimated her own influence.

I thank everybody for putting aside other problems to talk about the future. I will have to look out for my mischievous and noble friend Lord Holmes laying plans for my 115th birthday party. I do hope that he will attend it, even if I am not able to do so myself and have to send my apologies—but I thank him very much for the idea.

Motion agreed.

Conduct of Debate in Public Life

Motion to Regret

2.20 pm

Moved by Lord Harris of Haringey

That this House regrets the conduct, and toxicity, of debate in public life; of the divisions in society which result from that; and calls on Her Majesty's Government to take steps to address such divisions.

Lord Harris of Haringey (Lab): My Lords, we all remember where we were when we heard the shocking, shattering news that our parliamentary colleague Jo Cox had been murdered in her constituency. We packed into this Chamber a few days later to pay tribute to her and pledge that politics would be different, less confrontational and more respectful and also, to use her words, focus on the fact that we know we have more in common that unites us than divides us.

Sadly, nearly three years on, little has changed. If anything, our politics is even more divisive and fractured than it was then. Indeed, the number of threats to MPs has rocketed. According to revised figures given yesterday by the Metropolitan Police Commissioner, 151 offences against MPs were recorded in 2017, doubling to 342 in 2018, with 152 crimes against MPs and more than 600 incidents already recorded this year. The Local Government Association reports that councillors are also facing similar levels of harassment, threats and intimidation, so much so as to have an impact on people putting themselves forward for election.

I know of MPs who have been advised by the police that, for their own safety, they must not use any form of public transport. Others have had to scrap public surgeries—again, on police advice. Death threats are frequent. Rape threats against women politicians have become commonplace, with those making them now standing for public office. Homes and offices are attacked and constituency staff intimidated, so much so that some MPs are now limiting what they say on certain issues.

The Equality and Human Rights Commission, in its evidence to the Committee on Standards in Public Life, said that,

“the tone of modern political discourse permeates through society and normalises abusive and occasionally aggressive language when discussing politics”.

Only six weeks ago, the noble Lord, Lord Evans, who unfortunately is not in his place today, warned that intimidation and abuse of MPs and other people in public life has become worse in the current political climate. He said that it was not just a Brexit-related issue, although that had made things particularly acute. Just before Easter, the noble Lord, Lord Bates, stood down as a Minister of State, saying that there was a need to restore our national unity and to rediscover the common ground that we share as a nation. The reason he is not in his place today is that his solution is to walk from Belfast to Brussels. However one might view whether that is the most productive way of making progress on these issues, there is no question that he is raising and highlighting valid issues. Two weeks ago, a poll commissioned by the *Daily Mirror* found that 82% of people—that is, more than four in five—feel that our country is divided and 76% think that the country is more divided than ever before. What is worse, 79% of the public have lost faith in British politics.

So why is our politics in this state? This is not simply about Brexit and the legacy of the vote on 23 June 2016, although it is true that the very nature of referendums means that complex issues are turned into a simplistic yes/no division, and that inevitably leads to a polarisation in society when the issues themselves are contentious. Moreover, referendums

certainly undermine the principle of a deliberative democracy, where the public elect representatives to Parliament to exercise their judgment as to what is best for society as a whole.

There is no doubt that polarisation can lead to more and more extreme viewpoints being expressed and a focus, increasingly personalised, on those who might take a contradictory view. That was the case during the referendum on Scottish independence in 2014, when there were outbreaks of indyref violence at football matches and elsewhere, and vicious online intimidation. The EU referendum two years later saw a similar pattern of increasingly bitter debate and more and more personalised attacks, and, just a few days before the referendum, the dreadful murder of Jo Cox. Interestingly, the referendum on the alternative vote did not have the same effect, perhaps because so few people had strong views on the subject or even cared either way.

However, the process of polarisation has continued and, indeed, deepened and intensified in the last three years, not just about Brexit but about all sorts of other matters. One has only to think, for example, about the discussion on trans rights and how vitriolic that has become. This is not just a British phenomenon. A few days ago, the President of Germany gave an impassioned speech about the impact of political debates on social media that, he said, so often tend to be toxic.

Is this a consequence of the advent of social media? That, too, is simplistic. I have no doubt that similar concerns were expressed about the advent of the printing press and the scurrilous contributions to political debate permitted by that dangerous invention, which enabled all those views to be more widely disseminated. However, social media has taken it to a new level. Short-form communications necessarily lead to simplification. Competing to be heard requires more extreme and eye-catching formulations. It is a medium that is, above all, automatically delivered into our hands, and the ability to be anonymous absolves the poster of responsibility.

The echo-chamber effect means that we will tend to hear only the views of those with whom we agree and contrary views will be less likely to reach us. This is made worse by the presence of fake news. Research shows that the more eye-catching and the more extreme the lie, the more likely it is to be shared. Clickbait is there to drive business to a site, and people are more likely to click the more dramatic the message.

The algorithms of the internet sites serve up to us more of the same and lead us into further and often harder-line variants. Guillaume Chaslot, a former programmer for YouTube designing its algorithms, has said that the site in practice encourages the most extreme and divisive content because that is what drives the most traffic. According to him, conspiracy theory content was a particularly effective way to increase “watch time”, so the algorithms recommend other conspiracy videos billions of times over.

Then you have the information warfare promoted by some state actors. The premise is simple: the more you doubt, the less you trust. If you can undermine faith in democratic states and their structures, that is a gain for such Governments. If you are Russia, a Ukraine

that becomes part of NATO is a threat. So too is a stronger EU. To weaken NATO, to weaken the EU and to undermine the legitimacy of democracy becomes an objective. This is set out in the 2010 military doctrine of the Russian Federation, where the aim is, “to achieve political objectives without the utilisation of military force”.

by seeking to plant seeds of doubt and distrust, to confuse, distract, polarise and demoralise. But what the Russians, and no doubt other states, do and sponsor does not absolve any of us from a responsibility, first, to be aware of that background and, secondly, to confront and address what is happening.

A lie can be halfway around the world before the truth has got its boots on—a comment variously attributed to Mark Twain, Jonathan Swift or even Winston Churchill. Who said it first does not really matter. The central message is clear: lies must be confronted early, quickly and authoritatively. So too must extremism. This applies whether it is on the internet, on conventional media or on the streets. So if we are concerned about the increasing toxicity of our public discourse, we must all take responsibility both for not propagating it and for not normalising it—for not condoning it and for combating it wherever it occurs.

A failure to do so does not bode well for the health of our democracy. Certainly, a weakened centre and an increasingly polarised politics give legitimacy to more extreme views. In the context of extremism becoming violent extremism, violent extremists often have a narrative of victimhood which they use to persuade others to follow them. Such a narrative provides a simple, ready-made alternative to complex problems. It provides a would-be extremist thug, as it were, with an alternative to a life of perceived discrimination and a lack of self-worth—offering them instead an opportunity, by becoming a violent and destructive extremist, to star as the hero in their own favourite movie.

Different ends of the extremist spectrum have a symbiotic relationship with each other. If there is an incidence of violence against one group, that reinforces the group’s narrative of victimhood. It may reinforce its message to more moderate elements who share some of the same outlook. The actions of one incite the other, which then incites the first. This is exacerbated if those in public life—politicians and commentators especially—fail to confront and answer extremist arguments. Indeed, to ignore is to condone. Worse still is to echo and pander to such views.

As Policy Exchange pointed out at the end of last year, language that brands opponents as “traitors”, “Nazis” or “enemies of the people”, or ascribes madness or stupidity to those with alternative views, is hardly helpful. I suspect that, if we were all to search our consciences, we could think of occasions when perhaps we have called those we have disagreed with stupid or even mentally ill. That is something we should all stop because it does not help.

A failure to talk meaningfully about, for example, the impact of immigration on our economy and society is one step away from legitimising the stirring up of hatred against migrants and asylum seekers. Ignoring a problem allows extremists to own it. Demonising

one minority leads to the isolation and exclusion of other minorities—a slippery path that has led elsewhere to pogroms and genocide. Let us remember how quickly norms broke down in Kosovo and Rwanda. True political leadership is not about following the basest instincts of those whose support you seek. Instead, it should be about educating, persuading and inspiring. It is about confronting intolerance and calling out the bigots. It is about answering the extremists and contesting their views.

A first step in this country is for our political parties to put their own houses in order. It is shameful that the Labour Party is likely to be the subject of a formal investigation by the EHRC into its institutional racism. It is long overdue for us as a party to end the denial and prevarication so as to eliminate the stench of anti-Semitism emanating from some in senior positions within our ranks. Similarly, the Conservatives must take effective action against those in their ranks who are bigoted against Muslims. Only then can either party claim the moral authority to address the wider problems in society.

The Government’s role must be to combat extremism both by confronting its expression and by addressing the underlying issues that lead to the alienation breeding extremism in the first place. The Government have acknowledged that they have a role—I welcome that—in respect of what is happening on social media. The White Paper on online harms is a useful step in requiring online providers to take some responsibility for what takes place on their platforms. Imposing a duty of care on them will help, but let us not delude ourselves: it is not sufficient. And where is the counterpart for the more traditional media? Should they too not have a duty of care to their readers and viewers? Surely they should have a responsibility not to legitimise or normalise extremism, prejudice or hatred. How can they be incentivised to move away from a sensationalism that mirrors the prejudices of their readers? Where is the strategy to combat fake news, intimidation and misinformation? The Swedish Government have produced a handbook on countering what they call “information influence activities”, which is, in essence, a toolkit for public agencies. Where is the UK equivalent? How are we equipping our citizens and, above all, educating our young people to recognise fake news and reject extremist ideology?

Here, the Government have set up the Commission for Countering Extremism which, despite some interesting pieces of work, is still largely silent. Where is the work on the school curriculum to get children to seek out real facts and real news? What are we doing to equip our young people with critical thinking skills to identify manipulative language and distorted facts, and give them the courage to question everything and everyone? We can no longer simply tut about the toxicity that is now rife in our public debate and discourse. We have to accept that toxicity is corrosive, and not only to the quality of that debate and to the achievement of rational policy; it also undermines the very foundations of our democracy.

This is a responsibility not just for the Government, political parties or media companies but for all of us in public life. It requires an understanding of why so

[LORD HARRIS OF HARINGEY]

many feel alienated from our current politics, and the addressing of the underlying causes that feed and breed that alienation. Let us not delude ourselves: democracy is a fragile flower. Our institutions may too easily turn out to have foundations based on sand, and the so-called civilised values on which we pride ourselves may turn out to be as transitory as a summer's day. Ultimately, we all have a responsibility to defend the core values that have shaped our country over the last 75 years. Failure to do so will see the very fabric of our democracy wither and decay. It is a challenge we must not shirk. I beg to move.

2.39 pm

Baroness Hussein-Ece (LD): My Lords, I thank the noble Lord, Lord Harris, for initiating and introducing this important debate. But do we not all wish that there was no need to debate such a depressing topic? In the past few years, debate and public discourse have descended into fake news—or lies, as I prefer to call them—and it has become commonplace if you disagree with someone, particularly if they are in public life, to threaten them with abuse. The situation has become toxic. As the noble Lord said, with the advent of social media this behaviour is now far more widespread.

Just today, Danny Baker—a veteran BBC broadcaster, we are told—was, rightly, sacked for portraying the new royal baby as a chimpanzee. He published a photograph on his Twitter page yesterday of a couple with a chimpanzee leaving hospital, and then claimed it was all a big joke and a mistake. This week we heard that police are investigating comments by Carl Benjamin, a UKIP candidate in the European elections, speculating about whether he would rape the Labour MP Jess Phillips. That is just this week—and it is only Thursday. There are many examples of this kind of intolerable behaviour. The Metropolitan Police Commissioner, Cressida Dick, has said that there is an “unprecedented” number of threats against MPs as misogyny, racism and divisive issues such as Brexit fuel online trolls.

It is apparent that the first victims of hate-filled bigots are women and those from minorities. The mainstreaming of extreme views and the politics of hate often mean rage against women, migrants, black people, Muslims, Jews and LGBT people. Racism, Islamophobia and misogyny are multiplied and spread by social media, often with impunity. This reflects in part a political discourse that has become coarser and more vicious.

So how did we get here? I know that many do not like Brexit, which has already been mentioned, but it has surely become a factor in the country becoming more divided and polarised. The advent of Trump and Farage, with their intolerance and sweeping statements about migrants, women and Muslims, blaming “the other” for all society's ills, is another major factor. They seek to exploit people's fears about the so-called elites while seeking to take power themselves.

When Lord Nolan devised his seven principles, I cannot imagine that he considered that someone selected for an election in this country by a registered political party would publicly behave in the way that we have seen this week. Those principles—selflessness, integrity,

objectivity, accountability, openness, honesty and leadership—should apply also to those seeking public office, those selected as candidates. I ask the Minister what action will be taken to ensure that those seeking public office cannot threaten violent and criminal behaviour. This should come with immediate disqualification.

Men threaten rape for one reason: to intimidate and silence women. I have had Muslim women tell me that they are frightened when they go out. One woman said to me that she removed her headscarf to protect her children when she goes out with them. We know that attacks on Muslim communities have spiked. What steps are being taken to address this issue? Many of us may have experienced nasty threats; I personally have. I do not react particularly well to threats and never have, but they are nevertheless intimidating and unsettling, particularly when they are to your family. Our politics has changed. So too must our response. We must be firm, and we must not be naïve about the effect that this is having on our public life and our democracy.

Last year the chair of the Committee on Standards in Public Life warned that a wave of intimidation and abuse directed at parliamentary candidates had taken British politics to a “tipping point” and risked driving politicians out of public life in future, following the enormous amount of racist abuse suffered by Diane Abbott. That was last year and the situation has now escalated. How many of us here have spent many years, as I and others have done, encouraging women and underrepresented BAME groups to come forward and seek public office? How can we do that now, when people feel so unsafe that it is preventing people from those underrepresented groups coming forward?

Those who seek to hide behind freedom of speech must understand that free speech is not an unqualified right. If free speech intimidates, threatens or silences others, their rights have been denied altogether. Free speech cannot and is not to tolerate racist, misogynistic threats, and certainly not threats of violence and criminality.

The noble Lord, Lord Harris, touched on the media and I want to touch on that issue too because I feel quite strongly about it. The BBC and other media must take more responsibility and show leadership on this. They frequently provide a public platform for these abusive, toxic views, often in the name of balance or, as they say, “populism”. Last week I heard on the “Today” programme—I could have wept—the leader of UKIP saying that Muslims in this country are seeking to take over and change the legal system because they want sharia law. That was not challenged; it was just left hanging there as if it were a fact.

We must show leadership and commitment to stop tolerating this appalling slide into a society where women and minorities no longer feel safe. We hear talk about “British values” but common ground, decency and kindness are the sorts of values that I think we must fight for, and to promote them we must all work together to combat extremism.

2.45 pm

Baroness Bottomley of Nettlestone (Con): My Lords, I congratulate the noble Lord on his Motion and the noble Baroness on her comments. Both speakers made many points with which I strongly agree.

Of course furious debate, passion and rage are nothing new in a democracy. In the Commons, the two sides are two swords' lengths apart to stop them from striking each other. Over the years there has been protest, militancy and outrage. I understand that during the rage around the Great Reform Bill, at Trinity College, Cambridge—where the noble Lord went, as did my noble kinsman Lord Hunt of Chesterton—the fellows voted unanimously to reject the pro-reform *Times* from their combination room, disgusted by its violent and unprincipled language and doctrines.

Over the years we have had many more such examples. My early years were surrounded by the race riots; I was chair of the juvenile court at the time of the Brixton riots and was very involved with Scarman. This seemed appalling. I also spent many years as chairman of the juvenile court dealing with football hooligans. There were all sorts of uncontrolled groups, anger and rage, and we have seen that time and again. We have had real aggression from the Militant tendency, and other examples. Many of us have had colleagues murdered by bombs and mortars. My own daughter's early years saw her always running around the corner so that, if there was a bomb under the car, my husband, the carer or I would be blown up and not her. That was the fear with which we all lived for many years: "Never go out without looking under your car", and many other examples.

In a way we have to analyse what is new. What is new and different is that with mass education, effectively very low unemployment, opportunities and effectively a good health service—however much we argue about it—many of us thought that values such as enlightenment, civilised debate, balance, reason and consensus would spread and become ever more common. Many of us fear that they are in fact diminishing, and we are perplexed.

I request to the Minister that the recent speech by the noble and learned Lord, Lord Judge, which he made at the Temple Church on the debate around Brexit, be placed in the Library. In it, without declaring his own position, he describes the way in which the argument is emotional, irrational and not evidence-based. There is no attempt to achieve consensus or reach a middle ground. This is an extraordinary way for a grown-up democracy to resolve issues, and we have to analyse why that is.

Perhaps the most eminent judge in this country of recent times, Lord Bingham, Master of the Rolls, Lord Chief Justice and senior Law Lord, said:

"In a world divided by differences of nationality, race, colour, religion and wealth",

the rule of law,

"is one of the greatest unifying factors, perhaps the greatest, the nearest we are likely to approach to a universal secular religion".

In his book *The Rule of Law* in 2010, he says:

"In a modern democracy where the ultimate decisions rest with the people, it is the more important that they should be fully informed and empowered to choose between conflicting opinions and alternative courses of action. The media, of course, have a crucial role to play ... 'The proper functioning of a modern participatory democracy requires that the media be free, active, professional and inquiring'".

What has happened? Many of us had thought that the more information the better. When I was Culture Secretary, so long as we had diversity of ownership

and plurality of voice we all thought that we were on the forward march. It is of course the development of social media, which had initially felt so exciting and such an opportunity to connect, integrate and communicate with constituents and to be responsive. We have seen how, with Facebook, Twitter, Instagram and Snapchat, it has vulgarised society. It is not accountable. In the press you can ultimately have some redress from inaccurate reporting, but these are people without bounds who are not accessible. I am delighted that the Culture Secretary and the Home Secretary are bringing online harms measures for us to consider to give social media operators a duty of care. It will be a lot more complex than people think.

The way the world operates like an echo chamber reinforcing people's views has been mentioned. The great thing about parliamentary meetings such as those my noble friend Lord Baker and I used to go to on many occasions in Surrey was that people would come to them. You could argue and debate. You knew that in the end most decisions would be 6:4, 7:3, or probably 5.5:4.5. Social media is about assertion and emotion, with no evidence base and no balance. It has become a sort of online game, like a television show. It is almost part of entertainment. It is totally without responsibility.

I echo the points about becoming more siloed. Gillian Tett's book about the silo effect in modern society is all too true. Politicians do not know academics. This, again, is a sinister feature. I also take to heart David Goodhart's point about anywhere or somewhere and the emotion around Brexit if you were left behind and had not had the proceeds of globalisation. It is wonderful that 600 million have come out of poverty in China but, if you are in Hull, where I have been chancellor of its university for 11 years, it is not how it feels. You feel out of London, out of the central area, alienated without power and effect.

I agree with those who have said that women are often the butt of this. Women are either deified or vilified. Yesterday Caroline Slocock gave a wonderful address to the Speaker's Art Fund reception about the way Mrs Thatcher was perceived, and so also Julia Gillard or maybe Hillary Clinton.

What is the answer? It is to follow through the measures to protect politicians and to do everything we can to create a more united society, in exactly the words the Prime Minister used when she came to Downing Street. I am sure she more than anybody hopes that this Schleswig-Holstein question of Brexit will be resolved—although in that case one went mad, one died and one forgot the answer. I hope we can find the answer. I believe that we are a much more united nation than is often argued. We have to cope with social media and resolve this dilemma, but we should be proud of ourselves as a civilised, liberal and enlightened nation.

2.53 pm

Lord Parekh (Lab): My Lords, it is a pleasure to follow the noble Baroness, Lady Bottomley. It is also a great pleasure to take part in a debate initiated so ably by my noble friend Lord Harris of Haringey.

I think we all agree that there is a spirit of intolerance and aggression in our public life. Death threats have been made against public figures. Their property has

[LORD PAREKH]

been vandalised. Obnoxious language has been used to refer to what they are doing. Their past lives have been dug up and all sorts of silly things are talked about. They have been mocked, hounded and put in a situation where, inevitably, they make mistakes and once they do they become the subject of further acts of mocking. The result is a vicious cycle, which we have witnessed in the case of Brexit. Mistake after mistake has been made, not only by individuals, but by individuals in the context of the criticism and mocking that has gone on around them.

Why is this happening and what can we do about it? That is what this debate is about. I will concentrate on why, rather than what we can do about it. Obviously social media has played an important part but cannot by itself explain what has happened. Social media simply reflects a certain cultural consciousness, a certain way of thinking. It is the deeper way of thinking that we need to understand. This is what I want briefly to talk about: the way the deeper undercurrents of our public life are manifested on social media and, more importantly, through the offensive language in which our public discourse is conducted. We must remember that language is the cultural capital of a community. It is the repository of its ideas and aspirations. If that language gets corrupted, people's thinking gets corrupted. It is very important to be a custodian and to recognise the integrity and importance of the language of public discourse.

Why has there been this decline and corruption of the language of public discourse? There are two kinds of politics at work here, which I will talk briefly about. One is the politics of identity and the other is the politics of marginality. I will start with the politics of identity. If somebody were to ask, "What is our biggest problem?" in the aftermath of the financial crisis, in any western society the response would immediately be inequality. A large number of people have found their income frozen and are unable to see any rise. People are suffering as a result of great inequality. These are the issues crying out for attention. Obviously, if you start raising those issues you upset vested interests who would rather not have attention concentrated on them. The result therefore is to bring up a substitute issue and to concentrate attention on that, which is the issue of identity.

