

Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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House of Lords Written Answers

Hate Crime: Internet

The Marquess of Lothian (Conservative) [HL16425] To ask Her Majesty's Government what progress they have made, further to the Law Commission's Scoping Report on Abusive and Offensive Online Communications published on 1 November 2018, to improve the current criminal law concerning abusive and offensive online communications, in order to tackle online abuse more effectively.

Lord Ashton of Hyde: The Department for Digital, Culture, Media, and Sport and the Ministry of Justice have engaged the Law Commission on a second phase of their review of abusive and offensive online communications. This will begin in July 2019 and will build on the analysis undertaken for the Scoping Report.

In Phase 2, the Law Commission will review existing communications offences to establish whether the law is fit for purpose, and make specific recommendations about options for reform in this area. This will include considering whether co-ordinated harassment by groups of people online could be more effectively dealt with by the criminal law.

The Law Commission will also look at the criminal law around the non-consensual taking and sharing of intimate images. The review will look at existing offences and identify whether there are any gaps in the scope of the protection already offered to victims, making recommendations to ensure that the criminal law provides consistent and effective protection against the creation and sharing of intimate images without consent.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-06-17/HL16425/>

The report referred to above can be read at

https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2018/10/6_5039_LC_Online_Comms_Report_FINAL_291018_WEB.pdf

Terrorism: Greater London

Lord Harris of Haringey (Labour) [HL16380] To ask Her Majesty's Government why no public statement was made at the time of, or shortly after, the seizure of three tonnes of

explosive materials allegedly linked to Hezbollah terrorists in north London at the end of September 2015; and when Ministers and elected officials were briefed on those seizures.

Baroness Williams of Trafford: It is the policy of successive governments not to comment on Police operational or intelligence matters.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-06-14/HL16380/>

UK Parliament Home Affairs Committee

Inquiry into Islamophobia: evidence session

Q200 Chair (Yvette Cooper, Labour): ... Can I ask you to give us your brief overview, your assessment of the scale and nature of Islamophobia in Britain today?

Professor Modood (Director, University of Bristol Research Centre for the Study of Ethnicity and Citizenship): It is quite a large-scale complex of prejudices, hostilities and discrimination. One sees it most visibly in the media, where Muslims are talked about and are subject to a kind of collective blame: blame for terrorism, blame for some fundamentalist view or whatever. Whatever the issue might be, there is a kind of collective blame of Muslims in a very regular and unchecked way. ...

A point to note is that it exceeds the levels of hostility and discrimination experienced by just about every other group, except perhaps the Roma, who are an exceptional group. ...

Raheel Mohammed (Director, Maslaha): ... Particularly in the criminal justice system, in education and gender, I think there is a whole lot of research and analysis still to do that we are not hearing right now. It is not helped by categories like the acronym BAME. I think it creates a silence and it tidies up brown and black people. In order to understand the practical consequences of Islamophobia, I think we need to disaggregate that acronym and understand communities at a much more granular level and geographically as well. ...

Professor Stevenson (Head of Research, Sheffield Institute of Education, Sheffield Hallam University): ... some of the research that I have been doing is to ask students, who have come into higher education or who have gone into the workplace, about their experiences. Every single one of them reported some form of Islamophobia. To pick up the point again, that is experienced very differently by different Muslims and there is no way of capturing the breadth of that experience under a collective term, except to think about fear.

... young Muslims talk about other people being fearful of them. Their experience of Islamophobia comes out of people's lack of understanding about Islam, which is then understood only in relation to media discourses, which becomes a fear of people who are Muslim and of Islam.

That then becomes enacted right from the level of hijabs being pulled off, people being spat at in the street, right through to having to defend themselves when there is a terrorist attack, right through to people just not wanting to sit next to them in the classroom. ...

Q201 Professor Stevenson: The Muslims we spoke to ... were making an active choice to stay within those communities and then potentially limiting the possibilities for different sorts of employment because they felt it was safer. Even though the actual numbers of incidences could be higher, they felt there was a benefit to being within a community that might be supportive. Other people we interviewed who were living, for example, in very rural areas where there were very few non-white and other Muslim young people, said that the level of complete ignorance was there at the same time, but they were very isolated ...

Q202 Chair: If you think either about issues around hatred or issues around discrimination, is your sense that those are getting worse or getting better?

Professor Stevenson: ... it would be very difficult to say that they are definitely getting worse. ...

