

# Political Affairs Digest

*A daily summary of political events affecting the Jewish Community*

Scottish Council of Jewish Communities

SCoJeC

## Contents

Home Affairs

Israel

Relevant Legislation

Consultations

## Home Affairs

### Scottish Parliament Motion

**S5M-11266 John Mason (SNP): Anti-racism March** – That the Parliament welcomes that a march against racism organised by Stand Up To Racism (SUTR) took place in Glasgow on 17 March 2018; notes that members from throughout Scotland of the Confederation of Friends of Israel Scotland (COFIS) sought to participate in the march in order to oppose antisemitism; regrets, however, that COFIS members were reportedly blocked from taking part in the main march by demonstrators who appeared to be against any participants sympathetic towards Israel; considers that criticism of Israeli policies and antisemitism can be easily confused and difficult to distinguish from each other; regretfully believes that this and other events suggest that antisemitism is alive in Scotland in 2018, and calls on everyone to reflect on their attitudes towards Israel and the Jewish community in Scotland.

<http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5M-11266>

### Westlaw re England and Wales Court of Appeal (Civil Division)

#### **No discrimination where priest in same-sex marriage was refused ministry licence**

In *Pemberton v Inwood*, the Court of Appeal has held that a Church of England priest was not subjected to unlawful sexual orientation discrimination when he was refused a ministry licence on the ground of his same-sex marriage. Although the refusal of the licence constituted the refusal of a 'relevant qualification' under S.53 of the Equality Act 2010, and was done on the ground of sexual orientation, the religious occupational requirement exception in para 2 of Schedule 9 to the EqA applied.

P is an ordained priest of the Church of England who ...married his same-sex partner. As a result, the former Acting Bishop of Southwell and Nottingham ... revoked P's 'Permission to Officiate' (PTO), which prevented him providing ministerial services. At the time, P was looking to take up a post as a hospital chaplain. However, the Bishop sent a letter to the hospital to say that he declined to grant P an Extra Parochial Ministry Licence (EPML), which was necessary for the chaplaincy post. As a result, P was not appointed. P claimed direct sexual orientation discrimination ... He also claimed that the Bishop had harassed him, under S.26 EqA, in revoking the PTO, refusing to grant the EPML, and in the manner in which he had communicated these decisions.

The employment tribunal dismissed all of P's claims. ... P appealed to the EAT.

The EAT dismissed the appeal. P appealed to the Court of Appeal.

The Court of Appeal dismissed the appeal. Lady Justice Asplin, giving the leading judgment, endorsed the EAT's decision on the question of whether the EPML was a qualification 'for the purposes of an organised religion'. In Asplin LJ's view, although the EPML was a condition of employment with the NHS Trust, the Trust intended to employ a properly accredited minister of religion to carry out all aspects of the post, including conducting Church of England services if required. It therefore required a clergyman who was properly licensed and approved by the Bishop to carry them out. If, as P argued, the exception could only apply to employment with the Church itself, the exception would have no purpose at all. ...

As for the harassment claim, the Court accepted that it would be impermissible to read the Schedule 9 exception to cover harassment. ... Lord Justice Underhill, giving a concurring judgment, noted that while he understood P's profound upset at the Church's stance on same-sex marriage, 'if you belong to an institution with known, and lawful, rules, it implies no violation of dignity, and is not cause for reasonable offence, that those rules should be applied to you, however wrong you may believe them to be'.

**To read the full summary see**

<http://campaign.r20.constantcontact.com/render?m=1114094154090&ca=7dde52a6-8975-46c3-bdd5-9fc3fe40b16b>

**To read the full judgement see**

<http://www.bailii.org/ew/cases/EWCA/Civ/2018/564.html>

TOP

## Israel

**See also the Scottish Parliament Motion “Anti-racism March” in the “Home Affairs” section above.**

## United Nations

### **Concluding Sixty-Second Session, Women’s Commission Approves Texts on Expediting Gender Equality in Rural Areas, Releasing Female Hostages, Helping Palestinians**

... the Commission approved, by a recorded vote of 30 in favour to 4 against (Canada, Guatemala, Israel, the United Kingdom) with 11 abstentions, a resolution titled, “Situation of and assistance to Palestinian women” (document E/CN.6/2018/L.3). By its terms, the Commission recommended that the Economic and Social Council call upon the international community to continue to provide urgently needed assistance to Palestinian women and girls facing a dire humanitarian crisis under Israeli occupation.

Reaffirming that the occupation remained the major obstacle for the advancement, self-reliance and social integration of Palestinian women, the Council would demand that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Geneva Conventions and other international covenants, to protect the rights of Palestinian women and their families. It would also urge the international community to renew efforts to advance and accelerate the conclusion of a peace treaty, ending the Israeli occupation, in accordance with the internationally recognized two-State solution. ...

Prior to the vote, the representative of the United Kingdom said that in a continued drive to advance gender equality for all, it was important to refrain from singling out one country in resolutions, as the text had singled out Israel. As such, his delegation would vote against the politicized text.

The representative of Israel said the draft had nothing to do with the situation of Palestinian women. Instead, the Palestinians preferred to spend their time and energy targeting Israel ...

... the representative of the United States said her delegation had long-standing concerns, including the inclusion of political elements and anti-Israel bias. ...

The representative of the State of Palestine ... said Palestinian women and their families continued to bear the brunt of the Israeli occupation. The text's adoption sent a strong message that rights violations by the occupying Power were illegal and must be halted, and that Israel must be held accountable. ...

**To read the full press release see**

<https://www.un.org/press/en/2018/wom2145.doc.htm>

**Situation of and assistance to Palestinian women (E/CN.6/2018/L.3)**

[http://www.humanrightsvoices.org/assets/attachments/documents/3.20.2018.situation.pal\\_women.pdf](http://www.humanrightsvoices.org/assets/attachments/documents/3.20.2018.situation.pal_women.pdf)

TOP

## Relevant Legislation \*\* new or updated today

### UK Parliament

**European Union (Withdrawal) Bill**

<http://services.parliament.uk/bills/2017-19/europeanunionwithdrawal.html>

**Holocaust (Return of Cultural Objects) (Amendment) Bill**

<https://services.parliament.uk/Bills/2017-19/holocaustreturnofculturalobjectsamendment.html>

**Marriage Act 1949 (Amendment) Bill**

<http://services.parliament.uk/bills/2017-19/marriageact1949amendment.html>

**Organ Donation (Deemed Consent) Bill**

<http://services.parliament.uk/bills/2017-19/organdonationdeemedconsent.html>

TOP

## Consultations \*\* new or updated today

**Creating a Parliament for Wales** (closing date 6 April 2018)

<http://senedd.assembly.wales/mgConsultationDisplay.aspx?ID=292>

**Integrated Communities Strategy green paper** (closing date 5 June 2018)

<https://www.gov.uk/government/consultations/integrated-communities-strategy-green-paper>

TOP