National identity or nationalism is the battleground, the site on which our differences are played out. National identity is ultimately about who we are, where we belong and what our place in this world is. Ultimately, with those questions Europe becomes extremely important—the Europe that we joined reluctantly and that we have been a part of all these years, yet from which we want to withdraw. People have a strong feeling that the very soul and identity of their country, of who they are, is at stake.

It is in that context that the debate taking place in our country has to be seen. On the one hand, there are people who are the custodians of the national soul, the national identity, and on the other there are those who disagree. They are dismissed as traitors or as people who do not care for the well-being of the country. In other words, it is a process of demonisation. The other is always a demon: "I am right. I bring light,

the other person brings darkness. I bring life, he brings death". I think my noble friend Lord Harris called this kind of demonisation "polarisation". I would go even further, because it is not just a polar opposite; it is the demonisation of the other. Once you demonise the other, the only way you can live with him is to eliminate him. It is either you or him. You cannot both inhabit a common earth. This is the politics of identity.

The other important issue I want to talk about is the politics of marginality. Our public life is dominated, so the analysis goes, by a metropolitan elite, which is basically liberal, cosmopolitan, has no national sentiments of any kind and is elitist and technocratic. This elite has been governing our country for the past 50-odd years and has got us into this mess. Therefore, this elite has to be fought by the "real people".

The "real people" is quite an important expression. They are the people whose voice cannot be represented by the elite. They are the people who speak in their own language and whose aspirations are not articulated by the elite. Therefore, a kind of war is postulated at the very heart of our society between the "People" and the "Elite". The war between the elite and the people can be fought at many different levels in different countries in different ways, but in western democracies it is fought in one way: this war obviously has to be fought to the end, but we, the people, as a majority, should rule in a democracy, and the elite should have no commanding say at all. The argument is that in this war between the people and the elite, the people are the legitimate winners because they are the supreme majority in a democracy. Therefore, once you begin to speak in the name of the people, you say that the people feel alienated and unrepresented and hence that the whole representative framework which brings the elite to power should be dismantled.

Therefore, I suggest that these two kinds of politics—the politics of identity, which brings self-righteousness, and the politics of marginality, which brings anger and passion—are at work in contemporary British culture. Unless we identify how they manifest themselves and learn to cope with them or get rid of them, we will continue to have this problem, again and again.

3 pm

The Lord Bishop of Rochester: My Lords, I join other noble Lords in thanking the noble Lord, Lord Harris, for bringing forward this debate and for his characteristically robust, thoughtful, clear and evidenced introduction. I also thank other noble Lords for their contributions. I look forward to reading in the *Official Report* what the noble Lord, Lord Parekh, has just said, because there is a lot to reflect on.

Others have spoken from these Benches in recent months on this and related matters, referencing a number of scenarios which have given rise to language and expression that cause hurt and offence and do no credit to our public life. The right reverend Prelate the Bishop of Leeds will, I understand, speak later in this debate about the power and importance of language in our public discourse. My contribution, which I hope will be brief, is to raise a question about one part of the context in which such harmful, toxic, destructive and even violent expression may come to flourish.

The phrase attributed to Aristotle about nature abhorring a vacuum has many applications. I suggest that one of the reasons for this flourishing of destructive and harmful conduct and debate may be that these things are rushing in to fill a vacuum. The Motion put down by the noble Lord, Lord Harris, asks the Government to address the consequent divisions, which is very difficult indeed. One approach—already suggested—might be an entirely understandable effort to control and restrict through legislation, regulation or other methods. In some instances—not least where lives are at risk—that is absolutely right, proper and necessary. However, my question to myself and to this House is whether part of our response might be to fill that vacuum with something rather more wholesome, so that what is not wholesome is less able to flourish in that space.

Might part of this vacuum be the absence of, or at least the difficulty in articulating, a coherent, inclusive, overarching and compelling national narrative which helps us to understand who and what we are, what our place is in the world and how we might shape our common life for now and for the future in ways that are both visionary and realistic? I am aware of all the dangers and difficulties around that, not least that it can end up as a rather esoteric exercise with lots of nice-sounding words, although words have power. What we do not want is anything overly nostalgic and rose-tinted in relation to some perceived national past or unrealistically utopian about a hopeful future. I am not against holding out and expressing hope—some might say that is what people like me are meant to be about—but if it is to have meaning and reality, hope must, if you will allow me a few words from my world, be like that biblical ladder which connects earth and heaven, both visionary and realistic. It is based in the everyday, but looks beyond it.

Could we find some way to shape a national conversation which might have some chance of offering us the unifying and enriching narrative which I suggest we currently lack? This is in large part about identity and connects with some of what the noble Lord, Lord Parekh, has just said on that theme. Identity is complex and difficult for each of us, let alone for nations or, in our case, a nation of nations. I am resident in England, was born in Germany, have Irish and Scots heritage and various other bits and pieces make up who I am. What is the story which helps me to know who I am? It needs to encompass and value all my various identities, and the same needs to be true of our national story. It must therefore be a story which affirms the richness of our diversity, be that historical, religious, ethnic, economic, educational, cultural, geographical or one of many other dimensions. It must be a story that helps us to recognise and express the value we see in one another and can articulate that which is shared in our common life.

Parts of our national being, including, importantly, the constituent nations of our United Kingdom and some of our faith communities, already have coherent and compelling stories that shape their understanding and affirm their identity. My question is more around the narrative that applies to the whole of this United Kingdom, which, as others have indicated, is sadly not as sure of its unity and identity as we might wish. The story needs to enable us to have a proper pride in who

we are and what we stand for and give us the language and desire to affirm that positively and confidently, not least in the face of those who would attack it. I do not underestimate the difficulty of this when, as a nation or nations, we are so clearly not of common mind or intention on so many things. However, I fear for our future if we do not make some attempt to do something of this kind. I wonder whether there could be some opportunity for your Lordships' House, given its peculiar nature—peculiar in the proper sense—to be instrumental in suggesting and shaping such a conversation. Perhaps this debate is part of that.

3.06 pm

Lord Winston (Lab): My Lords, I thank my noble friend Lord Harris for his introduction to this very useful debate, and also acknowledge what the right reverend Prelate the Bishop of Rochester has just said about the role of the House of Lords, which I want to address in this speech.

Social media has been outlined as a big problem, and certainly there is no question that we have now reduced debate to mere assertion. This is an increasing problem, as a result of the issue in our education system. I do not want to pre-empt what my noble friend Lady Morris may say, but I am sure she would agree that it is very clear that the real problem we have is the failure to teach debate, particularly in primary school. No doubt she will talk about some of these issues.

I want to return to the issue of Parliament. My second speech in the House of Lords was on higher education and a piece of chemistry I was rather proud to know something about. I talked very volubly, asserting various things; then, as soon as I could, I decided I needed to let my pulse rate settle and my blood pressure come down, and so went through the voting corridor and to the bar to get a stiff whisky. Behind me, I heard an elderly voice say: "Lord Winston, that was a very interesting speech". I turned around—it was Lord Porter, the Nobel prize winner for that piece of chemistry. I then had to spend a lot more on the whisky than I had intended, and we subsequently became friends. He was a remarkable man—though his use of the word "interesting" I will come back to.

One of the issues in our society now is the need to get attention—the love of celebrity. If I may say, we see this so often in the conduct of the House of Commons. It is astonishing that Prime Minister's Question Time has been a showpiece for Parliament. It is absolutely unacceptable that that is how we judge our political measures in this country; it does us a great disservice. Unfortunately, it is generally copied; not just the arguments but somebody on one side making strident assertions and somebody on the other doing nothing but reading a prepared answer. That is not debate. In fact, it is quite destructive to proper debate, and we have to consider that.

If I may be impertinent, in 24 years in the House of Lords, I have never spoken on issues of conduct; I have avoided it. However, far too often, people come into the Chamber to give a prepared speech with no intention of debating or interpreting what has been said before, of putting some flavour on what is being said, or of speaking without notes. I think that is very derogatory.

[LORD WINSTON]

There is competition to speak. We jump up together at Question Time and now lack the courtesy to give way to each other. That courtesy, now lacking, was an important part of that role model which was very impressive when I first came into the House of Lords. The acerbity in debate which we sometimes see has become political rather than rational, as we in the House of Lords should be as an advisory Chamber. This goes back to an Act of Parliament in the 1630s, when I think it was suggested that that should not be part of our business. Truncated business in the House of Lords is not always a good idea. Very short speeches do not always allow Members to give an adequate view of sometimes quite important topics. But I accept that I have only six minutes and am halfway through that already, and I do not want to disturb the order of the House.

In some respects, one thing that we in the Labour Party did in 1999 was rather derogatory. In the reform of the House of Lords, there was something that we forgot. Surprisingly, the presence of the hereditary Peers gave the House a kind of dignitas. I know we decided that we had to be much more ecumenical and popular in what we did, but we lost the wig on the Speaker's head and the hats that we raised to the Speaker, and we stopped kneeling to the Speaker when we were admitted in introductions. That courteous and remarkable panoply of traditional respect was quite important in many ways. We still of course have the State Opening of Parliament, but we lost something with the loss of the traditions.

I am not a Tory but I am a conservative; I believe in conserving what we have of value and remembering why it is important. I am reminded of the novel by Tomasi di Lampedusa, *Il Gattopardo* or *The Leopard*, in which that character sees the gradual change that needs to happen in society. As a great aristocrat in Sicily, the Leopard recognises that he has to give way, but it is of immense interest that he gives way with courtesy and always sees the other side of the argument, even finally, when he recognises the need to give way to the new aspect of the Risorgimento. That brings me back to Lord Porter, who used a particular word when he approached me from behind in that voting corridor. He said, "Lord Winston, that was a very interesting speech". He did not say anything pejorative, although he obviously felt quite angry about it.

3.12 pm

Lord Patten (Con): My Lords, it is a pleasure to listen to the noble Lord, Lord Winston, particularly his thoughts about how things used to be in this Chamber. That was in what some would think of as the good old times, when the Whips' Office would send something round when they wanted you to attend and vote which said, "Your Lordship's attendance is most earnestly requested". That is very different from the sort of threats about being there on the night for a three-line Whip, or else. The noble Lord also said that he would like people to speak without notes. I will do my best in my remaining five minutes.

This is the best of times and the worst of times for the debate tabled by the noble Lord, Lord Harris of Haringey. Why is it the best of times? It is because he has put a stake in the ground, so we have to do some

serious stuff in thinking about turning back the rising tide of vitriol and toxicity that surrounds debate. It is the worst of times because, for the next 14 days, we are going to get all that vitriol and toxicity in the run-up to the elections on 23 May. May we and people in those elections be protected from violent threats and excoriation, and from physical violence and death, which we have seen in the past. I would never have thought 20 years ago that we would be thinking in that kind of way. When it is all over and the results have come out, then it will be the best of times again for us to continue down the road that the noble Lord has set for us today.

It is interesting to reflect, since the elections on the 23rd are about Europe, that very hard words were used in the run-up to the Second World War about Europe and our attitudes to it. There were people accused of being traitors or collaborators. The country and the nation were split very much between 1938 and 1940, but then it really was serious. It was not about changes in trading relationships and the free movement of people, or changes in statutory provisions and the way in which justice is run between different countries in Europe. It was actually about matters of life and death. One of the first things that we need to do is to try to get people to reflect, as I think the right reverend Prelate the Bishop of Rochester was saying, about whether matters are serious or not. Our next step should be to try to promote more of a discussion in this country that might reflect a slowing down of the frenetic pace that will be there for the next two weeks. It would try to reclaim the Twittersphere and, following the slow food movement, perhaps there would be a slow debate movement.

I propose to your Lordships that we should all think very hard about trying to get together a group of sensible people, who would be widely recognised as that but also as not being politicians. Broadly speaking, we politicians are thought to be the cause of the problem in the first place. I mean a bunch of people who might be chaired by some acceptable celeb—perhaps someone from the entertainment world who is instantly recognised but perhaps someone from the medical world, from environmental protection or whatever. She or he should be readily recognised not as being a politician in any way but as a free-thinking person who, with a group of other free-thinking people, would say "Enough's enough, so let's spend time talking in some place". The right reverend Prelate the Bishop of Rochester suggested your Lordships' Chamber but perhaps it should be in a less partisan place than the Palace of Westminster. The group should talk for a few hours—perhaps half a day—and say, "It's got to stop, and this is why". They would need the advice of people who think spiritually such as the humanist associations, who have valuable insights into all this, and those in minority communities, such as the Muslims or the Jews. The Jews rightly feel threatened and afear'd, just as they felt in 1939 when those vicious arguments were used.

We would certainly need someone such as the most reverend Primate the Archbishop of Canterbury to be there. Doubtless, the right reverend Prelates from Rochester and Leeds would have some other brother or sister bishop whom they would like to see there on

the day. I will probably get into terrible trouble in the confessional, as I have not consulted him, but I would also like to propose and volunteer the services of his eminence the Cardinal Archbishop of Westminster, firmly rooted as he is in Merseyside and Liverpool. Your Lordships might think, “That isn’t the right cast”; there are people such as the noble Lord, Lord Puttnam, who understand about casting and perhaps they would have a better cast of people to do it. However, a bunch of such people on a stage, talking slowly, rationally and reasonably—following the lead we have had from the noble Lord, Lord Harris of Haringey—might well begin to turn the tide. We might just see an ebbing of the tide of the vitriol and toxicity that we have seen so much of in the last decade.

3.18 pm

Lord Hunt of Chesterton (Lab): My Lords, I welcome this debate about how government and Parliament can improve public debate on the critical issues affecting public organisations, communities and specialist groups, such as immigration, relations between religious groups, social and economic interests and private organisations working in the public sphere. We need to know what has caused the great deterioration of interrelations involving members of these groups, especially over the past three years, although the noble Baroness, Lady Bottomley, was quite right in her remarks about many of the big problems occurring 30 or 40 years ago.

It may be because the UK’s controversial national vote, with its huge numbers voting, involved a large proportion of the whole community, on one side and the other, in debate about the European Union. There may be long-term differences between societal and community groups, and the problems are growing to significant levels—for example, leading to disturbances in local areas and involving thousands of people in city centres. Many of these involve tensions between religious groups. At some of these events, political parties and groups have not always played their traditional role of calming social conflict and, in fact, have sometimes stirred it up. Even groups within the Labour Party have exacerbated, rather than calmed, social and religious conflicts, as mentioned by other colleagues.

An equally important role for Parliament and government is to improve understanding about the processes of public debate and involve schoolchildren, students and political societies. We may hear later about this from the noble Baroness. It is also important to hear how the public debate influences public decisions about crime or funding for schools, for example. It is not just abstract debate; it leads to decisions that affect lives.

At the international level, the United Nations Association has been influential in the UK and other countries. My grandfather was secretary of the United Nations Association in the 1930s, so we used to hear a lot about this. The number of young people involved in similar organisations is perhaps less now than in the past. In the 1930s, as we have already heard and may hear more about, millions were involved. Now, we need to think of how we can expand the involvement of pupils and students. We have seen that this year, most recently with the bold invasion into businesses’

and politicians’ debates by the Swedish pupil campaigning here in London and elsewhere. It is interesting that the individual campaigning was working with non-governmental organisations and public media, so we perhaps begin to see a new way in which different communities can influence decisions.

We have also seen conflict within social organisations, including universities and schools, which should be centres for reasoned debate and provide welfare and comfort to affected students. Sometimes, the TV, media and internet have amplified conflicts between social groups and warring parties, particularly those affected by people coming from abroad. That has led to groups in the UK being far from welcoming, but hostile to these incoming groups, as we heard earlier. Government could do more to monitor and assist UK and international social and political groups that are sensitive to adverse debate and criticism. There is a new role for government and the organisations it sponsors for this purpose.

Other organisations have played a different role in improving and calming society. In advanced countries, the debates of industrial, governmental and commercial organisations have steadily improved management methods. Again, I refer to the noble Baroness, Lady Bottomley, whose father ran the Industrial Society when I was head of the Met Office. We had an extraordinary visit from Garnett in the 1990s, discussing how dealing with complex issues in a business or governmental organisation can be effective. It is noticeable how little conflict there is within many of these large business and governmental organisations, so perhaps we should learn more about them. They have had to deal with difficult organisational problems, and I believe we should think about that.

I am an engineer, a former chief executive and member of the Hazards Forum. Another aspect of this is that staff can be frustrated if there is no internal debate about critical issues and decisions. At present, several hugely important technical debates are ongoing around the world. Examples include the recent situation with Boeing—I worked with Airbus and can see this issue is of great importance—people dealing with the combustible behaviour of tall blocks of flats, and the factory workers of Bangladesh. These critical social issues are being debated.

Given the general experience of Members of Parliament and of committees of both Houses, we should be well placed to investigate different organisations dealing with controversial issues, general and technical, in important debates. I add the caveat that physical, natural and medical scientists and engineers make an important contribution to the role of Parliament, and we should hear more about that.

3.25 pm

The Lord Bishop of Leeds: My Lords, I am grateful to the noble Lord, Lord Harris, for securing this debate and for the clarity of his and other speeches. I say to the noble Lord, Lord Patten, that if such a cast were assembled, some of the people who need to be there simply would not turn up. If they did, they would see it as their job to disrupt it, so I suspect it will be more complex.

[THE LORD BISHOP OF LEEDS]

We still admire Benjamin Disraeli for telling Parliament that half the Cabinet were asses and, on being ordered to withdraw the comment, responding, “Mr Speaker, I withdraw. Half the cabinet are not asses”. Political invective is not new and it must have a place in a free society, but words matter. I speak as a former professional linguist. Language is never neutral, and the ad hominem abuse we increasingly witness now simply encourages wider public expression of violent hatred. It is incrementally corrosive.

If the conduct of debate in public life has become toxic, it is only because it has been in the interests of some people to allow it to be so. I have already spoken in this House of the corruption of the public discourse and the consequences of normalising lying and misrepresentation. I add that reducing people to categories might reinforce tribal identity, but it demonises and dehumanises everyone else. As Viktor Klemperer recognised from 1930s Germany, a million repetitions of single words, idioms, and sentence structures or slanders become unconsciously assumed to be normal. Think of Rwanda and “cockroaches”.

Jo Cox MP was murdered only 10 miles from where I live and I was there within the hour. Her attacker shouted slogans about “Britain first” while killing her. Do we think this is just unfortunate, or do we admit the link between language, motivation and action? I doubt if there was much analysis of the meaninglessness of the phrase “Britain first” and the assumptions that underlie it, but there was clearly a dynamic between language, motivation and action—language free from social inhibition and language that legitimises violence in the minds of some people.

What is going on here? Was the violent bile there already and did the referendum of 2016 simply open a valve, or has the lack of any legal or political restraint sanctioned or legitimised the sort of language we hear and read now? This is not about hand-wringing wimpishness about robust debate; rather, it now sees MPs fearing for their safety. As we have heard, Jess Phillips MP was openly spoken of in terms of when rape might be deemed okay. People are voicing violence that would have been deemed unacceptable three or four years ago, but which now is normal. This poses a danger to our democracy and corrupts the nature of our common life. It is not neutral and it is not trivial.

Classic populist language, of left or right, uses simple slogans, divisive negativity and visceral emotional pull. The accuracy, factuality or truth of what is said is irrelevant. Such language is powerful and effective: it works. It is also apparently unaccountable. What are Nigel Farage’s policies for the construction of a post-Brexit United Kingdom? Where is there even a hint of any responsibility for the future, other than a rejection of the past? It is just one simple message supported by a whole set of angry assumptions, and the language is all of betrayal. The culprits, the enemies, are those who are not them. This is viscerally emotional and not rational. Reality, truth and factuality are of no concern. Complex questions are reduced to simplistic binary choices. And it works.

We are witnessing a trading in the language of victimhood. Everybody, it seems, is now a victim. All sides of the Brexit shouting match claim to have been

betrayed: hard Brexiters by soft Brexiters; remainers by leavers and leavers by remainers; “the people”—whoever they are—by the “elites” and the establishment by the people; and apparently everyone by the BBC. The ninth commandment is there for a purpose: do not bear false witness against your neighbour. Surely only satire could see old Etonian, Oxbridge-educated, senior multimillionaire politicians complaining about “establishment elites” as if this term of abuse referred to someone else. But no one laughs, and they get away with it. It is not a great leap from this to the sort of conspiracy theories that have brought anti-Semitism back into polite conversation.

When politicians speak of the Prime Minister entering “the killing zone” and taking “her own noose” to a meeting, we are in trouble. The German philosopher, Peter Sloterdijk, writes that the nature of our public discourse matters because,

“moral and political aberrations almost always start with linguistic neglect”.

Edmund Burke understood the powerful influence of abstract terms such as “liberty” or “equality”, which have the power to move people without enlightening them.

We might be entering a dark age in these matters, but we can put our own house in order and lead by example; for instance, by promoting a greater sense of responsibility among institutional and political figures who influence the public discourse; by making people who use such speech publicly accountable, and by offering counter-narratives that ensure that our children hear something good and witness a discourse that is respectful. We need strategies for addressing this, and we need to start here, with politicians, in Parliament.