Raheel Mohammed: In our criminal justice work there has been a definite increase. At the moment, Muslim men make up 15% of the prison population and, as a community, England and Wales makes up just under 5%. In 1997, the figure for Muslim men in prison was around 3,600-odd. It is now just under 14,000, so it has doubled over the past 10 years. ... Unless you assume that young Muslims are more predisposed to committing crimes, there has to be something else that is going on. ...

In the schools that we are working in, we hear from young Muslim women, who talk about hiding their identity, censoring themselves. There is this sense of censoring your religiosity and of course it blends into your cultural heritage and your local heritage. There is a sense of hiding yourself because of a fear either of how another pupil might respond to you, how the wider school environment might respond or how wider society might respond. ...

Professor Modood: ... it is worth noting that there are some positive trends. ... One positive trend is to do with the acquisition of educational qualifications, both at school level and at a higher education level. In general, this has been a big ethnic minority success over the last couple of decades. ...

The second positive trend is a little bit paradoxical, perhaps in the light of some of the things that we have said and might say. There is quite a lot of Muslim participation in civil society and in politics. ...

A lot of that is around Muslim causes, causes around Islamophobia, causes around Prevent, foreign policy issues and so on. Nevertheless, I see that as a positive development because it shows that Muslims are confident, participative Britons. ...

I think the negative trends show a progression, in the sense they are getting worse. Attitude surveys that ask people things like, "Do you think Islam is compatible with British values? How would you feel if you had a Muslim as a neighbour or as a boss or a prime minister?" and so on ... They show two things. Over a period of time, they have shown a decline in racial prejudice both in absolute terms and generationally, so younger people are much more likely to give affirmative, positive answers. At the same time, they have shown that Muslims are bucking that trend, so the hostility to Muslims is growing while colour racism is declining at the same time. ...

... Britain is pretty good at collecting data by race and ethnicity, certainly compared with our European Union partners, but we are not very good at collecting data by religious affiliation. ...

Q203 Toby Perkins: ... Can I ask Mr Mohammed what he believes are the reasons why British Muslims have some of the lowest employment rates and earning rates of any group and whether he believes there is a Muslim penalty?

Raheel Mohammed: ... there was a report by the Social Mobility Commission on a "broken promise" that, even if you did well in education, you were less likely to do well in the employment market. ...

... we have done quite a bit of work with university graduates. There is a sense of feeling "othered" ...

I think it will differ if you are a Muslim woman. If you wear a hijab or not can have an impact as well. Within the charities sector, for instance, the number of BAME CEOs is only 4%. If I think about the criminal justice sector, where there is a huge racial disparity, you would expect there to be more people of colour in leadership positions, but there aren't. ...

Q204 Professor Stevenson: With the young people we interviewed, the case of the name on the CV came up in that research as well. Some of them had done their own tests with friends to see what would happen. It really was the case that they were not getting chosen for interviews. That then operates in a way to constrain what people do, so there is some level of people not going for the sorts of jobs that they might be perfectly capable and qualified to do because they think, "What is the point?" ...

They found that they had to work twice as hard as everybody else. They were dealing with a lot of racism or Islamophobia in the ways that I have explained: if something was on the

television, they were dreading going in the next day because they would have to justify—in a way that others are not expected to do—how they could be Muslim and support a religion that does these terrible things. There was a complete lack of understanding about Islam and the fear of it came out very much ...

They felt that they either had to collude in a level of silence or they had to defend, and they would lurch from one of those things to the other. Quite often they gave up. ...

Q205 Professor Stevenson: ... Those stereotypes about Muslims do play out in quite different ways ... women only want to work for a few years before having children, which is a strong stereotype that perpetuates, or that people do not have adequate English language, which again is another stereotype. ...

One person talked about the fact that he went in after a week's holiday and somebody said, "Oh my God, you have grown a Muslim beard" and he said, "No, I have just not shaved". It is that sort of framing of the fear of who you are that is very close to the surface a lot of the time.

I do not think you can underestimate how the stereotypes and the myths about what it means to be a young Muslim play out, both in terms of those stereotypical views, but then that fear that this is somebody who cannot be trusted. I think the lack of trust is a key issue. That plays out not just in the workplace, but in the ways that people relate more socially as well. ...

Q206 Toby Perkins (Labour): ... I remember the first time I ever worked with someone who took a break in order to go and pray. It was a surprise to me. It was not something that had occurred to me, and I imagine there will be employers who are ignorant ...