3.31 pm

Lord Liddle (Lab): My Lords, I congratulate my noble friend Lord Harris on organising this debate and on his outstanding introduction to the issues. What made me decide to speak was the fact that I had had a pretty rough time on the doorstep in the local elections running up to 2 May. I have done a lot of this in my life, for getting on for 55 years. I know what the voters are like; some people slam the door in your face and others say, “Oh, you’re all the same. You’re only in it for yourselves”. But I sensed that there was a much more aggressive tone towards politicians in this set of elections than I had ever seen before—and Wigton has such a nice local community.

I think that it is a direct consequence of the 2016 referendum. People feel that they were offered a clear choice: in or out. They just cannot understand why “out” has not happened, given that they voted for it. What the bitterness on the doorstep brought home to me was the great risk involved in going down this road of direct democracy, offering people simple choices when issues are becoming ever more complex as time goes on. Part of the answer to these problems is to restore faith in representative democracy, and I will make four points about how we try to do that.

The first point is one with which I know a lot of colleagues on my side of the House will not agree, but it is a view that I have held for a long time: namely, that if we had electoral reform and a system of proportional representation, it would lead to a wider

representation of views in Parliament. I cannot stand Nigel Farage's views, but he represents a sufficient group of people for his party to be in Parliament. The main political parties have ceased to be effective vehicles for representing a much more fragmented nation. That is true of the Conservative Party, which is bitterly split between nationalist populists and the traditional one-nation and pro-business Conservatives. It is arguably true of the Labour Party as well. So I favour electoral reform, which would bring a wider range of views into Parliament and force on our political system a culture of compromise. That is what the post-war Federal Republic of Germany is so good at. When we see the shouting match of Prime Minister's Questions, the contrast with the political culture of the Federal Republic could not be greater.

Secondly, we have to foster more political education and debate in society. That should start in schools. I am very keen on Gordon Brown's ideas for citizens' assemblies, which have been shown to work in getting people to understand some of the complexities that we face. The way in which the Irish handled their second referendum on the Lisbon treaty in 2009 was a model of how to involve people in a proper debate about the issues that is not extreme and polarising.

Thirdly, we need reform of the media, on which I will make two points. First, social media companies have to accept much greater responsibility for rooting out unacceptable language from their platforms. That should become a legal obligation. Secondly, we had a wonderful Speaker's Lecture from Tony Hall—the noble Lord, Lord Hall of Birkenhead—as director-general of the BBC, in which he spoke about the BBC's mission to counter fake news and to put news as its top priority. This will not happen unless we stop trying to use the BBC as a social security policy to help over-75 year-olds with the cost of their licence fee and fund it properly to do the job that it should be doing in promoting objectivity and debate. I shall stand up for the BBC. I know that some of my colleagues and closest friends attack the way in which it behaves, but I do not support that.

Fourthly, we have a responsibility to provide political leadership. I am not satisfied that in the Labour Party, for instance, we have taken the necessary steps to deal with anti-Semites. The leadership has not defended Members of Parliament who have come under vicious attack. This is not good enough and it has to change.

3.38 pm

Lord Puttnam (Lab): My Lords, I, too, thank the noble Lord, Lord Harris, for making this debate possible. It is timely and it certainly is important.

Almost 49 years ago, I travelled to Heidelberg to meet Albert Speer, Hitler's former architect and Armaments Minister, who had recently been released after 21 years in Spandau prison. I had audaciously put in a bid to buy the film rights to his then best-selling book, *Inside the Third Reich*. Like many born during wartime, I was desperately eager for a better understanding of how Hitler came to power, with consequences that dominated the lives of my parents' generation.

By some miracle of luck and timing, my partner and I won the rights to the book, which led to our spending many hours probing and questioning Speer's

motivations, with the opportunity to go well beyond what was actually in the book. One story in particular stands out. He said that he was walking in Berlin a day or two after Kristallnacht, surveying the damage done to Jewish property and shops. He claimed to have been appalled by what was going on, but by now his principal concern was that the glass was cleared away before any child fell and cut themselves. He made the point that it is quite shocking how quickly the unthinkable becomes thinkable, then normalised, and, eventually, in the final phase of populism, brutally enforced.

In chapter 2 of his book, he writes:

"I did see a couple of rough spots in the Party doctrine. But I assumed they would be polished in time ... The crucial fact appeared to me to be that I personally had to choose between a future Communist Germany or a future National Socialist Germany, since the political center between these antipodes had melted away. Moreover in 1931 I had reason to believe that Hitler was moving in a more moderate direction ... Hitler was trying to appear respectable in order to seem qualified to enter the government".

In other words, he was seeking to legitimise himself and his party in order to take back control. Does any of that sound remotely familiar? In the event, we produced two documentaries. The first, entitled "Double-Headed Eagle", covered the years 1918 to 1933, and the second, "Swastika", took the story from 1933 to 1945.

I have always believed that this narrative ought to be compulsory viewing for anyone attracted to the simplistic rants of Nigel Farage or his venomous counterpart, Stephen Yaxley-Lennon—or "Tommy Robinson", as he prefers to be called. When I was growing up, the term "nationalistic" was synonymous with a particularly pernicious form of authoritarian government. Somehow, the debates in this country around Brexit have allowed it to become somewhat re-legitimised. Nationalism is not the same as patriotism and they should never, ever be confused. This drift is a process that we in this House should be doing everything possible to overcome. To better inform that opposition, I thoroughly recommend an excellent new book by the young historian Tim Bouverie, entitled *Appeasing Hitler*.

Last Friday, the Labour MP Lisa Nandy gave the Clement Attlee Memorial Lecture at University College Oxford. It was a wonderful lecture and I can do no better than quote directly from it. She said:

"The problems of a deeply divided nation, and the many heartfelt views on Brexit, and the things Brexit has come to symbolise, are not going to vanish. They are complex, demanding of nuance and will not be wished or voted away".

She went on to say:

"Never think that 'the blood-dimmed tide' is a threat only to immigrants and minorities. It is a threat to all of us. We all need constitutional protection, we need a centre that holds. Those who believe in civil discourse, who respect the truth, must be willing to find a common cause".

I cannot top that, other than to remember that, in the final chapter of what was to be his last book, the late Lord Clarke—Kenneth Clarke—asks himself which of all human qualities he most values. It would be reasonable to assume that, as our foremost art historian, he would opt for some cultural reference. Instead he offers just one word: "civility".

Civility will not be regained by accident. It is my belief that every Member of your Lordships' House has an absolute obligation to ensure that civility once

[LORD PUTTNAM]

again becomes the watchword in the practice of politics in this country. When he replies, I sincerely hope that the Minister will offer the Government's determination not to allow extremism in its many forms to undermine what all noble Lords seem to realise is a dangerously fragile democracy.

3.43 pm

Baroness Prashar (CB): My Lords, it is a real pleasure to follow the noble Lord, Lord Puttnam. I agree with what he has said. My profound thanks go to the noble Lord, Lord Harris, for securing this important debate on a subject which goes to the very heart of our democracy. It impinges on the right to free speech, the right to challenge decision makers and freedom of association, and concerns issues such as treating people with respect, no matter what their views, and conducting public discourse in a civil manner.

In a democracy we need plurality of voices, but, critically, we also need skills, experience and knowledge to gauge the veracity of those voices. However, the conduct of public debate has become aggressive and uncivil. Healthy, open debate is thwarted by intolerance and lack of respect for differing views. The tone of bitterness and aggression that has entered our public debate is very worrying. The scale and intensity of intimidation shaping our public life is a matter of serious concern. We are all aware of the worst incidents, ranging from verbal abuse, intimidation and death threats sent to MPs for the way they voted, to the most horrendous murder of Jo Cox in 2016. Nothing appears to be off limits with the Wild West, cavalier attitude that we find in public life these days.

There are a number of contributing factors to this toxic environment. One area of great concern that has already been mentioned is social media. It has become a fertile ground for attacking those in public life, especially women and the LGBT and BAME communities. Emboldened by the mask of anonymity, people feel free to say what they like, no matter how harmful or distressing. Furthermore, the echo chambers of social media leave people unprepared to deal with views other than their own. The result is a political culture that is unable to accommodate differing opinions or form broad alliances. While the internet has brought many freedoms and an unprecedented ability to communicate, it also carries the insidious ability to distort, mislead and produce hatred and instability.

The Government's global initiative to tackle online harms and address the negative consequences of social media is really welcome. We must use technology for positive purposes—to free our minds—and use regulation to restore accountability. Amazon, Apple, Facebook and Google not only dominate market positions but exercise control over public debate, which undermines both economic competition and democracy. An effective regulatory regime is therefore much needed, as is digital literacy. The Government's strong emphasis on digital literacy and their assertion that it should be a fourth pillar of education, alongside reading, writing and maths, is truly welcome. It is also encouraging that the Government are taking an international lead: we need to ensure that other countries are with us, so that perpetrators are not able to hide behind other jurisdictions.

This toxic atmosphere is discouraging people from getting involved in public life. If no action is taken, this will further diminish the quality of our politics and have dire consequences for our democracy. It is right that the Government are taking this issue seriously and looking at ways of dealing with these problems. However, trust in the Government and in politicians is at an all-time low. According to the Edelman Trust Barometer 2019, the trust deficit in our core institutions has never been bigger, and there has been a steady decline over several decades. More and more people feel disfranchised and not listened to. A decade of financial disruption, austerity and weakening civic ties have left many feeling dispossessed and insecure. The consequences of this have been poignantly unmasked by Brexit.

The National Centre for Social Research points out that, between 1986 and 2013, the proportion of those who trusted the Government to place the needs of the nation above those of the party nearly halved, from 38% to 18%. These feelings found expression in the Brexit debate and have fuelled populism, which we have all seen being manipulated. All this feeds cynicism and destroys trust. These divisions and the lack of trust in politics create an environment where intimidation in public life is more likely. Collective effort is needed to address the divisions in society. Everyone must take responsibility for turning this around; business, civil society and government. We all need to uphold ethical standards, so that we do not undermine the institutions we are part of: it cannot be only a government-led solution.

There are organisations that can help. I was pleased to hear the noble Lord, Lord Puttnam, mention Germany, because I have recently become a chairman of Cumberland Lodge, an educational charity set up 71 years ago by Amy Buller, who wrote the book *Darkness Over Germany*. I see that organisation as a laboratory that teaches children how to disagree well and how to develop critical thinking, and such initiatives need to be scaled up, along with efforts to promote digital literacy.

We also need to look at ourselves and ask whether our behaviour and the way we conduct ourselves set the standard that we expect from others, or whether our behaviour is contributing to the very toxic atmosphere we are debating today. How to conduct respectful debate, how to disagree well and how to treat others and listen to differing views with respect are fundamental to a vibrant democracy. We need to hold a mirror to ourselves.

Recently, both Houses have had to strengthen their codes of conduct. In my view, it is a very sad reflection that this had to happen. Yes, we need to regulate; yes, we need better digital literacy and better education; but we also need to improve the culture of our institutions and model the behaviour we expect of others. We live in very troubled times. A sense of anger and bewilderment is spreading. Fractious behaviour is on the increase, both within and without. It is high time for us to come together and work to nurture fraternity, not fractiousness.

3.51 pm

Lord Haskel (Lab): My Lords, when I was a student I used to play in curtain-raiser rugby league matches for the local team. We got a bit of money to cover our expenses, but this was docked for bad behaviour. Bad behaviour was "playing the man, not the ball". I do

not wish to trivialise this subject, but I was reminded of this when my noble friend introduced the debate—on which I congratulate him—because it is playing the man, not the ball, that introduces toxicity into public life.

You do not have to be a visitor to the United States to be appalled at the way the President has made personal insults a firm substitute for political argument—the noble Baroness, Lady Hussein-Ece, mentioned this. Of course, because it comes from the President, this practice is legitimised and copied. As the *Guardian* pointed out, we had a good example of this here recently, when Greta Thunberg came from Sweden. Instead of dealing with her arguments and evidence, many commentators just called her weird, privileged, inexperienced or irrelevant. It is this disparaging of a person, rather than dealing with the argument or the evidence, that is one of the causes of toxicity in our public life.

As my noble friend Lord Harris and others have explained, social media thrives on this. Social media platforms are set up to reward people's engagement: people are encouraged to feed off each other in a continuous cycle that enables the amassing of data. This data then enables people to target microgroups with messages that nobody else sees—angry messages of an extreme nature that would otherwise never be published—all adding to toxicity. The internet is a wonderful medium for knowledge and information, but as the noble Baroness, Lady Bottomley, and other noble Lords have said, paradoxically, it has degraded debate.

What can we do about this anger and frustration? This tendency towards extremism has been apparent for some years. Like my noble friend Lord Parekh, I think it is due to rising inequality: in wealth, income and the standard of living, as well as regional inequality. My noble friend told us in his introduction of a poll that found that 82% of the public now feels that the country is more divided than ever. A cause of this inequality is the hollowing out of the economic middle. At the same time, we have a polarisation of the generations, as shown by the FCA study, and the unfairness of the generation divide, as shown by your Lordships' own Select Committee. This hollowing out and polarisation is not the inevitable result of automation and new technology but the result of bad government and bad management—economic and social. Much of this automation is taking place without increases in productivity, resulting in unequal distribution of the benefits. If we do not do anything about it, new artificial intelligence and robotics will continue the process and widen the gap even more. This hollowing out of the economy is a direct cause of the hollowing out of our politics, somehow legitimising extreme views and language. As somebody famous said, bad economics always result in bad politics.

Yes, there are efforts in reskilling, apprenticeships and lifelong learning, and there is a minimum wage, but it is not working. The “just about managing”, who so concerned the Prime Minister when she came to office, are still there. Reports from various welfare charities, food banks and the children's organisations that support the “just about managing” tell us that their number is increasing rapidly.

The problem that my noble friend has set us is about turning round society, and part of that turnaround is economic—economic reform that stops the hollowing out and produces a more equal distribution of wealth and of income so that all of us feel included. Public services are part of this turnaround. Hardly a day goes by without reports of the impact that austerity is having on our public services, particularly those provided by local authorities, which have had cuts to their grants of 30% to 40%. The cumulative effect of all of this—a political choice, not an economic one—has been to increase inequality. In this turnaround, citizenship and identity matter. After all, we are a community of citizens. As part of this turnaround, let us clearly define what is owed to and expected from each citizen. Add this to less inequality and we will have a more sustainable and successful democracy.

3.57 pm

Baroness Morris of Yardley (Lab): My Lords, I join other noble Lords in thanking my noble friend Lord Harris for tabling this debate. It is the sort of conversation we have in the Tea Room and when we meet in corridors; it is good to hear it in the Chamber of the House, and I hope that we can take things forward from here. I also acknowledge that I have learned something and have been made to think by every speaker who has come before me in this debate. I thank your Lordships for that, because we need to do a lot of thinking if we are to find an answer to the issues we are talking about. Inevitably, at this stage of the debate I will try to add weight to certain arguments rather than bringing forward anything new.

I share everyone's concerns about the number of MPs who have been attacked, the nature of the language, and the way some candidates think they can behave and excuse it as a joke. I do not want to concentrate much on that area of our discussion but I worry sometimes that the debate might give the impression that that behaviour is excused because other things are wrong, and it is not. Standing by themselves, those things are illegal and should not happen, the people who commit them are responsible for them, and action should be taken. Having said that, what has brought that about or allowed that to happen is wider than that and not illegal; the police will not take it up, and it is our responsibility to do something about it. When the Committee on Standards in Public Life looked at intimidation, it said:

“Intimidation also reflects broader issues with our public political culture”.

I start with the point made by the noble Baroness, Lady Bottomley, which was where my thinking started, although I went in a slightly different direction. When I look back over the years that I have been a grown-up in politics and think about the changes that have happened in the lifetime of most people sitting here, those are things that should have strengthened democracy; they should have meant that we were a stronger representative democracy than we were when I was a child.

I think of communication, the ability to exchange ideas, to listen, to explain, to understand and to engage. All those opportunities are better now than they were 50 years ago and should have enhanced democracy. If we think of the improvements in education, more

[BARONESS MORRIS OF YARDLEY]

children are in education for longer, there are more qualified teachers and a better curriculum. All that should have strengthened democracy. There are genuine improvements in society. I know that it is not perfect, but I know that I have better life chances than my parents', which are a million miles away from those of my grandparents. Nearly everything that has brought about a better life chance for me was driven by politics. There is a story to tell about how politics has benefited people over the past 30 or 40 years.

If we put that together—better communication and a better education system—there is a good story to tell about what politics can do. We should not be having this debate. We should be talking about how our democracy has improved over recent years. We have not seized those three things as a way to enhance democracy, and not doing that over the years is in part responsible for and has led to the chasm that the right reverend Prelate mentioned in which we are today.

I agree with everything that has been said about social media but, in truth, the relationship between politicians and the media has not been right for a very long time. They have had a relationship which has been about them, which does not mean anything unless it is also a relationship with the public. Over the years, in the mainstream media, with some honourable exceptions, the way that each has built up a relationship with the other has not been in the best interests of the voter, the citizen or the electorate.

For all those educational opportunities, we worry about illiteracy and people who cannot add up or multiply when they leave school. We ought to worry an awful lot more about the political illiteracy that still exists when youngsters leave our compulsory education system. We do not even have citizenship education on the curriculum any longer, let alone what my noble friend Lord Winston referred to: skills of debate and learning to grow up to be an engaged member of a democracy.

I had hoped that we might have moved from the age of deference to an age of engagement and healthy scepticism, but we have not; we have fallen into this dark place. Perhaps we can go back to think about what we are meant to be doing in politics. Essentially, politics is a battle of ideas. The need to be robust as a politician should not be to withstand onslaught from people who abuse you but to withstand people questioning and challenging your ideas and ideals.

Some of us have been in politics as a profession for years; some have come in from other areas. Over the past 40 or 50 years, every time somebody calls someone else's idea "treacherous", every time someone undermines someone else's patriotism, every time we use language that abuses people rather than celebrates what they have to offer, every time we claim that something has been successful rather than explaining how we had to compromise to get it through, every time, in an interview, we fail to answer a question but continue with the lines to take and ensure that the listener hears what we want them to hear, not what they want to hear, we lose an opportunity to strengthen democracy.

In truth, we talk about Brexit and say that Brexit is toxic, but people out there are not listening to all the things we are worrying about. If we had had a strong

political culture and strong foundations on which to have this Brexit debate, people would have stayed with us and listened to the argument, but it was too fragile a representative democracy, not because it will be overturned but in its ability to communicate with the electorate. That has led us into the problems we have now.

I will finish with this: people often ask me and others in this Chamber, "If you were young again, would you go into politics?". I love politics. It has been my life. It has brought about all the changes I cherish and made them available for my family, my friends, my country and the world in which I live. I have never thought of saying that I would not go into politics again but, increasingly over the past few months, when people ask that question, I have begun to ask myself too. Representative democracy is in real crisis the minute we stop engaging and inviting other people to do the job that some of us have been doing for 50 years. It is in our power to change that and I believe that we have a contribution to make.

4.05 pm

Lord Wallace of Saltaire (LD): My Lords, we all agree that we are in a crisis of the sort just described by the noble Baroness, Lady Morris.

I recall talking to a good friend, a young female MP, some weeks ago. She said, "Do you know, as I was going through the Lobbies the other week, I thought for the first time since I came here that I was perhaps in the wrong sort of job in the wrong sort of place". That is the level of toxicity the Commons has reached. She and some of her young female colleagues have also talked about the intimidation they face through email, social media and so on. I fear for them; all I have faced are the shouts of "Traitor!" that we get every now and again as we walk in and out of here. It is a real problem and will of course affect how many people come into or stay in politics. Things are very different from what it was like when I first started out as a political candidate, when the old sense of deference was there and people were glad to see you when you met.

We all accept that we face the major problem of maintaining democracy. Violent language by established politicians and columnists in national newspapers, as well as across social media, affects the quality of debate. Violent language encourages actual violence. Behind that, a deep distrust of the so-called political class has been growing over the years; the expenses scandal and the way we are portrayed in the media have contributed to that. The increasing professionalisation of politics means that we rank down there with bankers among those who are the least trusted by the rest of our community. There is therefore a disillusionment with politics as such. I find that the widening of the gap between the public and the professional political class results partly from a decline in party membership; again, when I started out in politics, the Conservative Party had more than a million members. Those grass-roots numbers, feeding back to the leadership, are now down to something like 100,000.

The decline in local democracy and local government is also a major problem because it increases the gap between the governed and those who govern. If your local school has been taken over by an academy with

its headquarters 50 miles away, your social services and children's services are being cut and much of what used to be your public services have been outsourced, not surprisingly, you fear that politics is remote and that you are losing control.

In the past few years, we have seen the rejection of evidence on global warming, vaccinations, international trade, regulation and everything to do with the European Union. We have seen that not just in Britain; we must recognise that it is part of a wider trend towards what Viktor Orbán calls "illiberal democracy"—the politics of feeling and guts and nationalism against these silly liberals who muck about with evidence and detail. So, we have to be nice to each other. That intolerance is marked by President Trump's violent rhetoric, as well as by Viktor Orbán, the Polish Government and others.

What should our response be? We have to defend the principles of liberal democracy—all of us across all parties and outside the parties. As the noble Lord, Lord Harris, said, we have to defend the politics of reason, evidence, negotiation, tolerance of opposition and different views, the rule of law and respect for minorities who are so easily demonised by populists. I also agree strongly with the noble Lord, Lord Parekh, and others who have said that you cannot have too great a degree of inequality and maintain the sense of a national community. The social contract about which Locke and others have written is a contract between the governed and the governing, and those who are governed expect the state to give them security and a degree of welfare in return. We are in danger of allowing economic change, deregulation and the shrinking of government, which is very much what the Conservative Party has been pushing for through austerity, to widen the gap too much between what the Government do and what the governed receive. That, indeed, undermines democracy.

Several speakers, including the noble Baroness, Lady Morris, and the noble Lord, Lord Liddle, have also talked about the importance of educating our citizens. The failure of political education in this country is appalling. It is an issue that we have debated in this House. While we have to push at it, the problem is that it is a political football that easily becomes partisan and is perhaps the sort of thing on which this House could form a Select Committee—that is, on how to promote citizenship education in our schools. That involves an understanding of our national history, having respect for evidence and fostering an understanding of government and governance. Moreover, we need the teaching of citizenship to mean talking about not just rights but the obligations of citizenship—a term that, sadly, has gone from popular debate. I often hear on the doorstep, "I've got my rights", but I never hear, "I should be doing something about my obligations". Political education in all our schools should therefore be much higher up the agenda of all parties.

Who should respond to this problem? The Committee on Standards in Public Life has said that political parties should take the lead. Political leaders set the tone of public debate and our political leaders have failed. I do not mean just our current political leaders. David Cameron failed in many ways regarding his respect for evidence. I felt that in particular when we were dealing with European issues in the coalition

Government. Tony Blair cultivated the press and refused to stand up to it when he thought that aspects of it were peddling other issues. As I say, it is not just the current Government, but when the Prime Minister fails to call out those in the European Research Group who come close to threatening violence if we do not accept a hard Brexit, she is failing in her role as a political leader. When she talks about how citizens of somewhere are much better than citizens of nowhere, she is dismissing explicitly, if one accepts David Goodhart's terms, the educated half of the population. Incidentally, looking at the contenders to succeed her as leader, I think that Andrea Leadsom is the only one of those to have announced so far who would qualify as a citizen of somewhere rather than of nowhere, and will no doubt therefore receive the support of the noble Baroness, Lady Bottomley. Jeremy Corbyn, as the leader of the Labour Party, shares in the responsibilities of political leadership. As some on his own Benches have said, he has also failed to exercise that.

The media have responsibilities, and the extent to which we have to listen to highly paid journalists who went to public school arguing that the liberal elite is refusing to recognise the will of the people, whom they understand and represent, is part of the nonsense of the situation we are now in—not to mention the calls for a more robust assertion of national sovereignty from people writing in newspapers owned by American citizens of Australian origin or British citizens who live in a tax haven in the Channel Islands. Business and finance also have responsibilities to wider society and the national community, which they fail to meet. Moreover, perhaps I may say to our two bishops present that the Church shares in the responsibility to talk about the moral dimension of markets, society and government. The Church ought to be saying that more loudly and clearly. I know that it will be sharply criticised by the media for doing so, but that is what you are there for and that is what you should be doing.

In the long run, we need political reform: restoration of local democracy, as I have talked about; devolution from Westminster back to the regions of England; and more open political recruitment and competition. Of course, that means changing the voting system; we have to remember that the referendum in 2011 was masterminded by the same team that led the Brexit campaign, and to win they promised the same nonsense about spending money on the NHS instead. Perhaps we might even consider building a semi-circular Parliament Chamber as our temporary Chamber to begin to change the atmosphere.

Lastly, the right reverend Prelate the Bishop of Rochester talked about a new national narrative, and I could not agree more. I spent some time on the Government's advisory committee on the commemoration of the First World War, on which we fought a number of battles about how far we should represent this as more than just Britain beating Germany but as a wider conflict with wider responsibilities. I suggest again that we might consider a sessional committee on the teaching of national history in England. Mrs Thatcher attempted to address the question in her last year in government and intensely disliked what the committee she appointed came up with. Michael Gove is about to tackle it again. Let us do it on a non-partisan,

[LORD WALLACE OF SALTAIRE]

cross-party basis and see how far we can get. There is a lot to do; our democracy is in serious crisis, and we should work together across the parties.

4.16 pm

Baroness Hayter of Kentish Town (Lab): A non-partisan plea from someone who has attacked every party except the Lib Dems—you could not make it up. I am sorry; I said I would resist doing that, but it was just too much of an open goal. Apologies.

My Lords, I also thank my noble friend Lord Harris for tabling this timely—indeed, all too topical—debate. It is sad that we need it but, as he said, we need to detoxify political debate and heal divisions being fostered within society. The dual contributions from our Bishops were noteworthy—I was about to say “interesting” but, having heard from my noble friend Lord Winston, I think “noteworthy” is a better word to use—but when the churches witness the depth and effect of what is going on, I think we should take heed. Acknowledging the scale of the problem is a necessary start to addressing it.

As we have heard, evidence to the Committee on Standards in Public Life put it starkly:

“The tone of modern political discourse permeates through society and normalises abusive and ... aggressive language”.

As my noble friend Lord Harris said, the Met Police chief revealed that abuse of MPs is hitting unprecedented levels, with near-daily reports of crimes. It is not just MPs, as he also said. Our brilliant—and mostly unpaid and unsung—local councillors are in the firing line too, with worrying long-term consequences. If fewer start a political career there in local government because of abuse, our pool of talent and experience, from which we draw future MPs and Ministers, diminishes.

Perhaps more than this is what this toxicity means for our democratic systems and assumptions. A *Daily Mirror* poll showed that three-quarters of the public feel that the country is more divided than ever before, with four in five having lost faith in British politics. This arises from more than just the tenor of debate, of course, but our very language, the lack of respect for the other and simplistic promises of quick fixes for complex problems—described by my noble friend Lord Liddle—all diminish trust in the political class. Both sides lose: the politicians and their families at the receiving end of some of the vilest material I have seen, but also the public, for whom a stable political world—albeit with its democratic swings between parties—forms part of the comfort blanket of our “common life”; I think those were the words used by the right reverend Prelate the Bishop of Rochester.

Political parties of left or right, which strive to represent their communities, heed problems, find solutions and act with honesty and integrity, are part of the fabric of life that gives people some grip over their futures, a say in how they are governed, some shared values and an understanding of how things can change. Politics has, as my noble friend Lady Morris said, improved life immensely and should have strengthened democracy.

However, of late we have witnessed, from activists seeking votes as well as from anonymous, unaccountable bloggers, in addition to the evidence-free assertions mentioned by my noble friend Lord Winston, a level

of abuse, vehemence and spite that has undermined faith in politicians. That is the “danger to our democracy” in the words of the right reverend Prelate the Bishop of Leeds.

As we have heard, female politicians are more often the target, with vile misogyny and sexual aggression displayed in horrific detail. For ethnic minority targets, the abuse is similarly distasteful, alarming and shocking, with particular fears for our Jewish community with its echoes of earlier and, we had thought, long-forgotten pogroms, or Kristallnacht, as mentioned by my noble friend Lord Puttnam, whose film “Swastika” I recommend.

It behoves all of us—activists, Governments, parties, faith bodies, broadcasters, press and social media companies, as well as schools and universities—to face up to what is happening to public discourse, and examine our own role in it, even if it is simply by turning a blind eye or doubting its scale, and to prioritise action to end the harm. As my noble friend Lord Haskel reminded us, this is not just about what is said, but why it is said. What causes these feelings of alienation, of being dispossessed or marginalised? My noble friend Lord Parekh identified inequality. For my noble friend Lord Haskel, the hollowing out of the economy is a direct cause of the hollowing out of our politics and we will need a more equal distribution of wealth and of income so that people feel included. On this, we look to the Government to act.

More widely, though, on the question of language and tone, as my noble friend Lord Harris said, we must start by putting our own House and political parties in order—a plea with which I concur. More is needed from all of us. We should look to the Government to take a lead and use their influence, whether over education, electoral law, the BBC, company regulations in the digital world, police training or myriad other ways to get every part of our life to face up to the challenge facing us. The noble Lord, Lord Patten, quoted from *A Tale of Two Cities*, which is how this country sometimes feels. But I think of the longer quote:

“it was the age of wisdom, it was the age of foolishness”.

How well that former *Hansard* writer, Charles Dickens, somehow understood our century.

My noble friend Lord Harris reminded us how we all vowed “never again” after Jo Cox’s tragic death. But it will be never again only if each of us is willing to play our part in putting an end to the corrosive atmosphere that has invaded the political sphere. On that, I am sure the whole House would concur.

4.23 pm

Lord Young of Cookham (Con): My Lords, I have wound up many debates in my time but I find this the most difficult of all, not least because we have had some great speeches which it will be very difficult to match but also because some of the issues that we have been discussing—what sort of country we are, how our institutions are letting the country down and how our political parties are not working properly—have no easy answers. But noble Lords have been good enough to identify some ways forward, so let us have a go.

The noble Lord, Lord Harris, was quite right to raise this serious issue, and I commend the speech that he made in introducing the debate. He made some very moving references to Jo Cox, also referred to by

the right reverend Prelate the Bishop of Leeds and others. The noble Lord cares passionately about our democracy. He articulated the threats that he sees, including the loss of confidence in democratic institutions, and identified some potential solutions. One theme that has run through the debate is the need for strong political leadership—a point he mentioned with which I agree. That was picked up by others, including the noble Lord, Lord Liddle. He also mentioned the need for political parties to put their own house in order, and again I endorse what he said.

I am grateful to all noble Lords who participated in the debate with some very thoughtful and thought-provoking interventions. They discussed how best to restore confidence in the institutions of our country, asking how we can promote good conduct and healthy political debate, alongside respect for those with a different view—the tolerance that the noble Lord, Lord Wallace, mentioned—and what both government and those of us in active politics can do as individuals to heal the divisions. A theme developed by the noble Lord, Lord Harris, the noble Baroness, Lady Prashar, and others was that it is not just up to the Government. The noble Lord, Lord Parekh, mentioned the importance of the language that we use, and the right reverend Prelate the Bishop of Leeds was, rightly, concerned about the normalisation of violence in our language.

The noble Lord, Lord Harris, referred to my noble friend Lord Bates—an unerringly friendly, courteous and popular Minister, who took stock of the vitriol, anger and intolerance in British politics and resigned, calling for reflection and change. He has decided to make his contribution by talking to people on his journey from Belfast to Brussels, to get a deeper insight into the current malaise and how we might restore national unity. We hope to hear from him on his return.

Picking up a theme from the noble Baroness, Lady Morris, the noble Lord, Lord Wallace, and others, next week I am going to do something which many noble Lords have done. I shall be addressing a masterclass for year 12 at a secondary school, where those representing different career options will be making their pitch to school leavers. Listening to the debate this afternoon has brought home to me the challenge of persuading teenagers to opt for elective office when there are so many other careers that offer greater job security, less media intrusion, less risk of personal harm, and better pay, and which enjoy higher prestige in the public eye—and there is not even an estate agent coming with whom I could compete on equal terms.

I also remember recently addressing a roomful of university students on the Upper Committee Corridor. They were in their last year of a politics course. At the end, I asked how many would consider becoming an MP. Not one hand went up—a point made by the noble Baroness, Lady Prashar, who talked about the difficulty of engaging. Yet I was struck by a point that the noble Baroness, Lady Morris, made: never have young people had more reason to become engaged in public life and shape their future. We saw last month how strongly young people feel about climate change.

In fact, we have a good story to tell about politics and democracy. In many ways, becoming an MP is more attractive now than when I started 45 years ago.

MPs have better working conditions in Portcullis House, more generous pay and realistic allowances, proper staff, civilised working hours and, through technology, an increased facility to communicate with their constituents.

My noble friend Lady Bottomley put in a broader context the violence in society and asked what was different this time. I shall certainly read the speech of the noble and learned Lord, Lord Judge, as she recommended, and I will come on to the theme of social media, which she touched on, in a moment.

As part of the response to the issues that have been raised, I will explain what the Government have tried to do to remove some of the barriers to public life, to mitigate online abuse—one of our themes today—to tackle hate crime and hate speech, to prevent parliamentary intimidation and to promote democratic engagement, and I shall answer some of the questions raised.

This is a timely debate because, over the weekend, the Government announced plans to safeguard our democracy, addressing the mounting need to protect public debate and the integrity of our elections. In recent years, we have witnessed rising levels of violence and abuse directed towards those taking part in that debate. This increased prevalence of intimidation in public life risks stopping talented people from standing for public service and putting voters off politics.

The noble Baroness, Lady Hussein-Ece, mentioned the independent Committee on Standards in Public Life. It was asked by the Prime Minister to look at this very issue of the intimidation of parliamentary candidates, MPs and other public officeholders following the 2017 general election. It looked at the nature of intimidatory behaviour and considered what measures might protect the integrity of public service effectively, especially given the rise of social media. As I said, we published a response last weekend, entitled *Protecting the Debate: Intimidation, Influence, and Information*. Additionally, the Minister for the Constitution announced that the Government will legislate for a new electoral offence of intimidatory behaviour—a matter raised by the noble Baroness, Lady Hussein-Ece. Those found guilty of intimidating a candidate or campaigner during the run-up to an election will be stripped of their right to run for elected office for five years.

Passions run high in politics and political debate, and it is right that we should care about how we govern or are governed. However, there is absolutely no excuse for anyone, no matter who they are, to threaten or abuse a candidate or campaigner whose views they do not agree with. Neither do individuals have the right to impose their views on others. I deplore, as others have done, the comments made about Jess Phillips by a UKIP candidate; that candidate's feet would not have touched the floor had he been standing for any party represented in our debate today.

The right reverend Prelate the Bishop of Rochester raised the need for a conversation about national identity, asking questions about who we are, to try to fill the vacuum—the “dark place” referred to by the noble Baroness, Lady Morris. He referred to the hostile emotions that have filled that vacuum and then sketched out how it might be done. This theme was developed by my noble friend Lord Patten, who suggested the possibility of a forum which might do some lateral

[LORD YOUNG OF COOKHAM]

thinking to work out the agenda for a way ahead. The noble Lord, Lord Hunt, suggested a new role for the Government in reassuring minority groups—I would like to reflect on that—as well as the idea of a parliamentary committee looking at how outside bodies deal with the sort of conflicts that we have been wrestling with this afternoon.

Brexit was one of the themes that ran through our debate; a large number of noble Lords mentioned it. A referendum has the potential to set people against Parliament when the people vote for a proposition with which the majority of parliamentarians disagree, and are then frustrated—as the noble Lord, Lord Liddle, mentioned—when three years later the result they voted for has not been delivered. We have seen a sort of polarisation of leave versus remain, which is beginning to replace the traditional right/left divisions that we have seen in our politics. The noble Lord, Lord Parekh, referred to the polarisation of a metropolitan elite on the one side and the rest of the country on the other.

I have reservations about referendums. I think it is legitimate to have a referendum to see whether Scotland or Northern Ireland wants to remain part of the UK, but I have reservations otherwise. I happen to believe that democracy is a conversation between people and Parliament, rather than a one-off instruction from one to the other. But, whatever one's views, nothing can excuse the hatred and violence that we have recently witnessed.

The right reverend Prelate the Bishop of Leeds developed the themes by referring to the language of betrayal that has been used by some of those currently campaigning. I deplore the language that has been used—in some cases by my party—to talk about politicians. But the whole House welcomed the two memorable thoughts for the day offered by the two right reverend Prelates.

To the noble Lords, Lord Liddle and Lord Wallace, I say that we have had a look at electoral reform; we tried it but the public did not buy it, and I am not sure that it will happen in the near future. I was moved, as I am sure we all were, by the speech of the noble Lord, Lord Puttnam, who spoke of the risk of the slippery slope—the drift—if we do not confront extremists. He reminded us how nationalism can get out of control. Yes, we will stand up for the values he described.

While we have been talking about the toxicity in public life, it struck me that the increasing levels of violence that we have mentioned extend beyond the walls of Westminster to the lives of councillors—as the noble Lord, Lord Liddle, mentioned—and to hard-working teachers, nurses, doctors, judges and police and prison officers, who have also been targets and victims of toxicity and, in some cases, the intimidation and violence referred to in our debate today.

I was concerned to read in today's *Times*, as I am sure were other noble Lords, that a number of MPs no longer feel secure walking across Westminster Bridge and are increasingly taking taxis. Noble Lords will have seen at times the aggressive behaviour of protesters during the recent Brexit debates. I looked out of the window of the Chief Whip's Office this morning and saw a large placard saying, "Self-serving liars are destroying our nation". Security arrangements at the

Palace of Westminster are under constant review, and there is an ongoing police operation on the Parliamentary Estate as the debate on Brexit continues. The Metropolitan Police will do its best to balance the legitimate right to peaceful protest, but its members will deal robustly with incidents of harassment and intervene wherever they see or hear breaches of the law.

A number of noble Lords mentioned social media and the online harms White Paper, and talked about the abuse that takes place online and the damage it can do to people's lives, careers and health. That is why we are taking action through the joint DCMS and Home Office online harms White Paper, which was welcomed by a number of noble Lords. We will establish a new statutory duty of care, as referred to by my noble friend Lady Bottomley, to make companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services. Compliance with that duty of care will be overseen and enforced by an independent regulator. As we debate these measures, there will be opportunities for noble Lords to add their own thoughts about how the legislation might be improved.

Accountability was a theme mentioned by the noble Baroness, Lady Prashar. Companies will be held to account for tackling a comprehensive set of online harms, including behaviours that may not be illegal but are none the less highly damaging to individuals or threaten our way of life in the United Kingdom. We expect that to include hate crime. We would also expect the regulator to include in a code of practice guidance to companies to outline what activity and material constitutes hateful content, content that may directly or indirectly cause harm to users—for example, in some cases of bullying or offensive material—and expectations around clear and accessible guidance to users on what constitutes hate crime and how to report it. We are consulting on the most appropriate powers for the regulator.

I thought the noble Baroness, Lady Prashar, made a good point, on the other side of the scales, in accentuating the positive benefits that can come from the intelligent use of information technology.

On fake news and state actors, the noble Lord, Lord Harris, asked why we did not have a toolkit such as the one that they have in Europe to deal with misinformation. In fact, the RESIST toolkit was launched last month to help communicators to spot and respond to disinformation. There is also a rapid response unit in the Cabinet Office to try to address disinformation.

The noble Baroness, Lady Morris, asked what we are doing to educate schoolchildren. We are looking at critical thinking skills in schools and launched a secondary schools resource last year to raise awareness of democracy. However, focusing just on children is not enough; we must do more now, which is why we launched the RESIST toolkit, as well as an awareness campaign targeted at 18 to 24 year-olds to give them the tools that they need. However, all the evidence is that people still look to the news agencies and news websites and give greater credibility to them than news on social media.

I am conscious that I am not going to get through all the issues that have been raised, but I will say a word about hate crime, an issue raised by the noble

Baroness, Lady Hussein-Ece. We are clear that hate crime and hate speech are completely unacceptable, that victims should be supported, and that those who commit these hateful attacks should feel the full force of the law. We are committed to upholding free speech, and legislation is in place to protect fundamental rights. However, this freedom cannot be an excuse to harm or to spread hatred. Current UK legislation values free speech and enables people who wish to engage in debate so to do, regardless of whether others agree with the views being expressed. Importantly, the law ensures that people are protected against criminal activity, including threatening, menacing or obscene behaviour, online and offline. In this way, we believe the law strikes the right balance between protecting citizens and protecting their right to expression.

I will say a word about Prime Minister's Questions, an issue raised by the noble Lord, Lord Winston—this will be a personal view. For many people, the weekly session of PMQs, which now lasts nearly twice as long as Standing Orders provide for, shapes their perception of politics. It is like Marmite. Some people love it—it is good box office, with at times some good one-liners worked up by spads and brisk exchanges on the issues of the day. For others, it is a poor advertisement for our democracy and our elected representatives, which switches many people off a career in public life and downgrades their faith in the democratic process. No one understands more than I do the passions that exist in the other place and the function of Prime Minister's Questions as a sort of safety valve, but it could be a better advertisement for the political process if the context was less rowdy. I admire the way the Prime Minister handles this bear-pit with dignity, and I suspect it is not how she would prefer to conduct political discourse. I hope at some point it might be reset, retaining it as the forum of political debate but without the concomitant uproar.

Of course, the other place should never be like your Lordships' House, where herbivores like me prefer our debates without the large decibel count, personal animosity or a binary approach to issues. We need to embody civility—a word raised by many during our debate. I agreed with what the noble Lord, Lord Winston, and the right reverend Prelate the Bishop of Rochester said: this might be a better forum for addressing the issues we have been discussing than the other place. I cannot remember who complained about it, but there are fewer people in the upper House who read out prepared scripts from the Whips' Office.

I thank all those who have taken part in the debate. We must all work together to protect, respect, and promote our democracy. I will share with ministerial colleagues the helpful suggestions that have been made, and I hope that, working together, we will create a better environment in which our democracy can thrive and in which we can all deliver on our collective responsibilities.

4.42 pm

Lord Harris of Haringey: My Lords, it is customary on these occasions to say how grateful you are to everyone who contributed. I suspect that that is sometimes formulaic, but it has been a debate of profound content.

Like my noble friend Lady Morris, I have gained something, learned something and been provoked into thinking about something by every single contribution we have heard. I am also grateful to the Minister for a response that at least attempted to cover the enormous breadth of issues raised during our discussion. He did so with his usual urbanity, courtesy and all the values that we have said are so important in our public life.