Professor Stevenson: ... somebody had gone for an interview and they asked him something about Ramadan. He said he immediately got the impression that they were assuming that he would have weeks and weeks off work, because they had no understanding of what that meant in terms of living that life. ...

Q207 Professor Modood: ... On the whole, especially if we compare ourselves to our European Union neighbours, we do have a reasonable framework for anti-discrimination. It is not always acted on and it is not always enforced. The point I am making is that we need to include Muslims in that framework, rather than have them obscured by inappropriate or composite categories. ...

Q208 Stephen Doughty (Labour Co-op): ... What more do you think our institutions of state could be doing, in terms of increasing the diversity of their employment practices and avoiding institutional Islamophobia or other kinds of structural inequalities?

Raheel Mohammed: ... There is something about ... actually opening up those spaces in a way where schools that have a high ethnic minority population can feel that, "This is a space that we have a right to come to and we can perhaps one day think about working in those spaces". That does not happen enough. ...

Q212 Kate Green (Labour): ... what I am trying to understand is what is it that means that, of all minority populations, Muslims are feeling the effects of that unconscious bias? What is it that is being done that disproportionately affects them?

Raheel Mohammed: It is all of those other factors that are coming in play, so it is not just one thing. It is about over-surveillance and it is about the Prevent duty, which runs through all of our public services. It is about being visibly Muslim. ...

We know within prisons if you suddenly grow a beard—and a lot of the Muslim men we have spoken to do become more religious because it is a form of anchor, it is a form of support—you are then viewed with suspicion. ... We have spoken to Muslim men who have said that, when they are being sentenced in front of a magistrate, they will shave their beards because they think that has a knock-on impact on the sentence that they might receive. ...

Q218 Stuart C. McDonald (SNP): ... We have already heard ... how school success is

quite often not leading to labour-market success for a lot of Muslim kids. ... are there things happening in education that also contribute to comparatively disappointing outcomes in the labour market? ...

Jacqueline Stevenson: We looked at early-years schooling and then further and higher education, and there was quite a consistent pattern across what people were saying to us about low expectation. ... There is some discrimination, some stereotyping, and that leads to low expectations among a group who are highly aspirational themselves, so there was a real conflict there. ... it is harder to know for Muslims because we do not collect the data consistently. ...

The discourse of British values is something that needs to be considered: how the language and the way that that is being enacted has worked to “other” some of these Muslims even further, because it starts from the assumption that if you are Muslim you do not see yourself as British. That is how it is perceived, that that is the link between those two things.

The reality is the opposite; most people who are British Muslims see themselves as British almost before they see themselves as Muslims. ...

Q219 Jacqueline Stevenson: ... Religious and racial literacy in general are problems across the piece. That lack of understanding about how the curriculum is dominated by particular perspectives, and is predominantly still a white, western, Anglophone view of the world ...

Q221 Stuart C. McDonald: ... Tell MAMA reported to us that the most common age for perpetrators of anti-Muslim hate incidents in 2017 was 13 to 18-year olds. I do not have the figures to tell me the age of the victims, but I am guessing very often it was kids in the same age group as well. ...

Q222 Stuart C. McDonald: What do you make of the criticism of Ofsted, in particular, about how it has backed up schools who have decided that the hijab should not be worn at school and it being described as institutionally racist?

Raheel Mohammed: It just feels like a really blunt response. With a lot of these issues, it feels like there is such a disconnect from going down and talking to communities on the ground and a lack of empathy and compassion. ...

Q226 Toby Perkins: Mr Blackford, a recent study found that nearly two thirds of Muslim women in Scotland had witnessed or experienced a hate incident or crime. Can you tell us how concerned you are by the levels of anti-Muslim hatred and prejudice in Scotland and in the United Kingdom?

Ian Blackford MP (Leader, Scottish National Party Westminster Group): ... I am very concerned. If I look at the statistics—and let’s start with those that have been charged with Islamophobic crimes in Scotland—in 2010-11 there were 15 charges; in 2017-18 that had increased to 115. ...

It is important that we take into account the fact that the police in Scotland do not record the origin of the victims of religiously aggravated offences. The data has been derived by analysing police reports and is based on the details of the incident and what the accused did and said. As such, the figures that we have do not perhaps give us the full picture.

All of us in public life have a responsibility to call out these hate crimes, whether it is Islamophobia or whether it is any other form of hate crime; they are unacceptable. ... Everyone, regardless of race, colour, creed, or religion, must be made truly welcome and encouraged to participate to the fullest extent with their talents. ...