I want to make it clear that I brought forward this debate not because I think the problems we face are new. I very much take the point from the noble Baroness, Lady Bottomley. The first death threat I received as a public figure was almost 30 years ago. It was scrawled on the front of my house in black paint, and it was quite clear what the intent was. At the time, the police duly took a little note of it. A chief constable saw a photograph of it recently and said, "Oh, we'd take that very seriously these days". I am sure that is very reassuring. The point is that this is not a new phenomenon, but the consensus from every speaker has been that it has got significantly worse and significantly more serious in recent years.

I think a consensus emerged that we want to see strong leadership—I prefer the word "better"—to confront and deal with these issues. Unfortunately, strong leadership begins to sound like the strong man or the strong woman; that is the antithesis of what we are looking for. But we do want leadership, and people who are prepared to build consensus and confront the unacceptable, rather than pretend it is not there or ignore it. The overwhelming feeling I got from the contributions today was that we cannot allow this to drift, because the drift could lead us to a very unacceptable and frightening place. Given the unanimity that has been expressed today, I beg leave to withdraw the Motion.

Motion withdrawn.

Holocaust (Return of Cultural Objects) (Amendment) Bill

Second Reading

4.45 pm

Moved by Lord Sherbourne of Didsbury

That the Bill be now read a second time.

Lord Sherbourne of Didsbury (Con): My Lords, I begin by thanking all noble Lords who are taking part in this Second Reading debate. The Bill may be short and simple, but it is important because it deals with the legacy of that dark and uniquely evil period of European history in the last century—the Nazi era. Between 1933 and 1945, thousands upon thousands of works of art were stolen. At any time that would be shocking and scandalous, but it was far worse than that. This widespread seizure of cultural objects was part of a grotesque and systematic campaign by the Nazis to eliminate a whole race and culture.

Ten years ago, Parliament passed the Holocaust (Return of Cultural Objects) Act, to allow national museums and galleries to return works of art and cultural objects confiscated during the Nazi era to

[LORD SHERBOURNE OF DIDSBURY]

those with a rightful claim to them. However, the original Act has a sunset clause and is due to expire this year. This Bill would remove the sunset clause so that the provisions of the Act can continue indefinitely. It does not introduce a new policy but seeks simply to remove a statutory barrier. The Bill has been passed by the House of Commons, and I pay tribute to my right honourable friend Theresa Villiers MP, who piloted it through the Commons so skilfully, smoothly and successfully.

It might be helpful if I explain what led to the passing of the original 2009 Act, and also how the current system operates. During the Nazi era, thousands of cultural objects, largely in Jewish ownership, were stolen. It is thought that as much as a fifth of Europe's cultural treasures were lost. Many remain hidden. Some will have been destroyed. Some may never be found. Others have found their way into private collections, and some into public collections. The realisation that looted works of art might have been acquired by museums and galleries around the world led to the Washington Conference on Holocaust-Era Assets in 1998, which agreed: first, the need to identify art which had been confiscated by the Nazis and not subsequently returned; secondly, the need to publicise this information; and, thirdly, the need for dispute resolution mechanisms for resolving ownership issues.

It appears that very little looted art found its way to the United Kingdom during and after the war. Unlike mainland Europe, where many hundreds of works of art have been returned to claimants over the years, very few looted paintings and other cultural objects have been discovered in British museums. Nevertheless, and quite rightly, our national museums began detailed research of their collections to identify objects with uncertain provenance between 1933 and 1945. This information has been made available to the public. However, there was a problem. Several national galleries and museums, which are statutory bodies, were prevented by their governing legislation from returning such objects. This is why the original Act was passed in 2009.

The Act allows the 17 national institutions listed in it to return items lost during the Nazi era where there is a legitimate claim. Claims are assessed by the Spoliation Advisory Panel, established in 2000. The panel's recommendations are not binding but the museum or gallery concerned has always complied with the recommendations. Unfortunately, the 2009 Act included a sunset clause which means that, unless we pass the Bill now before your Lordships' House, that Act will expire in November this year and the national institutions named in it will no longer be able to return works of art lost during the Nazi era to successful claimants. To stop the clock would be terrible.

Many potential claimants may still be unaware of the location of objects which had been in the possession of their families. It takes time for people to come forward with claims, and for national museums and galleries to research the provenance of items with an incomplete history. For anyone who doubts this, the figures tell the story. During the whole of its life, the Spoliation Advisory Panel has advised on only 20 claims and only 13 cultural objects have been returned. So this whole process takes time, which is precisely what this Bill provides.

There are many people—heroes—who have played a major part in the restitution of looted cultural property in Europe. I want to highlight just two. One is the late Baroness Warnock, who was a powerful advocate for the 2009 Act and a distinguished member of the Spoliation Advisory Panel. The other person I want to mention is the co-founder and co-chair of the Commission for Looted Art in Europe, Anne Webber. It is because of Anne's tireless dedication and tenacity that so much has been achieved.

Finally, this legislation deals with works of art but the motivation behind it—the driving force—is less about material objects as such and more about ameliorating, as best we can, the suffering endured by so many families in this terrible period. Returning to families objects of great sentimental value has a deeply emotional impact. It can touch the very heart of a family. I believe that this Bill, short and simple though it may be, gives us all the opportunity to send a strong and powerful signal: that anti-Semitism and racism in all its forms must be fought in every corner of society. It is in this spirit that I commend the Bill to the House. I beg to move.

4.53 pm

Lord Palmer of Childs Hill (LD): My Lords, I thank the noble Lord, Lord Sherbourne, for introducing this Second Reading. Of course I support the Bill and its aim, which is, as he said, to remove the sunset clause. We should consider why that clause was inserted in the first place. The suggestion that it be time limited was because by November 2019 there would be no need for the legislation on the basis that, so it was said, it would become harder for claimants to amass sufficient evidence to decide on the validity of a claim. Clearly, this optimism was incorrect, as shown by the ongoing evidence that claims will continue, albeit at a snail's pace. The original owners of paintings and sculptures may well have died but the claims can be continued by their descendants. The noble Lord, Lord Sherbourne, was doubtful about the volume within UK institutions, but who knows?

I find it hard to get my head around how these cultural objects landed up in museums around the world. A speech in the other place said that,

“there is still uncertainty about the full provenance of some of the cultural treasures”.—[*Official Report, Commons, 8/2/19; col. 557.*]

Surely before purchasing or accepting items as gifts, the worthy museums and galleries would have obtained detailed provenance for each item. This happens in the art world. If museums and galleries have such items, one gets the picture of a hole-in-the-corner deal, with conversations such as, “Are you in the market for a Botticelli?”. The answer is something like, “No, I can't provide its history or provenance without including ‘looted by the Nazis in 1944’”. The legislation before us suggests that on display or in store, in museums and galleries, are items of stolen art gifted to the gallery, purchased from the thief or purchased by the vendor from the thief or his or her preowner.

This is a worldwide problem. Removing the sunset clause by the UK will serve as an example to other countries. France is considering the need for legal action to make possible deaccessioning—a dreadful

word—of artworks looted by the Nazis that are in state museums. Deaccessioning is the process in which a work of art or other object is permanently removed from a museum's collection. My question to the Minister is: should this further action be implemented or at least considered in the UK?

It is worth restating that the legislation before us is limited in scope and continues to seek, in some small way, to put right the wrongs done during an industrialised slaughter by the Nazi regime. We are considering this Bill in a disturbing climate of anti-Semitism worldwide, and the UK is also experiencing such an upsurge. This Bill is not going to curb anti-Semitism, but it may just help to right some wrongs.

4.56 pm

Lord Pickles (Con): My Lords, it is an enormous pleasure to support my noble friend introducing this Bill and to listen to the noble Lord, Lord Palmer. I draw the House's attention to my declaration of interest, which relates to various Holocaust remembrance organisations that I belong to.

It would be churlish of me at this time, given the announcement made this week, not to thank the Government and the Minister here today for the additional support for the Holocaust Memorial and Learning Centre, which is due to be built outside the Houses of Parliament. We are particularly pleased to receive the endorsement of the Prime Minister, and the former Prime Ministers David Cameron, Gordon Brown, Tony Blair and John Major, in addition to the Leaders of the Houses of Lords and Commons, the all-party group, the Mayor of London, the London Assembly, the Chief Rabbi, the Dean of Westminster, the Board of Deputies of British Jews, the Jewish Leadership Council, the Association of Jewish Refugees, the Wiener Library, the National Holocaust Centre in Newark, the Imperial War Museum, the University of Huddersfield Holocaust Exhibition and Learning Centre, the Anne Frank Trust, the '45 Aid Society, the Learning from the Righteous, the Holocaust Educational Trust, the Holocaust Memorial Day Trust, the Holocaust Survivors' Centre in Hendon, the University College London Centre for Holocaust Education and the nine synagogues in Westminster City Council. That additional help is well received. We are particularly proud that the Design Council chose to feature the design of the memorial and learning centre at its headquarters recently.

I know there are some who say that it is the right idea, but the wrong place. Some may even believe that, but they are wrong: the place is the point. Outside this building is the natural place for it to be. It is close to where all important decisions on Britain's involvement in the Holocaust were made—the good ones, the bad ones and those of complete indifference. It is my hope that when the memorial and learning centre is built, visitors will leave there and look towards this building and recognise that it is a bastion against tyrants. I hope, too, that when we look out at that memorial we will remember that, as legislators, we always have a choice: we can either protect civil liberties or oppress our citizens.

I turn to the Bill. What we know about the Nazis is that they were many things: they were murderers; they were psychopaths; they were bigots; they were racists and

they were anti-Semites. But, fundamentally, the Nazis were thieves. They looted and plundered throughout Europe. They stole from citizens; they stole from states, and, because there is no honour among thieves, they stole from one another. Elie Wiesel pointed this out far more elegantly than me, saying that this was a process:

“They stole your living, they stole your belongings, they stole your individuality. And they tried to wipe you out. To wipe out the fact that you ever existed”.

Do not think for a moment that this was confined to a bunch of Nazis. Their loot from Jewish people was an important part of the economy in the years of the Second World War. That was how people got their fur coat, their bit of jewellery, a nice mirror and the like. What was not looted by your neighbours was often taken by the state and sold outside your house or at special sales. The very clothes of the poor victims of Babi Yar, who were stripped and laid in pits, were sold close to the execution site. Do not let anyone say that nobody knew about this.

If we were to announce that, henceforth, property rights would be determined by the Nazis' Nuremberg laws, people would rightly be outraged, but that is what we have effectively done in large parts of the world by putting so many obstacles in the way of restitution of stolen property. Around the world, thousands of artefacts, properties and belongings remain in the wrong hands—in the hands of national collections, local authorities, museums and private individuals. People and communities are often very proud of their collections and may even be well meaning, but stolen property in the most benign and cultured hands is still theft. It is shocking that, even today, thousands of injustices remain uncorrected.

My noble friend talked about the Washington principles. I shall not repeat those, but one important aspect of them fits very well with this Bill and is about information. It is about families being able to search websites and to locate the property. This country has a proud record in this regard. It is true that there were not many such artefacts, but we managed to get them on a public list and were helpful in enabling people to find them within three months of the Washington declaration. This process continues. The Spoliation Advisory Panel has worked extraordinarily well, with 75% of all those claims coming from information supplied by British museums.

In June, I take over as the chair of the International Tracing Service, with its extensive records from the Holocaust and its aftermath housed in Bad Arolsen in Germany. One of the aims of the UK chairmanship will be to make it simpler for families to view and search records, but without this Bill all the searching can be done but that restitution cannot take place. The Bill is an important part of this process.

Those who think that we are gently winding down discovery of new loot should think again. I was in Bern, Switzerland, in 2017 and visited an exhibition which showcased the art from the home of Cornelius Gurlitt. His father, an art dealer, had sold what Hitler dismissed as “degenerate” art. At the time of its discovery in a Munich flat in 2012, leading figures in the German and Austrian art worlds asked: “What is the problem? Everybody knew about Gurlitt's collection”. Yes,

[LORD PICKLES]

everybody did know, except for the families that it was stolen from. My noble friend spoke so well about the work of Anne Webber and the Commission for Looted Art in Europe, which has been on the side of these families seeking justice for a long time. Anne and her team have united families with their treasured items, from books to paintings which once had pride of place above the fireplaces of Jewish homes across Europe.

I will quote two short paragraphs from a selection of quotes on the meaning and importance of restitution written to the Commission for Looted Art in Europe by families for whom the commission has helped to recover Nazi-looted property. The first is:

“These books of our murdered grandmother which until now filled the shelves of that German library have seemingly turned from passive objects to be read into witnesses whose voice will be heard and treasured”.

Secondly:

“Of all the pictures in the collection we are particularly pleased that this one has been rediscovered. It was one of the favourites of our grandparents and our aunt remembers it hanging on the dining room wall of her childhood home. As a young child she always liked it so much and she is so happy that she has had the chance to see it hanging in the family home again”.

We need to remember that, whether it is a painting or a book or a porcelain jar, every object represents the life and lives of those who were lost. Their restitution restores a personal connection, a link with those lives so utterly transformed or destroyed by the Nazis.

I conclude with a quote from Primo Levi. I was a guest on “Desert Island Discs” a few years ago. Besides the luxury and the various discs, you get to choose a book. My choice was Primo Levi’s *If This Is A Man*. I have two editions, but it is the second one which I treasure most. It was a gift to me, signed by Holocaust survivors. Some of them have passed on, but I got to know many of them and to understand their bravery and determination. This book, and this quote, mean a lot to me. It starts:

“But consider what value, what meaning is enclosed even in the smallest of our daily habits, in the hundred possessions which even the poorest beggar owns: a handkerchief, an old letter, the photo of a cherished person. These things are part of us, almost like limbs of our body ... the personification and evocation of our memories. Imagine now a man who is deprived of everyone he loves, and at the same time of his house, his habits, his clothes, in short, of everything he possesses: he will be a hollow man, reduced to suffering and needs, forgetful of dignity and restraint, for he who loses all often easily loses himself ... It is not possible to sink lower than this; no human condition is more miserable than this, nor could it conceivably be so ... They will even take away our name: and if we want to keep it, we will have to find ourselves the strength to do so, to manage somehow so that behind the name something of us, of us as we were, still remains”.

5.09 pm

Baroness Deech (CB): My Lords, this short, very welcome and deceptively straightforward Bill raises a host of ethical questions. We are in the middle of worldwide discussions about compensation and restitution for past injustices and deprivations. Let me make it clear that this Bill in no way opens up the sort of difficult questions that have recently been raised in Cambridge about the slave trade, or about the Elgin marbles. Those issues were raised when the original Bill was introduced 10 years ago, and settled in favour

of restitution, although the number of works of art that have been returned to their rightful owners in the last 10 years is fairly low. Sadly, the work is far from done, although the original sunset clause was understandable. There are survivors, and there are possibly hundreds of thousands of looted works of art in question.

The checking of the provenance of a work of art with a wartime question over it is now routine. The display of a looted work of art is not so much a work of beauty as a reflection of the pain and suffering surrounding its looting, for the Holocaust was not only genocide but the greatest theft in history. The Government should be praised for using their good offices to ensure justice. Klimt’s stolen portrait of Adele Bloch-Bauer, often known as “The Woman in Gold”, now on show in New York, has added lustre because it is shining legitimately. The restitution of these works of art is somewhat unusual, in that the restorer is not usually the wrongdoer but a museum that may have purchased the object in good faith—but it is symbolically important. The rightful owners or their near descendants are still alive, and it sends a message to this war-torn world that, if the enemy despoiler does his worst, nevertheless, in the end that wrong will be righted. Ancient treasures from Syria and Iraq are currently being sold: this is a warning.

My noble friend Lady O’Neill has written extensively on the topic of compensation and restitution. Although she wrote before the recent Cambridge exercise on slavery, she sensibly pointed out that it makes more sense to seek action to redress present disadvantage than to provide compensation for historic wrongs. This is different from restitution: restoring the situation that obtained before the wrong was done. It is important as a symbol, and, far from going back too far in time to what some might regard as a closed episode, the looting in the Middle East today reminds us of the importance attached to a people’s art works and the part they play in the pride and in the continuation of the history of a nation.

In another way, too, this is unfinished business. What about the real property looted during the Nazi era, most of which is situated and identifiable within EU countries—not here, of course? The Terezin declaration, to which this country is a party, called on those countries that have not yet made restitution to do so along the lines of the declaration. The most egregious offender is Poland, squatting on the property of 3 million victims of the Nazis—the only country in modern Europe to refuse to set up a scheme for compensation, presenting yet another example of Poland’s cavalier attitude to the rule of law and European obligations. The European Parliament, the American Congress and British parliamentarians have urged Poland to do justice—so far to no avail. Indeed, racism is rising across Europe and, sadly, to spend £105 million on a Holocaust memorial—something like the sixth in this country, in the wrong place, which does not speak to the heart—will not stop anti-Semitism. It is a sad state of affairs to see it politicised.

Democracy, as we have seen, does not stop genocide. Genocide is due more to religious and ethnic hatred—and that we see on the rise across Europe, where there is democracy and there are many memorials. The more

memorials we build, it seems, the more anti-Semitism rises. We need to think afresh about the causes of this hatred. This Bill is the right way forward and a credit to the United Kingdom. I hope that it also serves, first, to encourage our Government to put pressure on Poland to restore stolen property; and, secondly, as a warning to those who are looting historical objects in war zones today.

5.14 pm

Lord Wasserman (Con): My Lords, I too commend my noble friend Lord Sherbourne of Didsbury for agreeing to steer this short but important Bill through your Lordships' House.

I do not know about other noble Lords, but I have found that there tends to be an inverse relationship between the length of the Bills we have been asked to consider and their effects. Or is it simply that my perception of these matters has been influenced too much by the European Union (Withdrawal) Bill, which, as noble Lords will recall, occupied this House for 160 hours and 44 minutes without, as far as I can tell, having any effect on our long-term relationship with the European Union?

This Bill, per contra, although it consists of only one short substantive clause, will, when it passes into law, as I hope it will do very soon, make an enormous difference to a large number of people, not only in the European Union but throughout the world. As my noble friend Lord Sherbourne has already pointed out in his excellent introduction, there are many ways in which this short Bill will make a difference; some of them are practical, while others are symbolic or presentational. We have already heard from my noble friend how the Bill will send a message to the whole world that this House, and indeed this country, believe strongly that there can never be a statute of limitation on Holocaust crimes—not 10 years, 20 years or 50 years. We will never forget or forgive those responsible for the Holocaust, and we will remember them not only by building memorials to their victims and learning centres to tell the story of their atrocities, but by ensuring that no one ever benefits from their activities, even when these benefits are enjoyed by the public at large through national and local galleries and museums around the world.

If for no other reason but this symbolic one, I believe that the Bill deserves to be passed into law as quickly as possible. But there are also significant practical reasons why we must get it passed into law quickly, and I will discuss them briefly now. Before I do so, however, I must make it clear that before I began preparing for this debate, I knew very little about these matters. However, in the last few days, I have had the benefit of a tutorial from an old friend, Laurie Stein, who happens to be one of a handful of world experts in this field. It is the full-time job of these experts, who work for museums, galleries and private clients around the world, to research the provenance of pictures and other cultural objects which are the subject of claims that they were looted, stolen or otherwise illegitimately taken from their rightful owners during the Nazi regime. I am grateful to Ms Stein for helping me to understand why and how the Bill would make a very significant

practical difference to the valuable work which she and others are doing to ensure that cultural objects which were taken illegitimately from innocent Jews and others during the Nazi regime are returned to their rightful owners.

First, although it may be difficult to believe, as some noble Lords have already mentioned, new claims concerning objects stolen and looted by the Nazis are emerging in various parts of the world even now, more than 70 years after the defeat of the Nazis. Even experts like Laurie Stein have been surprised by this. They thought that the flow of contested objects seized by the Nazis would have dried up years ago. But, as I now understand, there are many good reasons why new claims are still being filed. One of these is the fact that only recently have large collections of personal files about victims of the Nazis, held in restitution and compensation offices in Germany and elsewhere, been opened to the public. I understand that these files, which had previously been closed for privacy reasons, contain masses of invaluable information about property seized illegitimately from the victims.

In other cases, the disappearance of family treasures in the 1930s and 1940s was simply unknown to the present generation of family members. Such a situation was the subject of a very moving article in the *Jewish Chronicle* of 26 April. In it, the granddaughter of noted French art dealer and collector René Gimpel, from whom a collection of major paintings was seized by the Vichy Government during the Second World War—it is now displayed in galleries owned and operated by the present French Government—wrote that he only learned what happened to his grandfather's collection, "10 years ago, when a US lawyer working on cases of Second World War spoliation contacted me saying that he keeps finding evidence of paintings stolen from my grandfather. After the war, the family wanted to move on and rebuild itself after the trauma. Like other Jews, they were advised to stop talking about what they'd lost if they wanted to become regular citizens again. I wasn't even told I was Jewish".

That is a moving story happening right now.

The other reason why an arbitrary cut-off date for filing claims is inappropriate is that judging claims about disputed objects is very difficult. Although there are many who would like to see these issues in black and white terms, I am assured by Ms Stein that 95% of the evidence adduced for supporting claims about objects seized or looted during the Nazi regime falls into the grey area between black and white and requires meticulous research and a good deal of international travel to ensure that both sides to any claim are treated fairly and justly. It should not surprise anyone to know that such research takes a great deal of time and cannot be rushed to meet arbitrary time limits.