Q227 Toby Perkins: You mentioned there that there is no data kept on religion by police in Scotland, and I believe it is the same in the rest of the UK. Is that something that you think would be beneficial, for us to have better data and for the police to keep better records in terms of the religion of people who are victims of crime?

Ian Blackford: That is something that requires very strong analysis. I can certainly see

that to have access to the best data would be an advantage to us in recognising the problems and the challenges that we face, yes. ...

Q229 Ian Blackford: Perhaps historically there has been a lack of willingness to confront these issues. That is changing, but we need to make sure that we are doing absolutely everything we can to confront that. We all have to make it absolutely crystal clear that any kind of Islamophobia, any lack of creation of a level playing field is something that will not be tolerated. We have to recognise the differences in culture that—I am glad to say—have enriched our society. ...

Q232 Kate Green: The SNP has adopted the APPG's definition of Islamophobia. Why did you decide to do that?

Ian Blackford: ... the parliamentary group of the SNP has done so, and it is something that the party needs to engage in and, of course, it is something that the Government in Edinburgh are also looking at very closely as well.

We reflected very carefully on the evidence that had been brought forward by the APPG. I am not necessarily saying that the definition that has been accepted is the end ... It is a very important signal that there has to be that zero tolerance. ...

Q234 Kate Green: How do you respond to the criticism that the definition acts as a restriction on freedom of speech?

Ian Blackford: I do not believe it does. I think it is important that we have freedom of speech. That is why I make the point that this is perhaps not perfect; it is a starting point. ...

Q239 Douglas Ross (Conservative): ... could you outline how you felt your party responded to the Craig Melville incident?

Ian Blackford: Craig Melville is an individual who, quite frankly, has said a number of hateful things and they must absolutely be called out. He was suspended from SNP membership when what he had said came to light. He would have gone through a disciplinary process in the SNP but, before that could be conducted, he resigned from the party. On the basis of his resignation from the party, there was not much we could do at that point. ...

Q241 Ian Blackford: ... You will probably be aware that today, through the all-party group in the Scottish Parliament, an inquiry on Islamophobia has been set up on a cross-party basis. ... We have to have zero tolerance in dealing with Islamophobia ...

Q246 Ian Blackford: Anyone who is guilty of Islamophobic activity should be held accountable, and I would argue that anyone in such a position should not be in a position of authority in any form of political post. ...

Q248 Douglas Ross: ... Do you think your SNP colleagues in Dumfries and Galloway Council should take that responsibility seriously and have [Jim Dempster] removed from his positions? ...

Ian Blackford: Anyone who has behaved in a way that is unacceptable should not be in a position of authority. ...

Q251 Chair: ... If you have a complaint about an SNP party member, an MSP, an MP, a councillor and so on, about Islamophobia, what then happens? ...

Q252 Ian Blackford: In terms of disciplinary issues, all SNP members operate under a code of conduct. If someone felt that the actions of another member might be Islamophobic a complaint could potentially be pursued under a number of standards. First, under article 5 in that code, no member may make racist statements in any context. Any member has a responsibility not to discriminate in his or her conduct on the grounds of race, colour, gender, religious belief or non-belief, or sexual orientation. Every member owes a duty to the party to refrain from conduct likely to cause damage to or hinder the party's proper pursuit of its aims in accordance with its constitutionally laid down policy and direction. ...

Q262 Chair: You have not ... had any further allegations of Islamophobia made other than that case?

Ian Blackford: No.

Q264 Chair: ... In terms of your broader approach to either racism or other forms of abuse, or hatred, and so on, do you have any other numbers about racism allegations that have been made?

Ian Blackford: Within Scotland? ... I do not have those to hand, but if you want the numbers on them, I can get them. The biggest problem that we faced historically has been abuse directed towards the Roman Catholic community, which is about 50% of all hate crimes in Scotland. ...

Q266 Chair: Thank you. Do you have any figures on what proportion of the membership or candidates for the SNP are Muslim?

Ian Blackford: ... We have affiliated status for the Scots Asians for Independence and the BAME network, and they will both be represented on our national executive committee from October of this year. ...

Q268 Tim Loughton (Conservative): Do you think Islamophobia is more or less of a problem in Scotland than the rest of the United Kingdom?

Ian Blackford: We all have a problem with Islamophobia. I do not think it is helpful to engage in a debate about whether it is worse in Scotland or better in Scotland. ...

Q275 Tim Loughton: What is your understanding of Muslimness?

Ian Blackford: ... it is not for me to make the definition of what is a Muslim or what is a Christian. ...

Q277 Tim Loughton: ... Accepting a definition does not mean that you are rooting out Islamophobia. Some people within the Muslim community and others have a serious problem with that definition, particularly with the term "Muslimness". What do you understand that to mean?

Ian Blackford: ... That is one of the reasons that I have argued that this is a starting point. We need to make sure that we get to a position where this is inclusive, to make sure there is no threat to anyone who considers themselves a Muslim however they choose to celebrate their faith. ...

To read the full transcript see

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/islamophobia/oral/103379.html>

Court of Appeal (Civil Division)

Z and A v (1) London Borough of Hackney and (2) Agudas Israel Housing Association Ltd (AIHA)

This case considered whether Z, a single mother with four children, had suffered unlawful discrimination when Hackney council had failed to put her name forward for suitable housing due to AIHA's practice of letting properties only to members of the Orthodox Jewish community. It was agreed that AIHA's procedures constituted direct discrimination on grounds of religion. The question was whether this discrimination was lawful. The Divisional Court decided that it was lawful on the grounds that it was proportionate means of compensating a disadvantaged community, in particular alleviating high levels of child poverty within the Orthodox Jewish community. This judgement was appealed, but the appeal has now been dismissed.

To read the full judgement see

<https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2019/1099.html&query=Agudas+israel>

Employment Appeal Tribunal

Page v NHS Trust Development Authority and **Page v Lord Chancellor & Anor**

These appeals concern Mr Page's religious beliefs in relation to his position as a Non-Executive Director of an NHS Trust and as a magistrate respectively, in which roles he was involved in making adoption decisions. He had been disciplined and removed from the magistracy for his views about adoption by same-sex couples, and was subsequently suspended from the NHS Trust, and his term of office was not renewed. The Employment Tribunal supported the disciplinary measures, and Mr Page's appeals have now been dismissed.

To read the full judgements see

https://www.bailii.org/uk/cases/UKEAT/2019/0183_18_1906.html

and

https://www.bailii.org/uk/cases/UKEAT/2019/0304_18_1906.html

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Israel

See also the House of Lords written answer about "Terrorism: Greater London" in the Home Affairs section above.

Council of Europe

Palestine: EU police mission and EU border assistance mission extended for 12 months

The Council has extended the mandate of the EU co-ordinating office for Palestinian police support (EUPOL COPPS) and the mandate of the EU border assistance mission for the Rafah crossing point (EU BAM Rafah), until 30 June 2020. These missions are part of wider EU efforts in support of Palestinian state building in the context of working towards a comprehensive resolution of the Israeli-Palestinian conflict based on a two-state solution. EUPOL COPPS will continue to assist the Palestinian Authority in building the institutions of a future state of Palestine in the areas of policing and criminal justice based on its experience and cooperation with the Palestinian Authority since January 2006. ...

The mission is mandated to provide a third party presence at the Rafah crossing point in the Gaza Strip to contribute to building confidence between the Government of Israel and the Palestinian Authority, including enhancing Palestinian capacities on all aspects of border management related to the Rafah crossing point. ...

To read the full press release see

<https://www.consilium.europa.eu/en/press/press-releases/2019/06/28/palestine-eu-police-mission-and-eu-border-assistance-mission-extended-for-12-months/>

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Relevant Legislation ** new or updated today

UK Parliament

Divorce, Dissolution and Separation Bill

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

Holocaust (Return of Cultural Objects) (Amendment) Bill

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

International Development Assistance (Palestinian National Authority Schools) Bill

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

Marriage Act 1949 (Amendment) Bill

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

Online Forums Bill

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

Palestinian Statehood (Recognition) Bill

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

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Consultations

** new or updated today

****closes tomorrow**

Online Harms White Paper (closing date 1 July 2019)

<https://www.gov.uk/government/consultations/online-harms-white-paper>

Opt-out organ donation: organs and tissues excluded from the new system (closing date 22 July 2019)

<https://www.gov.uk/government/consultations/opt-out-organ-donation-organs-and-tissues-excluded-from-the-new-system>

Regulation of pre-paid funeral plans (closing date 25 August 2019)

<https://www.gov.uk/government/consultations/regulation-of-pre-paid-funeral-plans-consultation-on-a-policy-proposal>

**** Islamophobia in Scotland** (closing date 26 August 2019)

<https://forms.ncl.ac.uk/view.php?id=13027>

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The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438