It may be difficult for some people to accept, but the truth is that not every object which might have been in Jewish ownership in Germany, France, Austria or a number of other countries controlled by the Nazis was seized or looted or taken illegitimately. Some were disposed of by their owners for a variety of innocent reasons, reached their present homes entirely legitimately and should be allowed to remain there.

What we must not do is create fresh injustices in an effort to remedy old ones. That is why we must not set arbitrary limits on the time allowed to complete this

[LORD WASSERMAN]

research. Such limits are unnecessary and inimical to the search for justice. Although this is not relevant to the Bill before us, I want to put on record Ms Stein's view that the UK's Spoliation Advisory Panel, which adjudicates on disputed claims, is seen by the experts in this field as a model for how these matters should be handled.

I have gone on long enough. I hope that I have made my point that there are important practical and symbolic reasons why this small Bill should find its way on to the statute book as soon as possible. Although it consists of only one substantive clause, the implications of the Bill for those who seek justice for extraordinary wrongs are immense and will be welcomed as such around the world.

5.22 pm

Lord Polak (Con): My Lords, I begin by paying tribute to my noble friend Lord Sherbourne for his leadership and sponsorship of the Bill. In so doing, I also pay tribute to Theresa Villiers. I knew her as an MEP, an MP and a Secretary of State. She is my friend and did an immense job on the Bill. I read carefully the debate of 27 February in the other place. The Bill has wide-ranging support and rightly unites people across the political spectrum. I note what was said at the time regarding the inclusion of the sunset clause although, like the noble Lord, Lord Palmer, if I am totally honest, I am not entirely clear why it was included in the original Bill in 2009. Perhaps the verse in Exodus which says that if you take your neighbour's cloak, as a pledge, you must return it by sunset, played a part.

I would perhaps cite a different verse from Deuteronomy, where there is a specific biblical imperative of returning lost articles with no time limit. Putting a time limit on the delivery of justice because it may be difficult to provide relevant evidence to prove claims is not, I maintain, a good argument for maintaining the sunset clause. I therefore entirely agree with the essence of the Bill.

Last week was Yom HaShoah, Holocaust Remembrance Day in the Hebrew calendar. As it is every year, it was commemorated at Yad Vashem in Jerusalem. I noted the speech of Prime Minister Netanyahu of Israel. He spoke out about the heroism of the many people who saved others in that dark, dark time in history. However, he also spoke about the shooting in the Chabad synagogue in San Diego and the shameful anti-Semitic cartoon published two days earlier in the *New York Times*. Noble Lords who have visited Yad Vashem will no doubt recall displays in the early section of the museum of, sadly, very similar cartoons from the 1930s. We are in danger of watching history repeat itself, which is why we should not put time limits on the ability to seek justice.

That is why I am honoured to be a trustee of the Holocaust Memorial Charitable Trust. I pay tribute to David Cameron and Theresa May for their outstanding leadership in ensuring that the UK finally has the national Holocaust Memorial and Learning Centre just next door—a project ably led by Ed Balls and my noble friend Lord Pickles. Clearly, it was not politicised.

If the House will allow it, I want to put on public record that no one has done, continues to do and, I guess, will do in the future more for the issues that concern the Jewish community than my noble friend Lord Pickles. Again, for those who have been to Yad Vashem, there is nothing more powerful than the rows of trees in the Avenue of the Righteous, where each tree represents a righteous gentile who stood up to be counted and saved fellow human beings who were Jewish, at huge risk to themselves and their families. I cannot possibly begin to list the things my noble friend has done and continues to do but, today, I hope he will permit me to call him my noble and righteous friend.

As has been said, the Holocaust Memorial and Learning Centre next door will act as a constant reminder of the unique responsibilities of politicians. Some argue that the structure could encourage more anti-Semitism, but it is precisely that argument that proves we need it urgently. Does the Minister agree that the Bill is timely as it sets no time limit for the rectification of wrong? In the same way, does he agree that it is timely for the Holocaust Memorial and Learning Centre to be a focal point at the heart of our democracy and, to quote the Prime Minister, to be a memorial that,

“will stand to preserve the truth forever”?

5.28 pm

Baroness Ludford (LD): My Lords, I also thank the sponsors of the Bill, as well as those of the original Act.

In addressing the Washington Conference on Holocaust-Era Assets just over 20 years ago, the then US Secretary of State, Madeleine Albright, thanked the then British Foreign Secretary, the sadly late Robin Cook, and the British Government for having convened the landmark 1997 London Conference on Nazi Gold. The UK can take some pride in its leading role in Holocaust restitution and its recognition of the need to maintain that lead. In 1998, Madeleine Albright talked about the “overarching imperatives” driving the work of Holocaust restitution: justice, openness and that,

“the obligation to seek truth and act on it is not the burden of some, but of all; it is universal”.

That is why I am speaking in this debate, having no material or family interest in the subject but a strong interest in the universal upholding of truth, justice and respect.

At the second London conference in 2017, organised by DCMS and sponsored by the Commission for Looted Art in Europe, the very welcome aim of extending the timeframe for the 2009 Act was announced. As the then director of the Tate, Sir Nicholas Serota, said,

“there is a strong moral case to remove the ‘sunset’ clause ... It is important that potential claimants should not feel that the door is being slammed in their face”.

I join other noble Lords who are somewhat puzzled by the original justification for the sunset clause because it is pretty thin. My noble friend Lord Palmer cited the problem of evidence deteriorating over the years. While that is true, it is not a terribly good reason. I therefore agree with other noble Lords, including the noble Lords, Lord Polak and Lord Wasserman.

I also strongly agree with David Lewis who, as co-chair of the Commission for Looted Art in Europe, said in 2017:

“It is, in our view, totally unacceptable that such matters as statutes of limitation and other legal restraints continue to impede restitution”.

Hence, I strongly support this Bill.

Mention has been made of Anne Webber, another co-chair of the Commission for Looted Art in Europe. She told the 2017 London conference:

“Although many of the Holocaust survivors are now passing away, their children and heirs still urgently seek the transparency, accountability and justice that was promised”.

Of course, the word “justice” crops up frequently.

I got a little involved in the topic of Holocaust restitution by other EU countries when I was an MEP for London, trying to assist constituents in dealing with Governments and institutions in other EU countries. In my case it largely involved dealing with the countries of central and eastern Europe, which around 2004 were newly acceding to the EU. There the issue was somewhat complicated by the post-war communist nationalisation and reallocation of property but, even so, a considerable smokescreen and lack of will was unfortunately evident.

Mr David Lewis, whom I have just quoted, after noting that he was often asked why it had taken so many decades for this matter to be addressed, said that,

“it is a sombre fact that in a high proportion of those countries”, which attended the 1998 Washington conference,

“little progress has been made since”.

Some effort has been made by the EU to advance matters, but not enough. In 2009, some 47 countries, including all 28 EU member states, came together to support the Terezin Declaration to accelerate restitution, and the following year 43 countries endorsed a set of guidelines and best practices. However, many countries are not on track. One could cite Croatia and Latvia, where the relevant legislation has been delayed, while in Romania the processing of claims and payments has been extremely slow. In Hungary the discussions continue and, as the noble Baroness, Lady Deech, said, Poland sadly has one of the worst records on the restitution of private property and has even backtracked on some of the commitments made at the 2009 Terezin conference. In 2009 I wrote in response to a constituent saying:

“The European Union has done little to push this matter on the grounds that property issues are a national responsibility, but personally I feel that it is a human rights matter which merits EU action”.

A few months ago a European Parliament resolution noted how litigants continue to encounter legal problems owing inter alia to expiration of post-war restitution laws, the non-retroactivity of conventional norms—I guess that means laws—the lack of any definition of “looted art”, statute of limitations provisions on claims or the provisions on adverse possession and good faith; that is, good faith on the part of the new owner. However, as my noble friend Lord Palmer mentioned, that can be assessed. The Parliament urged the European Commission to create a comprehensive database of

looted art, including Holocaust objects, and the status of existing claims, and to support provenance research, including financially.

Perhaps in conclusion the Minister could tell us about the scope for better pan-European co-operation in encouraging the location of looted property and the unblocking of delays and obstacles. If we stay in the EU, no doubt the UK will be better placed to urge a greater sense of action and responsibility throughout the EU.

I conclude with another quote from Madeleine Albright, all too relevant today as we see examples of hate and hostility, including anti-Semitism, worryingly on the rise:

“I think of the blood that is in my family veins. Does it matter what kind of blood it is? It shouldn't; it is just blood that does its job. But it mattered to Hitler and that matters to us all; because that is why 6 million Jews died”.

As the Holocaust cries out to us, we must never allow distinctions among the peoples of the world to obscure the common humanity that binds us all as people. Restitution of Holocaust-era assets is about much more than gold, art and insurance. It is about remembering that no one's blood is less or more precious than our own.

5.35 pm

Lord Griffiths of Burry Port (Lab): My Lords, I am privileged to speak in this debate and grateful to the noble Lord, Lord Sherbourne of Didsbury, for making it possible for us to have it. I have listened carefully to all the contributions and have sensed the reasoning and the passion that, combined, make such a strong case to move this Bill forward.

I approached this exercise thinking that, as a garrulous Welshman, this was going to be the shortest speech I would ever make. After all, a Bill became an Act in 2009. It has proven itself over 10 years and has shown that the sunset clause was a mistake. I attribute no ill will to those who included it. This was a new Bill going in a new direction, and now we are looking at it and seeing if we cannot make it go in that direction for a long time more, so we should not attribute bad thinking to those who inserted the sunset clause and we should be delighted to see it removed. Indeed, since it was during a Labour Administration that this Bill came on to the statute book and Andrew Dismore was a sitting Member of Parliament at that time, and in view of recent controversies and anxieties, I say with all the energy and depth of passion I can that if getting this Bill on to the statute book contributes in even the smallest way towards healing wounds and reminding us all of our responsibilities to each other, I want it to happen for that reason alone—however minute that contribution might be.

So here we are with a very short Bill that has worked, alongside which these ways of evaluating claims have been inserted. Yes, it is a small number of cases—there may well be more—but it makes sense that what has worked and is seen to be morally right should be given the go-ahead, the green light, to continue into the hereafter.

My house was burgled once; somebody came in and stole stuff. He took money, and we could not give tuppence about that, but he also took my wife's

[LORD GRIFFITHS OF BURRY PORT]

engagement ring, which had been a gift from her grandmother, and her grandmother's brooch, within which there were two little cameo pictures of her and her husband when they were young—irreplaceable. Alongside the stories of the great works of art and treasures, which command their own logic and evidence, we must not forget that what particularly violates those from whom objects are taken is the loss of the personal items, the things that matter for everyday living, family memories and things like that. It is the great and the small. It is the mere act of violation that we need to do whatever we can to offer restitution to.

I said that this should have been the shortest speech, and perhaps that is where I should finish, but there is one thing that I feel I must say. I buy into the thinking of the noble Lords, Lord Polak and Lord Pickles, about the monument. But in the name of frankness, I have to say that it is the right idea in the wrong place. I could not sit through the debate and not say that. I will offer some words of explanation.

Pretty much exactly 50 years ago, I left these shores to travel and spend the first of my 10 years in Haiti. My experience there changed my life and my understanding of life in its entirety. I became aware of the evils of the slave trade. I am so pleased that the noble Baroness, Lady Deech, mentioned that. Millions of people taken from the western shores of Africa to end up in what was called the New World lost their lives, were forced into slavery and had no possessions that could be stolen, except their liberty and energy. It was this building that fathered the debates that led to the end of slavery in the British Empire. If the University of Cambridge is looking at the sources of its wealth, let anyone do an inventory of the wealth of this nation that depended on the deprivation of liberty of those slaves.

The plight of people shipped against their will—150 years' worth—tearing them from their families and leaving them to die in foreign territory has remained on my mind. Is the argument that the right place for the atrocities of the 1930s and 1940s is alongside the building within which those debates took place? I see a questioning look from the noble Lord, Lord Pickles, but I thought I heard him say that it should be alongside Parliament.

Lord Pickles: The noble Lord is most generous and I was enjoying and have a lot of sympathy with what he was saying. That is why I said that people within this building—the legislatures—have a choice. They can either oppress or protect. During the 19th century, they chose to oppress. That is why it is important because we must always be vigilant. It was, after all, a compliant legislature that introduced the Nuremberg laws. That is why I deliberately said that there was a choice.

Lord Griffiths of Burry Port: I am grateful for that. Choices were made within this Parliament about the plight of slaves. Therefore, a monument could possibly be built to talk about the deprivations, destitution and suffering of slaves, but there is not room for two such monuments in the same place. That is all I am saying. I really do not want to be heard as having one iota of opposition to the idea, but I felt it incumbent on me,

since I feel it in my deepest heart, to say that I suspect that I would side with those who feel that this is not the right place.

As far as the Bill is concerned, we must pass it and do so with good will, and hope that it has some of the outcomes and effects that have been hinted at from the speeches we have heard from the Floor of this House today.

5.43 pm

Viscount Younger of Leckie (Con): My Lords, like the noble Lord, Lord Griffiths, I have listened with great interest to the discussion on this important Bill, introduced by my noble friend Lord Sherbourne, and I speak on behalf of the Government in support of it today. Yes, it is a short Bill, but I have a bit to say about it.

I join my noble friend and other noble Lords in congratulating my right honourable friend Theresa Villiers and many others in the other place on enabling the Bill to reach this point. It enjoyed strong cross-party support in that place. I trust that your Lordships will agree that, as my noble friend Lord Polak said, the issue that the Bill seeks to address cuts across all political and other divides and unites us in our determination to bring justice to the families of those who suffered persecution and loss.

The widespread and systematic seizure of cultural property in territories occupied by, or under the control of, the Nazis and their allies has, for over half a century, been recognised in international declarations as warranting particular recognition and deserving special treatment. The scale of forced transfer of cultural property under the Nazi regime was unprecedented. Figures regarding the scale of the loss can be only speculative. However, it has been estimated that between 1933 and 1945 some 650,000 works of art were stolen from their rightful owners. Although the majority of these were not of museum quality, a small number found their way into national collections across Europe.

Most of what was taken were paintings of the type owned by successful, but perhaps not extremely wealthy, families, domestic silver and household artefacts, and books and religious items. We hear a lot about Old Masters and similar prized works of art seized from the wealthiest collectors or most successful dealers, but in fact they make up only a fraction of the numerically more significant theft.

Such was the scale of the looting that took place that, as early as 1943, 16 countries, including the UK, signed a declaration committing them to do everything in their power to halt the theft of cultural objects in territory under enemy occupation or control. In that same year, the allies established the Monuments, Fine Arts, and Archives programme to help protect cultural property in war areas during and after World War II. A group of approximately 400 service members and civilians, mostly from the US and the UK, came to be known as the Monuments Men, as your Lordships will remember, and they were based at the National Gallery of Art in Washington DC. They worked with military forces to safeguard historic and cultural monuments from war damage and, as the conflict came to a close, to find and return works of art and

other items of cultural importance that had been stolen by the Nazis or hidden for safekeeping. My noble friend Lord Pickles emphasised that, in addition to their terrible crimes, the Nazis were involved in systematic theft, or perhaps we should call it systemic theft. He is right.

For almost 50 years after World War II, as people focused on rebuilding their lives, the implications of the loss of cultural assets received little attention from the international community. Little research was done and claimants were left to continue their search alone. However, with the end of the Cold War, new archival sources became available and the subject of Nazi-looted art was given new attention. The noble Baroness, Lady Ludford, asked about co-operation and I will say a little about that.

In more recent times, international awareness has continued to grow. The 1998 Washington Conference on Holocaust-Era Assets saw a consensus reached on a number of non-binding principles with respect to Nazi-confiscated art. These principles highlighted the need to identify art that had been confiscated by the Nazis and not subsequently restituted, to publicise this information and to encourage the use of alternative dispute resolution mechanisms for resolving ownership disputes. The conference recognised the need to reach a fair and just solution in such cases.

Compared with other European countries, very little looted art found its way to the UK during and after the end of World War II. Of course, that is no excuse for complacency, and since then our national museums have undertaken detailed research of their respective collections to identify any objects with an uncertain history dating back to the years 1933 to 1945. This research is held on a recently upgraded online database, which is actively maintained by editors from the 47 contributing UK museums, and it is co-ordinated by the Collections Trust.

National museum directors also established a working group in 1998 to examine the issues surrounding the spoliation of art during the Nazi era and to draw up a statement of principles and proposed actions for member institutions. That has recently been updated. In 2000, the Government established the Spoliation Advisory Panel to provide advice to claimants and institutions on what might be a fair and reasonable outcome in response to a claim. Since its establishment, the panel has advised on 20 claims, and 13 cultural objects have been returned. However, as the noble Baroness, Lady Deech, said, that is indeed a low figure. The resolving of a dispute is never an easy matter and, by its nature, the process invariably leaves one of the parties disappointed. Despite that, the Spoliation Advisory Panel's advice and method of operation is widely respected here and internationally, and I would like to thank the members of the panel for their excellent work.

As we have heard, in its early years, the Spoliation Advisory Panel was unable to recommend the return of a cultural object, even where it found that the family had a strong moral claim to it. This was because of statutory restrictions preventing national museums from removing items from their collections except in a

very small number of instances. In such cases, the panel's only available option at that time was to recommend compensation or an ex-gratia payment.

The Holocaust (Return of Cultural Objects) Act 2009 allows 17 national institutions in the UK to return items lost during the Nazi era where this follows a recommendation by the panel and the Secretary of State agrees. The legislation recognised the fact that the Nazi era is unique in the scale and nature of the loss and the fact that it represented a systematic campaign to eradicate a whole people and their culture. The 2009 legislation was subject to exacting scrutiny and was significantly amended and clarified during its passage through Parliament. It is compatible with the Human Rights Act 1998.

Since the Act was introduced, five cultural objects have been returned under the legislation. It represents a major change in the way that claims for items in national collections are resolved, and allows the families of those who were unfairly deprived of their property to have it returned. It is not difficult to imagine how important that can be for the families; the noble Lord, Lord Griffiths, spoke about this. There is no comfort that can be given for the loss of family members and the knowledge of their suffering, but the return of personal possessions, of which artwork is just one form, can offer some small connection and personal bond with those who perished.

I listened with care to the short anecdotes from my noble friend Lord Pickles. I would like to offer a quote from a family who successfully recovered some paintings lost during the war. It is not, by the way, related to a case considered by the Spoliation Advisory Panel, but it illustrates the point well:

"The return of our family's paintings continues to fascinate, shock, elate, sadden, enrich and change our lives. It is hard to express how much this means to us".

It may also be helpful if I provide a short case study on how the 2009 Act has been used in one of the five cases that I mentioned. In 2014, the Spoliation Advisory Panel considered a claim for the return of an oil painting, "Beaching a Boat, Brighton", by no less a man than John Constable, in the possession of the Tate. The panel concluded that the painting was owned by a Hungarian art collector in 1944 and was most likely looted when the German army invaded Budapest in March of that year. In their statement of case to the panel, the claimants described how the painting was of particular significance to their family from a sentimental and emotional point of view. It was reported that the original owner and his family had,

"suffered grievously during the German and Soviet occupations of Hungary; they lost all their possessions, while several members of the family were subjected to acts of violence because of their Jewish ancestry. Some family members were murdered in Hungary by antisemites or murdered in Auschwitz-Birkenau ... The restitution of the Painting would thus constitute a significant act of symbolic reparation to the family for the sufferings it was forced to endure during the war because of its Jewish origin".

The panel recommended that the painting should be returned to the claimants in accordance with the provisions of the Holocaust (Return of Cultural Objects) Act 2009. The return of the painting was delayed to allow the carrying out of further research following the discovery of an export licence for the work from

[VISCOUNT YOUNGER OF LECKIE]

1946. However, in 2015, the panel issued a further report, updating its earlier advice and confirming that the work should be returned. The painting has since been returned to the claimants.

The problem that the Bill seeks to correct is that the 2009 Act contains a sunset clause, which means that the legal powers are due to expire on 11 November this year. After that date, the institutions named in the legislation will no longer be able to return works of art to Holocaust survivors or to the families of those who perished in the genocide. The Bill would keep the legislation on the statute book by repealing Section 4(7), thus removing the sunset clause, as many noble Lords have said.

At the time of the 2009 Act, the Government considered that a time limit of 10 years would be a reasonable one for people to come forward with claims and for museums to have made significant progress in carrying out provenance research on works with gaps in their history during the Nazi era. It was described in Parliament as a safeguard allowing for a re-examination of the case. The Government made it clear at an international spoliation conference held in London in September 2017 that it remains an absolute imperative to correct the wrongs that took place during the Nazi era when it comes to cultural objects lost in such circumstances. This principle is not affected by the passage of time; arguably, the need is strengthened as memories start to fade.

Furthermore, although much information is available on the internet about the provenance of items in national collections, the completion of reports by national institutions into items with incomplete provenance during the relevant period is an ongoing task. As such, potential claimants may still be unaware of the location of any objects that used to be in the possession of their families. This was a strong and moving theme raised in the speech by my noble friend Lord Wasserman.

It is also worth bearing in mind that, owing to limitation laws, claimants are unlikely to be able to pursue a legal claim for the return of their property through the courts. That is because the Limitation Act 1939 extinguishes the title of the person from whom an object was unlawfully taken after six years. Referral to the Spoliation Advisory Panel is, in nearly all cases, the sole remaining route for pursuing the return of objects lost during the Nazi era. So I think we can be clear that while the approach taken at the time to the duration of the powers was reasonable, there are now very good reasons for applying an indefinite extension, and I reassure my noble friend Lord Polak that “indefinite” means just that.

The 2009 Act has worked well during its nine years on the statute book, resolving cases in a fair and balanced way, but, as we have heard, there is still much work to do. Earlier this year the Government announced that they had joined four European countries in forming a new network to increase international co-operation on identifying and returning works of art looted during the Nazi era, a point that the noble Baroness, Lady Ludford, might take note of. Those countries—Germany, France, Austria and the Netherlands—have not set an end date

for the consideration of claims, and I hope this House will agree that there are very good reasons why we should do the same.

The noble Lord, Lord Palmer, asked what due diligence procedures museums normally follow. He may know that museums are required to undertake due diligence into the provenance of items that they acquire or borrow. DCMS’s guidelines, *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material*, which I think is a pamphlet, set out guidance on procedures that should be followed in relation to loans and acquisitions. Due diligence undertaken by museums may include visits to the lender to discuss the objects concerned, taking expert advice on any items that have a potentially uncertain ethical status, checks with the Art Loss Register and obtaining warranties from lenders regarding their ownership of the items concerned.

The noble Baroness, Lady Ludford, asked why the decision was taken in 2009 to undertake a sunset clause. I have probably answered that but I will say that at the time, the 10-year limit was considered to be right, bearing in mind the time of its coming into force—that is, 69 to 70 years from the end of the war in Europe. It was thought that that would be a reasonable time for people to come forward with claims. Clearly, that was not the case, and I am pleased again to emphasise that we have made the time period indefinite.

I conclude by making a few comments about the Holocaust Memorial, as it was mentioned by my noble friends Lord Polak and Lord Pickles and the noble Lord, Lord Griffiths. As the House will know, the UK Holocaust Memorial will be dedicated to the 6 million Jewish men, women and children murdered in the Holocaust, and all other victims of the Nazis and their collaborators. It will honour and remember all victims and survivors of the Holocaust and subsequent genocides, and educate future generations on the importance of fighting prejudice and persecution in all its forms.

To give just a little bit of background, the designs were first unveiled in October 2017 and have since undergone further development through much discussion with Holocaust experts, survivors and other victims groups, local residents, Westminster City Council, Historic England, Royal Parks and other statutory consultees. The UK Holocaust Memorial Foundation has also worked closely with other organisations and experts on the contents and approach. I believe that the proposals have been developed with great sensitivity to the existing context and character of Victoria Tower Gardens. The vast majority of the park’s green space will be retained and enhanced. Views over Parliament and the River Thames will be improved, with a range of accessible seating and a new boardwalk along the Embankment. I realise that this particular news is not in favour with everybody, but I wanted to give a little bit of information and detail.

That is really all I want to say. I therefore urge the House to support the Bill.

6 pm

Lord Sherbourne of Didsbury: My Lords, this has been a remarkable debate. The Bill is very timely. The debate has been relatively short, but it has brought forward remarkable speeches of knowledge, expertise and, above all, passion. Every speech has made the same point: although the Bill's title is about objects, its purpose is about people. That is the Bill's driving force.

This has also been a very heartening debate, because in these political times the whole House has been united. We have had the same view across all parts of the House. I am extremely grateful to my noble friend the Minister for giving such a comprehensive response and for assuring us of the Government's support. The noble Lord, Lord Griffiths, quite rightly reminded us that the original Act and the Bill have had all-party support, backed by the Labour Government 10 years ago and by the present Conservative Government. It is a very heartening experience to have this uniformity and consensus.

I am very grateful to all speakers. The noble Lord, Lord Palmer, was extremely helpful in reminding us of the importance of museums and galleries, and their responsibility to determine and assess the provenance of the objects in their possession. My noble friend Lord Pickles, in a very powerful and emotional speech—I know how heavily involved he is in so many ways—gave some vivid and powerful examples of the impact that the return of property has for the descendants of families who suffered so much. This is again a reminder of what the Bill is really all about. He reminded us how much objects mean to families.

The noble Baroness, Lady Deech, raised some wide issues, especially regarding the international arena. She reminded us of Poland's woeful record and how it is completely out of step with the international community in dealing with the challenges of restitution. My noble friend Lord Polak typically graced his speech with some apposite quotations from the Bible. He again dealt with the emotional impact of the Bill's effects. My noble friend Lord Wasserman told us how important it is to have the time the Bill provides for, because it does take time for families to come forward with claims, for claims to be assessed and for museums to determine the provenance.

I thank the noble Baroness, Lady Ludford, who made a characteristically detailed and clear speech; I particularly liked her quotes from Madeleine Albright, which I thought were extremely well made. I am grateful to everyone who spoke in the debate, and now just want to make an appeal to my noble friend the Chief Whip. The Bill has to be passed this Session, or the legislation falls. It is very important that we have time. I am very encouraged by the widespread support for the Bill, and hope this means that it will get through smoothly and speedily. It is in that spirit that I ask the House to support this Bill by giving it a Second Reading.

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

Syria (Sanctions) (EU Exit) Regulations 2019

Motion to Approve

6.06 pm

Moved by Lord Ahmad of Wimbledon

That the Regulations laid before the House on 5 April be approved.

Special attention drawn to the instrument by the Joint Committee on Statutory Instruments, 58th Report

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, I will speak also to the Chemical Weapons (Sanctions) (EU Exit) Regulations 2019, the Russia (Sanctions) (EU Exit) Regulations 2019, the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 and the Zimbabwe (Sanctions) (EU Exit) Regulations 2019.

Noble Lords will be familiar with the Sanctions and Anti-Money Laundering Act 2018, which passed through this House last year. It provides the UK with the legislative framework to continue to meet our international obligations, to implement autonomous sanctions regimes and to update our anti-money laundering framework after we leave the European Union—although the last of these is not under consideration today.

Noble Lords will be aware of the importance of sanctions. They are a key element of our approach to our most important international priorities. They help defend our national interests, support our foreign policy and protect national security. They also demonstrate our support for the rules-based international order. The United Kingdom has been a leading contributor to the development of multilateral sanctions in recent years. We have been particularly influential in guiding the EU's approach and that is why, when we transition the EU sanctions regimes into UK law, we intend to carry over their policy effect. I shall say more about that in a moment.

The principal interests and threats facing the UK and the other EU member states will not fundamentally change when the UK leaves the EU. The Government recognise sanctions as a multilateral foreign policy tool and intend to continue to work in close partnership with the EU and other international partners after EU exit to address those threats, including through sanctions. The SAMLA 2018 was the first major legislative step in creating an independent UK sanctions framework. However, while the Act set out the framework needed to impose our own independent sanctions, we still require statutory instruments to set out the detail of each sanctions regime within that framework.

Such statutory instruments set out the purposes of our regimes, the criteria under which the Secretary of State may designate individuals and entities, and the types of restrictive measures imposed. They do not specify which individuals or entities will be sanctioned. The Government will publish the list of those we are sanctioning under UK legislation when those prohibitions come into force. We will seek to transfer EU designations in each case, but these decisions will be subject to the legal tests in the sanctions Act. Any EU listings that do not meet the tests would not be implemented.

[LORD AHMAD OF WIMBLEDON]

One important feature of the sanctions Act, which I am sure noble Lords recall, was passed in your Lordships' House and discussed in detail during its passage: the right given to individuals to challenge their designation. Anyone designated under these instruments will be able to request that the Minister carry out an administrative review of their designation. The procedure applicable to such requests for reviews is set out in the Sanctions Review Procedure (EU Exit) Regulations, which were made in November last year and which are now in force. If, following the review, the Minister's decision is to uphold the designation, the designated person then has the right to apply to the High Court, or, in Scotland, the Court of Session, to challenge that designation decision. The court will apply judicial review principles to determine whether the designation decision should be set aside. It will also apply the procedure set out in the amended Civil Procedure Rules for England and Wales, the Rules of the Court of Judicature for Northern Ireland, and the Rules of the Court of Session for Scotland, which allow in particular for closed material proceedings to take place in relation to such challenges.

The sanctions Act requires a review of all UK sanctions listings at least every three years. In addition to this triannual review, the UK will review all sanctions regimes, such as those being debated today, on an annual basis and present the results in a written report to Parliament. These governance arrangements provide protection for designated persons, especially when coupled with the wider safeguards in the sanctions Act. We have published reports on the purposes of each of the sanctions regimes under consideration today and the penalties contained within them alongside the statutory instrument. These reports, plus an Explanatory Memorandum for each SI, are available in the Vote Office should noble Lords wish to see them. As I have done on previous occasions, I once again thank the Secondary Legislation Scrutiny Committee and the Joint Committee on Statutory Instruments for their close and helpful scrutiny of these SIs.

Before closing my opening remarks, I draw it to your Lordships' attention that while the majority of the substantive provisions in the regulations come into force only on exit day, the provisions enabling sanctions designation decisions to be taken were commenced so that decisions could be taken in good order in advance of exit day. Due to the extension of Article 50, the provisions that have been commenced have not had any practical effect as no designations have been made under these powers. In the case of the Russia sanctions regulations, the provisions in Regulation 1(3) to allow designation decisions to be taken were commenced on 11 April, the day after the regulations were made. The regulations were laid before Parliament at midday on 11 April. As no time was specified for when the regulations came into force on 11 April, there was a period during that day in which the regulations were in force but had not been laid.

I regret that due to an administrative oversight, we failed to follow the correct procedure to inform the Lord Speaker and the Speaker of the other place of this pre-laying commencement. This matter was addressed as soon as the error was found but I regret that the

Easter break led to the Lord Speaker not being notified until eight working days after the instrument was laid. We take seriously the procedural and legal requirement to notify the Speakers, in accordance with Section 4(1) of the Statutory Instruments Act 1946. My right honourable friend the Minister of State for Europe and the Americas, Sir Alan Duncan, has already written to the Speakers of both Houses, and to the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee. A copy of his letter has been placed in the Library. Although this is an unusual situation, we have also reviewed our processes and taken steps to ensure that it does not happen again.

I will say a brief word, if I may, on the SIs in front of us. As I said earlier, these instruments seek to substantively mirror the policy effects and mutually reinforce the measures in the corresponding EU sanctions regime. Noble Lords will note that human rights are a significant focus of the sanctions regimes being debated. I know that many are keen for the UK to develop our own, stand-alone human rights sanctions regime and may therefore query why we are simply transferring existing EU sanctions regimes. I assure noble Lords, as I have done previously, that the sanctions Act does give us the necessary powers in UK law to develop our own such regime. However, the SIs we are debating were laid on the contingent basis to provide for the continuation of some existing sanctions regimes should we leave the EU without a deal. As such, our priority has necessarily been to ensure the transfer of existing EU measures by laying SIs such as these. We will give consideration to new regimes as circumstances suggest and parliamentary time allows.

I turn briefly to each of the SIs in front of us. The Syria sanctions regulations aim to deter the Syrian regime from actions, policies or activities which repress the civilian population, and to encourage a negotiated political settlement to end the conflict. They include: asset freezes and travel bans on designated persons, together with financial, sectoral and aircraft sanctions; and wide-ranging trade restrictions, including on goods and technology which may be used for internal repression and in intercepting and monitoring telecommunications, but also in respect of other goods and technology such as crude oil, jet fuel, luxury goods and items that could contribute to chemical and biological weapons.

Noble Lords will have noted that the JCSI has reported on the drafting of these regulations. Paragraph 16 of Schedule 6 to the Syria (Sanctions) (EU Exit) Regulations permits the Secretary of State to issue licences for financial transactions involving the Central Bank of Syria or the Commercial Bank of Syria. The JCSI's concern is that this paragraph could be seen to prejudice the question of whether those banks are to be designated under the regulations. We take these concerns seriously and recognise that the drafting could have been clearer. However, from the outset, I reassure your Lordships' House that the Secretary of State's discretion has not been fettered, and any decision to designate will be taken in the proper way.

6.15 pm

The Chemical Weapons (Sanctions) (EU Exit) Regulations aim to deter the use and proliferation of chemical weapons and encourage the effective

implementation of the Chemical Weapons Convention by imposing immigration and financial sanctions on those involved in their use and proliferation.

The Russia (Sanctions) (EU Exit) Regulations seek to deliver a cost to Russia for its actions in Ukraine to pressure Russia into changing its Ukraine policy. The continuation of sanctions since 2014 sends a strong unified international message that Russia's actions in Ukraine will not be tolerated. The three corresponding EU sanctions regimes—including asset freezes, travel bans on individuals and entities, sectoral measures restricting parts of the Russian finance, energy and defence industry sectors, and trade and investment restrictions on Crimea—were introduced in response to Russia's illegal annexation of Crimea and continued destabilisation of Ukraine. These regulations combine all three existing EU Russia sanctions regimes on Russian actions in Ukraine into a single sanctions regime, which will replace existing EU Russia sanctions legislation on EU exit day. They are designed to deliver the same effect as existing EU regulations.

The Republic of Belarus (Sanctions) (EU Exit) Regulations aim to address human rights abuses and threats to the rule of law, and to encourage the proper investigation and institution of criminal proceedings against those responsible for the disappearance of four individuals. Measures include an arms embargo, financial and immigration sanctions, and restrictions on goods or technology that may be used for internal repression.

The Zimbabwe (Sanctions) (EU Exit) Regulations aim to encourage the Government of Zimbabwe to respect democratic principles, the rule of law and human rights, and to deter the repression of civil society. The regulations impose an arms embargo and other financial, immigration and trade restrictions, including on the trade in goods and technology that may be used for internal repression.

To conclude, these statutory instruments transfer into UK law well-established EU sanctions regimes that are in line with the UK's foreign policy priorities. They will encourage respect for human rights, the rule of law, and security and stability in difficult environments. Approving these SIs will allow the UK to continue to implement sanctions from the moment we leave the EU. It will send a strong signal of our intention to continue to play a leading role in the development of sanctions in the future. I welcome this opportunity to debate the SIs in front of us. I beg to move.

Baroness Northover (LD): I thank the Minister for introducing these SIs in somewhat more detail than he introduced the last set. I think he was in a considerable hurry last time, which we all appreciated. If we leave the EU, we need to incorporate into UK law the sanctions regimes we have as an EU member. These reflect our support for the rules-based international order to which he has referred.

There has to be a concern that we may lose influence in this field in the future. When we acted as part of the EU we had greater effect and are credited with playing a leading role. If we end up outside the EU, we lessen our effect. I am sure the noble Lord knows that, even if he is not willing to admit it. In addition, there will be new pressures on the UK from allies such as the US,

which may wish us to align more with them, and maybe from the City of London, which may not wish us to take certain actions. Maybe our own economic short-term interest will mean that we are less keen to sanction those who may bring their funds to the UK. That is a completely predictable situation.

We considered a series of sanctions regimes last week and we now come to another set. I am grateful once more that my noble friend Lord Chidgey will deal with Zimbabwe.

On chemical weapons, I note that, in answer to a recent Written Question, Sir Alan Duncan stated:

“The UK played a key role in EU efforts to establish a new Chemical Weapons sanctions regime, which was adopted on 15 October 2018”.

This is a case in point. Will the EU be as proactive as it was without the United Kingdom there?

On 21 January this year, the EU added nine individuals and one entity to the regime, which included those involved in the use of chemical weapons in Syria and members of Russia's main intelligence directorate deemed responsible for the Salisbury attack in March 2018. Sir Alan referred to, “This strong collective action”. Does the Minister agree that “collective” is key?

Sir Alan also stated on 7 February, in response to a Question from my honourable friend Jo Swinson:

“The UK has actively supported proposals for three new EU thematic sanctions regimes in order to strengthen our international resilience to hybrid threats. These regimes are in different stages of development in the EU”.

These included the chemical weapons regime. The second was a mandate for work on EU cyber sanctions, and the third followed a Dutch initiative to establish a regime on global human rights. All are important developments but, having supported them, the UK is of course in danger of no longer being able to play such a leading role. Can the Minister update us on how these three strands will be taken forward and what part we might play in them?

On Belarus, the measures include an arms embargo, financial and immigration sanctions, and restrictions on goods or technology that may be used for internal repression, as the Minister has laid out. The Explanatory Memorandum states:

“This sanctions regime is aimed at encouraging the Government of Belarus to respect democratic principles and institutions, the separation of powers and the rule of law in Belarus, refrain from actions, policies or activities which repress civil society in Belarus”.

The EU is calling for the proper investigation and institution of criminal proceedings against those responsible for the disappearances of four named people, and for Belarus to comply with international human rights law and to respect human rights. What effect does the Minister think the sanctions are having in bringing any change in Belarus? Are there any plans to extend or limit sanctions against Belarus? I note that some were removed in 2016.

The stated aim of the Syria sanctions regulations is to deter the Syrian regime from,

“actions, policies or activities which repress the civilian population”, and to encourage a negotiated political settlement to end the conflict. The sanctions against Syria have been in place since December 2011. They are reviewed annually and the next review will be on 1 June—just coming up.

[BARONESS NORTHOVER]

The sanctions comprised an oil embargo imposed in September 2011, restrictions on trade, a freeze of Syrian central bank assets, export restrictions on arms, weapons and equipment that might be used for internal repression, and a ban on export of equipment and technology for the monitoring or interception of internet or telephone communications.

In April 2013, the EU eased the oil embargo to allow oil exports and oil equipment exports to areas under opposition control to help the civilian population. As of March 2019, 277 Syrians are targeted by a travel ban and an asset freeze. Seventy-two entities are targeted by an asset freeze. Will the UK abide by the results of any EU sanctions review? Is there any plan to share intelligence on such matters? How is the review into oil sanctions to be conducted? What kind of impact assessment was made of sanctions on the civilian population? What actions must the Syrian regime take to get sanctions lifted? Has consideration been given to the difficulties of international development NGOs working in Syria, an issue discussed in the Sanctions and Anti-Money Laundering Bill? However, I note that the much-respected former FCO Minister, the right honourable Alistair Burt, emphasised in the Commons,

“the importance of the roll-over of these sanctions, in particular in relation to Syria”.

He expressed his concern that there was,

“a risk of Syria becoming almost a forgotten conflict because it is no longer on the front pages and it needs to be”.—[*Official Report*, Commons, 29/4/19; cols. 78-79.]

He is surely right.

I hear what the Minister said about the sanctions in relation to Russia. I note that the Commons has not debated these and he has given some explanation of why they were separated and not put forward with the others. As he said, the EU sanctions against Russia broadly relate to the aim of bringing about Russian policy change on Ukraine. They followed restrictive measures after Russia’s actions in Crimea. These regimes are reviewed regularly, two on a six-monthly basis and one annually. How will we play a part in that, and will we follow what the EU decides?

The sanctions regime was most recently strengthened in March 2019, when eight Russian officials were added to the sanctions list after escalation in which Russian forces took Ukrainian sailors into custody. The EU has called for the release of the sailors and their ships, as well as free passage for all ships through the straits in the future. The US and Canada have also adopted similar sanctions in response to the incident. There are currently 170 persons and 44 entities from Russia on the EU’s sanctions list. This will next be reviewed in September 2019. The assets of individuals responsible for misappropriating Ukrainian state funds have also been extended until March 2020. All these review dates will be important for the United Kingdom. Where will we fall in our reaction to those? Do the Government anticipate remaining in line with the EU? Since March 2015, EU leaders have aligned—or sought to align—the economic sanctions with the implementation of the 2015 Minsk agreements but these have not been implemented and many political commentators think it unlikely that they will have an effect. What are the

implications for the sanctions regime? The US has generally imposed a harsher sanction regime on Russia and dealt with other issues, such as interference in the 2016 US presidential election. We have not become involved in those. Does the Minister think that we might align ourselves on them too?

The general effectiveness of sanctions against Russia has been contested. Some have argued that Russian actions demonstrate the failure of EU sanctions to influence Putin and Russian policy. The Minister referred to the separate Magnitsky provisions put into the sanctions Bill by the Commons but there is no sign of them there. The Minister made brief reference to that and said that they might be brought forward when parliamentary time allows. Given that parliamentary time clearly does allow, might they be brought forward sooner rather than later?

In conclusion, we support these SIs, but are concerned about exactly how we will liaise with the EU down the track, how we align ourselves, and how we will have most effect in the future.

Lord Chidgey (LD): My Lords, the sanctions regime is aimed at encouraging the Government of Zimbabwe and anyone else involved in human rights abuses to respect, as the Minister said, democratic principles and institutions and the rule of law; to refrain from actions, policies and activities which repress civil society in Zimbabwe; and to comply with international human rights law and respect for human rights. There has not been much sign of that in recent months. I note from the Minister’s remarks that there will be scope for the UK to update the sanctions in time, so I will just put down a few markers in advance.

6.30 pm

The EU has been imposing sanctions on Zimbabwe for the last 17 years in reaction to serious human rights violations, usually occurring in the run-up to presidential elections. Over that period we have seen the removal of President Mugabe, yet the repressive legislation of that era is still in place. The EU has adjusted the restrictive measures over time in response to constitutional changes or to intimidation, restriction or violence from the political and security establishments. The current sanctions were updated in February 2019 and consist of an arms embargo, asset freezes and travel bans on, I believe, two individuals. This followed appalling violence against civilians, with security forces using live ammunition against rioting crowds. There clearly remains a serious human rights situation in Zimbabwe, with no improvement in respect for democratic principles or the rule of law in sight. The Government say they are working with international partners to encourage Zimbabwe to improve. What examples can the Minister give us of improvements made since last year or planned, sending a strong political message that human rights violations will not be tolerated?

In February 2019, during an Oral Question on asylum seekers from Zimbabwe, I reported to noble Lords that the Zimbabwe Human Rights Commission had found that the police and the military were breaking into the opposition MDC offices. From there they were downloading membership files from computers

and subsequently visiting members' homes to make arrests and carry out beatings under the cover of darkness late at night. US Deputy Assistant Secretary of State for Africa, Matthew Harrington, has said that President Emmerson Mnangagwa can forget any lifting of US sanctions until he moves to jail soldiers accused of killing at least six civilians last August and goes ahead with repealing repressive laws governing the media. Harrington also cited the protests in January that left another 17 people dead, when the army launched a sustained crackdown on citizens in response to their protests over fuel price increases. He said:

“We welcome a better relationship with Zimbabwe, but the ball is very much in the Zimbabwean government's court. If there's real, concrete progress in the areas laid out in the ZDERA legislation, Zimbabwe will find a committed partner in the United States”.

Does the UK share this view?

The United States passed the ZDERA in 2001, imposing travel restrictions and asset freezes on more than 200 individuals and entities accused of abetting human rights violations. This compares with travel bans on just two individuals under the current EU regime. Can the Minister explain this apparent contrast in approach? Has time meant that many of these bans were lifted? I do not know, but it will be interesting to find out.

Speaking at the Centre for Strategic and International Studies in Washington, Matthew Harrington stressed that Zimbabwe has shown little political will to have the sanctions lifted by “doing the right thing”. It could repeal the Public Order and Security Act and the Access to Information and Protection of Privacy Act, two laws emblematic of a repressive regime. Does the UK support that analysis?

Finally, do the Government agree that these simple actions, including ending harassment and intimidation of innocent civilians, would send a strong signal to the international community that Zimbabwe is on a very different path: genuinely committed to embracing democratic institutions and values; becoming a responsible member of the international community; taking steps, not one of which requires outside assistance? Can the Minister assure us that the UK sanctions regime that will apply should the UK leave the EU without a deal will truly match the measures taken by the USA and others?

Viscount Waverley (CB): My Lords, may I leave the House with no doubt whatever that sanctions which achieve their purpose are an essential tool in the arsenal?

I have studied, albeit some weeks ago, the individuals on the proscribed sanctions list, and I was initially surprised that Russians listed do not appear in a list under “Russia”. This is confusing, as they appear under Ukraine sovereignty, so Russians listed may be missed by observers. However, I place on record the courteous and informative manner in which the sanctions unit in the Treasury responds to information requests.

I was intending to speak in a more substantive way on the specifics before us on Russian sanctions, but points have been articulated by the Minister that stand on the record. This leads me to more questions than answers. The question in my mind is: where do we go

from here? What are the sanctions to accomplish, and by when? What accompanying engagement is planned? Many suggest, including within this building, that sanctions without engagement could become self-defeating and lead nowhere. Do the Government believe that co-operation is more likely to come from engagement and if so, what form is that engagement taking—or are the Government of the view that the sanctions regime in isolation is the cure to all ills? I have heard it said by a trusted friend in Moscow that sanctions are mostly hurting the more fair-minded, Western-orientated Russians who support democracy, free trade and the rule of law. That cannot be good.

The Minister will be aware that a United Kingdom unilateral sanctions policy could place us at a trade disadvantage with other countries post Brexit, especially those within the European Union. While government should not necessarily be bound by such, I would expect Her Majesty's Government to have reflected heavily upon the deliverables behind unilateral policies. It would therefore be reassuring to hear this evening that a commitment to review the policy regularly, supported by multilateral engagement, is intrinsic to this process.

There is one regrettable reality. Today is Victory Day, the solemn remembrance day of the sacrifice that the Russian people, including Ukrainians, made in the Second World War. It is a shame that people forget that we were once on the same side. That said, I was delighted that the Deputy Leader of this House, the noble Earl, Lord Howe, representing the United Kingdom Government and accompanied by the noble Lord, Lord West, were present today at the Soviet War Memorial and contributed to marking the anniversary of the Allied victory over fascism.

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for his introduction to these SIs. I admit that a quote came to mind from an old trade union colleague, who used to say every year when he negotiated with his truck driver companies, “It's déjà vu all over again”. The Minister has previously addressed many of the issues that we have raised today, as we heard from the noble Baroness, Lady Northover.

I want to come back to the specific issue of human rights, because, as the Minister acknowledged before, we placed human rights at the centre of the Sanctions and Anti-Money Laundering Act, and we in this House were responsible for raising the Magnitsky clause, which was adopted in that Act. When we discussed the last group of SIs, the Minister explained that it was the Government's intention that,

“national sanctions in relation to human rights will be brought forward, but we will need to design and draft a statutory instrument to ensure that associated processes and structures are in place”.—
[*Official Report*, 1/5/19; col. 1035.]

The simple fact is that we need a clear timetable from the Government. When will this be completed? What are the impediments to drafts being brought forward? It is a critical part of our foreign policy. When we come to address the specific issues raised by the SIs, I shall ask: will we extend sanctions to cover the kind of human rights abuses that the Magnitsky clause is specifically designed to address? I hope that the Minister

[LORD COLLINS OF HIGHBURY]

will be able to give us a more specific commitment, rather than just say, “when time allows”, or another vague reference to the future.

On Syria, I read with interest this morning the Joint Committee’s report. I have not had a huge amount of time to study it, but I want to pick up on some of the Government’s responses, particularly to the second question on the grounds for existing licensing derogation. During consideration of the Bill in Committee, the Minister was able to facilitate a range of meetings with NGOs over that precise issue. I am very keen to hear not only how he believes that the Government have addressed the concerns of the Joint Committee but whether they have consulted with the NGOs we met before when considering the draft Bill. This is important, because we are talking about humanitarian support getting through to those most in need. I hope that the Minister will be able to address that.

Not only are we discussing these specific SIs but we are looking at the impact and effectiveness of our sanctions policies and regimes. I completely agree with the noble Baroness, Lady Northover, that we need assurance. I know that the Minister keeps talking about our co-ordinated approach, working with our close allies and that we “will continue to ensure”, but sanctions conducted simply by one country will not have an impact. They work because of collective action and because we work in solidarity. I hope that he will answer specifically the questions raised by the noble Baroness, Lady Northover, about the review dates, how we work in conjunction and, where there is an extension or a change, how we will co-ordinate that activity. What mechanisms does the FCO envisage to do that?

On Syria, I hope that the Minister will take the opportunity to update the House on what we are trying to do to achieve a ceasefire to halt the killings on all sides, and what progress we are making towards a negotiated political settlement under UN auspices.

I want to raise a specific issue relating to the effectiveness of sanctions: media reports that President Assad’s niece has been studying in the United Kingdom for a number of years. That raises questions about the effectiveness of sanctions and the ability of UK government agencies to implement them. Can the Minister tell us what discussions he has had with Home Office colleagues about President Assad’s niece, such as how she gained entry, what clearance was given and whether any consideration is being given to stopping something similar happening again?

6.45 pm

I hope that the Minister can give us his opinion on what evidence the Government have that the chemical weapons sanctions regime is proving effective in reducing the use of chemical weapons or encouraging compliance with the Chemical Weapons Convention. As we have heard, there has been repeated evidence of the use of chemical weapons in conflicts in the Middle East, particularly by Assad’s regime but also by the other players in that conflict. It is important that the Minister addresses that precise issue.

Yesterday, when I met leaders from West Papua, I was particularly concerned about their allegations of the use of white phosphorus in West Papua in

December—only a few months ago. Has the Minister received any reports about these allegations? If they are proved correct, what action will the Government take, particularly regarding sanctions on the use of chemical weapons? I hope that he will come back to us on that issue.

On Russia, I agree with the noble Viscount, Lord Waverley, that the Government’s policy has been to engage and beware. We supported sanctions specifically regarding the situation in Ukraine and the annexation of Crimea, but we have seen human rights abuses in Russia increase. We have seen assaults on LGBT rights, particularly in Chechnya, which I hope the Minister can update us on. We have also seen their encroachment into other areas, not least in Venezuela. Regarding targeted and effective sanctions, this is one area of human rights abuses where we could usefully see the effectiveness of the Magnitsky clause. The US has been using it, and I hope that the Minister will come back to us on that. As the noble Viscount said, we must assess the fact that since we have specifically targeted Russia with economic sanctions, the Russian economy has grown—certainly far faster than that of the United Kingdom. I hope that the Minister will address that issue.

I am also concerned about the sanctions on Belarus. Since they have been imposed, particularly on individuals, we have seen the situation continue to deteriorate. What is the Minister’s opinion on the lifting of sanctions against 170 individuals and four companies in 2016? Does he think that that was the right decision, bearing in mind what has continued to go on in Belarus?

I join the noble Lord, Lord Chidgey, in what he said on Zimbabwe. There is no doubt that the situation has not improved. We can see that further abuses are going on, and I have certainly raised with the Minister before the actions being taken against civil society players, not least trade union leaders, who have been arrested, detained, released and then charged. What are we doing to ensure that the Government of Zimbabwe respect the human rights of those individuals and organisations?

The question we have to ask ourselves again is this: how effective are we in targeting our sanctions at the people who are actually abusing human rights so that they suffer, rather than at those whose human rights are being abused? I know that the Minister has been keen to address the issue of humanitarian support in Zimbabwe as well, and I hope he will be able to talk about these issues.

I conclude by saying that of course we support these statutory instruments. We support the policy intent of applying sanctions to effect change; there is no dispute about that. However, I have raised certain specific concerns which I hope that the noble Lord will be able to address.

Lord Ahmad of Wimbledon: My Lords, I thank all noble Lords who have participated in this debate. The noble Baroness, Lady Northover, said that I spent a bit more time setting out the detail in my introductory remarks. I had hoped to avert certain questions by doing so, but as I look at the pile of notes in front of me, perhaps that has not quite been the case. However, I want to put on the record my heartfelt thanks to the

noble Baroness and to the noble Lord, Lord Collins, in acknowledging the co-operation and collaboration I received during the passing of the sanctions Bill.

Turning to the SIs before the House, again I am very respectful of the detailed assessment that has been made by the noble Baroness, the noble Lord and, indeed, other noble Lords. The noble Lord, Lord Chidgey, has brought to us his specialist insights into Africa. I will certainly seek to answer some of the specific questions which have been raised, but if some are not responded to in the time I have available, I will write to noble Lords.

The noble Baroness, Lady Northover, set out a series of questions on the thematic issues covering cyber, human rights and chemical weapons. As she will know, the EU chemical weapons sanctions regime was adopted in October 2018 and the listings were then adopted in January 2019. On cyber sanctions, we welcome the strong October Council conclusions giving a mandate to progress this work. We look forward to taking this work on through the EU both quickly and thoroughly. Again on cyber, I take the lead responsibility on this issue for the Foreign and Commonwealth Office, and of course I will be pleased to work with the noble Baroness in respect of any specific suggestions she has as we move forward.

The noble Lord, Lord Collins, and the noble Baroness, Lady Northover, both raised the issue of the human rights regime. One example that I can share is that we continue to work closely with our Dutch colleagues by supporting their efforts in crafting a cross-European perspective on human rights for an EU human rights regime. Perhaps I may reassure the noble Lord, Lord Collins, that we are working closely with the Netherlands in that respect.

The noble Baroness, Lady Northover, referred to an issue that she has raised several times in the past. She asked how the UK would work with the EU in the future on sanctions, and specifically how that would be decided. The EU-UK political declaration states that there would be consultation on sanctions with an intensified exchange of information where foreign policy objectives are aligned, with the possibility of adopting mutually reinforcing sanctions. We are working to strengthen our bilateral relationships with key partners not only in Europe but also globally. We are also establishing a new network of sanctions officers in key partner countries.

Perhaps I may also say for the record that I agree completely with the noble Lord, Lord Collins, that the effectiveness of sanctions can be felt only if they are imposed in collaboration and through collective action. It is certainly our intention to do just that. There is no point imposing sanctions on an individual or organisation if they can be in a neighbouring country and operating freely. The collaboration and collective action we have seen with the EU—the close co-operation—will continue after we leave the European Union.

The noble Baroness, Lady Northover, asked a specific question about the Belarus sanctions and what they have accomplished thus far. The sanctions regime is part of our efforts to engage with the Government of Belarus to improve the situation, particularly on human rights, democracy and the rule of law. It is also designed to encourage the Belarus authorities to institute credible

investigations into and criminal proceedings against persons responsible for the disappearances of various individuals between 1999 and 2000. I assure noble Lords that they are having an effect. We will continue to press—through bilateral discussions as well as through the EU with colleagues—the continuing importance of seeing that effected.

The noble Baroness and the noble Lord, Lord Collins, raised the issue of Syria. A series of sanctions continue to be in place across the piece on Syria, and I will come on to some of these in a moment. They act as a key lever by which we maintain pressure on the Assad regime to end its atrocities against the Syrian people and to engage seriously in the UN-led political process. Sanctions on Syria aim to end the violent repression of the civilian population, and we will continue to raise these issues consistently.

The noble Lord, Lord Chidgey, talked of Zimbabwe and what has been achieved thus far. As the noble Lord will know, Zimbabwe remains one of the UK's 30 human rights priority countries. The UK continues to call for the Government of Zimbabwe to uphold the rule of law and human rights and to promote free and fair elections under the protection of the 2013 constitution and international human rights law.

The noble Lord raised the issue of a limit to the number of sanctions. I believe that we have been balanced in our approach while very candid and forthright on human rights abuses. I am sure the noble Lord agrees that the Zimbabwean economy continues to be very fragile and faces severe challenges. We are therefore balancing to ensure that we can continue to commit to some of the reforms we wish to see while maintaining a sanctions policy that still allows the economy to develop and the citizens of Zimbabwe to progress. The situation in Zimbabwe remains very fragile, and we will continue to work closely to ensure that, while the sanctions are being imposed, at the same time we look to provide some relief for the economy of Zimbabwe.

The noble Baroness, Lady Northover, asked what we hope to achieve from some of the sanctions against Russia. She is quite right to say that we led on many sanctions regimes, particularly in areas of financial services. She expressed concern over how this will continue once we leave the EU. While I cannot give her the specific nature of the governance procedures—I am sure she will respect that; it will be under discussion—I believe we will work in close alignment with EU partners and, indeed, other partner countries as well to ensure that the sanctions applied to Russia and elsewhere continue to be effectively applied.

The noble Baroness asked specifically about stronger sanctions against Russia. Through a combination of our leadership and diplomatic engagements, the UK has been at the forefront of strengthening EU sanctions in response to Russia's actions in Ukraine. This includes new sanctions designations in response to Russian elections in Crimea, the construction of the Kerch bridge linking Russia to Crimea and, most recently, Russian aggression in the Black Sea. The UK has also been at the forefront of efforts to put in place a new EU sanctions regime focused exclusively on chemical weapons that was adopted in October 2018.

[LORD AHMAD OF WIMBLEDON]

The noble Lord, Lord Chidgey, asked for examples of violations not tolerated in Zimbabwe. We condemned the human rights violations by security forces in January 2019, including the use of live ammunition against protesters. The Zimbabwe Human Rights NGO Forum has recorded many human rights violations, including 17 deaths and 81 gunshot injuries. Minister Baldwin summoned the Zimbabwe ambassador on 17 January to urge the security forces to stop using disproportionate force. As the Foreign Secretary said in the House of Commons on 22 January, President Mnangagwa must not turn the clock back. He needs to work with all Zimbabweans in dialogue for a better future. As I said, we are applying sanctions in a way that will bring some relief to the Zimbabwean people, but I assure the noble Lord that we are keeping a very close watch on the prevailing political issues on the ground.

7 pm

The noble Baroness, Lady Northover, asked about the effect of the Belarus sanctions and whether there were any plans to extend them. I partly covered that in my opening remarks, but we are looking to transfer existing EU Belarus sanctions into the UK for the exact purpose that we are aligned with our EU partners.

A general point was made by the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, about Syria. While there are a number of EU sanctions, during the implementation period EU sanctions will continue to apply to the UK, including the results of EU reviews that take place during this time. Sanctions on Syria aim to end the violent oppression, as I have said, but we will work closely with our EU partners on any reviews that happen during the implementation period. We will be very much part of them and we will apply any changes in the sanctions as appropriate.

The noble Lord, Lord Collins, was right to hold me to account on the Magnitsky powers. I am afraid I cannot give him an exact timetable at this stage. But as I have said, the whole idea is that the human rights elements of our sanctions regime will be a key part. That is why they feature so extensively as part of the Bill itself. Work is being done in that respect. If it helps the noble Lord, I can assure him that we are working extensively on this issue and will provide further information as we make progress. I give a commitment to the noble Baroness, as the Front-Bench spokesman for the Liberal Democrats, and the noble Lord, Lord Collins, that I am happy to discuss progress outside your Lordships' House and keep them both informed on this important issue. This is a personal priority for me as the Minister for Human Rights and I will certainly be keeping a close watching brief.

The noble Viscount, Lord Waverley, asked whether EU sanctions would be weakened by our leaving the EU. Sanctions remain a key policy tool and are most effective when designed and applied, as I have said already, in conjunction with our international partners. We will continue, I am sure, to share common interests and values on sanctions policy. As I have alluded to, however, the governance structures and how they will work are still being discussed with EU partners. I believe that we will work in close conjunction. Will we then be able to provide the same leadership as before?

I believe that provisions will be made that will allow us to contribute extensively with our information and expertise, together with the expertise and information of our EU partners.

On Syria, the noble Lord, Lord Collins, asked a specific question about President Assad's niece studying in the UK. He will understand that I cannot comment on individual cases. However, where there is evidence that sanctioned funds have been used by families or associates of sanctioned individuals in the UK, relevant authorities in the UK will investigate and take appropriate action. But I would add one other factor. As I am sure the noble Lord is aware, some members of the Assad family, far from being aligned with President Assad and his regime, are, on the contrary, very much against it. We all have extended families but that by itself should not be a definition of support. It is not always proportionate to sanction extended family members when there is no indication or evidence of their personal wrongdoing. We can all respect that. The noble Lord raised a valid concern, however, and I assure him that our agencies are working very closely in this respect to ensure correct adherence to the law.

The noble Lord also asked what we are doing to deliver a ceasefire on the ground in Syria. As he is aware, we work very closely with our partners and the UN to support a political solution to the conflict in Syria. I believe that we have reached a deeply concerning juncture in Syria. The regime led by Bashar Assad is supported by Russia, and forces that have fought against the Daesh insurgency across Syria and Iraq are supported by the UK and other allies. It is important to invest in the UN processes and we continue to press international partners in that respect.

The noble Lord, Lord Collins, raised LGBT rights in Chechnya, and rightly so. There have been reports of abhorrent—there is no other word for it—LGBT persecution in Chechnya. The UK, along with 31 other member states of the Human Rights Council, delivered a statement about it on 18 March. I assure the noble Lord that we will work very closely on issues of LGBT persecution, not just in Chechnya but elsewhere, and I will certainly keep your Lordships' House informed about it.

The noble Lord also asked whether there is evidence that sanctions relating to chemical weapons are functioning. He raised a specific case involving the use of white phosphorus. If I may, I will write to him about that.

As I said at the outset, if there are questions that I have not answered, I will certainly review *Hansard*—

Lord Collins of Highbury: Perhaps I may ask the noble Lord about the Joint Committee and the consultation that might have taken place.

Lord Ahmad of Wimbledon: I think that the Joint Committee has reported back but, if I may, I will cover that in my letter to the noble Lord. He raised one other point about NGOs which I have not covered. During the course of the Bill we had a discussion in which NGOs were directly involved, and there are now provisions in the Bill to protect humanitarian elements. We will continue to work very closely with NGOs. I

am looking towards the Box for an answer to his specific question. I am not aware that consultations were held with the NGO community in advance of the SI. However, it is a practical idea, and consultation is always useful. I am a great believer in consulting with NGOs. As I said, I will write to the noble Lord with an answer to his question.

Once again, I put on the record my thanks to all noble Lords who have participated in this debate. I apologise if my voice sounds slightly hoarse. As I am sure noble Lords will appreciate, I am fasting at the moment. With the day having started at half-past three, and with various speeches, Questions, Statements and SIs, as much as I enjoy my role at the Dispatch Box, by 7 o'clock the Ahmad voice needs a rest. However, I appreciate noble Lords' contributions.

Motion agreed.

**Chemical Weapons (Sanctions) (EU Exit)
Regulations 2019**
Motion to Approve

7.07 pm

Moved by Lord Ahmad of Wimbledon

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

Motion agreed.

**Russia (Sanctions) (EU Exit)
Regulations 2019**
Motion to Approve

7.07 pm

Moved by Lord Ahmad of Wimbledon

That the Regulations laid before the House on 11 April be approved.

Motion agreed.

**Republic of Belarus (Sanctions) (EU Exit)
Regulations 2019**
Motion to Approve

7.08 pm

Moved by Lord Ahmad of Wimbledon

That the Regulations laid before the House on 20 March be approved.

Motion agreed.

**Zimbabwe (Sanctions) (EU Exit)
Regulations 2019**
Motion to Approve

7.08 pm

Moved by Lord Ahmad of Wimbledon

That the Regulations laid before the House on 20 March be approved.

Motion agreed.

House adjourned at 7.08 pm.

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