



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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House of Commons Education Committee

Appointment of the Chair of the Office for Students

Q18 Tom Hunt (Conservative): ... Many students whom I have spoken with are concerned about the lack of free speech that there is at universities very often, and it has been quite a big issue in the media. I just want to know what your views on that are and whether you believe that the Office for Students has any role in trying to encourage free speech and, potentially, speak out or make moves if student unions or universities take steps that are not good for freedom of speech.

Lord Wharton (Government's preferred candidate for the role of Chair of the Office for Students): I think this is an important issue, because it is all part of the university experience. People go to university in order to be able to experience difference of views, debate and discussion and to advance learning in the broadest sense, not necessarily just within the confines of the course that they are taking. At the same time, university has to be a place in which everyone feels safe, and there are elements of this that could, in extremis, impact on some of the access questions that we have already discussed. Free speech does not mean inappropriate speech, hate speech or things that make people legitimately feel excluded. At the same time, it is a crucially important principle and one that I want to see upheld. I think this is a space in which the regulator should be active. If some of the media reports are to be believed—I would like to take the time to engage properly with some of the individuals and institutions concerned before coming to a judgment—some mistakes have been made, and I don't like moves away from free speech in an environment that should actually have it absolutely at the core of what it is about. ...

Q27 Christian Wakeford (Conservative): I have two quick questions. The first goes back to the topic of freedom of speech and accessibility. You will hopefully be aware of the campaign by the Union of Jewish Students to make sure that the issue of antisemitism is treated with the respect that it deserves on university campuses. While a lot have been adopting the IHRA definition of antisemitism, adopting it is one thing; actually living up to the tenets of it is another. How would you, in the role, make sure that those policies are actually adhered to, and our Jewish students are safe on campus?

Lord Wharton: That is a very good question, Mr Wakeford—thank you. I am very familiar with the IHRA definition of antisemitism. I will be quite honest: I do not understand why any university would not have adopted it, and I would want to look at those universities that have not, particularly given the very strong steer that they have had from the Government and the Secretary of State. The OFS has been supportive of that. I think that there is a real question to be asked where it has not been adopted, because I do not think that free speech includes hate speech.

Once it is adopted—actually, regardless of whether it is adopted—clearly any instances of antisemitic behaviour are entirely unacceptable and would need to be addressed. It is appropriate for a regulator to have concern for that, as it is part of the overall student experience. Respecting the autonomy of universities and other higher education institutions does not include the autonomy to allow things to happen in their environments that would conflict with IHRA and with other equalities issues and discrimination issues. I can give you a strong indication that this is an issue that I am familiar with and care about, and I want to see more done in the area. That is what I intend to look at. ...

Q50 Apsana Begum (Labour): ... What are your thoughts about the office's approach to the Prevent duty? The most recent report that I have read talked about 97% compliance, which is really high. What would be your approach on compliance, taking into particular account the experiences of Muslim and BAME students? Policy Exchange, which was mentioned earlier, produced a report at the end of 2019 saying that even the APPG definition of Islamophobia would cripple Government Departments and would lead to them being labelled institutionally Islamophobic. A lot of Muslim student groups would not necessarily think that the APPG definition encompasses the definition of Islamophobia, but that is one of the views of Policy Exchange, which obviously has a huge influence on policy. Where do you think the OFS needs to progress in that area, and what would be your approach to that?

Lord Wharton: First, thank you for giving me the opportunity to state, restate and clarify for the record my broader view, which is that all students, of whatever background, should feel safe and welcome, and that higher education is accessible for them. As I said earlier, if people have the aptitude, it should be a place for everybody. Any sort of discrimination in the university context, along the sort of lines that you describe, is unacceptable. I do not think that I can be clearer on that. That is something that I want to guard against, and I have some experience of that in the university context from my time in the student union when I was a student at Durham; I worked particularly in that sort of space.

The high compliance rate that you point to is a positive. So far, I have not heard much criticism of the OFS approach to Prevent, or to that area of work. Of course, it is one that I would look at, and I would be interested in taking any concerns into account. I want to understand more about what happens there. Other than stating the important fundamental that universities and higher education institutions must be welcoming and open to everybody, and blind to background in terms of access and outcome, I am not sure that there is more I can add ...

To read the full transcript see

<https://committees.parliament.uk/oralevidence/1622/html/>

The APPG report on the definition of Islamophobia, referred to above, can be read at <https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170ceee/1543315109493/Islamophobia+Defined.pdf>

The Policy Exchange report referred to above (published at the end of 2018, not 2019 as stated) can be read at

<https://policyexchange.org.uk/wp-content/uploads/2018/12/Defining-Islamophobia.pdf>

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House of Commons Written Answers

Palestinians: Overseas Aid

Diana Johnson (Labour) [144965] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, whether his Department has allocated all of the People for Peaceful Change budget to date.

James Cleverly: Our people to people programme aimed to bring together Israelis and Palestinians to cooperate on issues which can have a positive impact on both communities and build understanding between people on both sides of the conflict, helping build support for a peaceful, negotiated resolution. This programme ran for three-years and ended in March 2020.

<https://questions-statements.parliament.uk/written-questions/detail/2021-01-28/144965>

Palestinians: Remote Education

Matthew Offord (Conservative) [146853] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what discussions he has had with his (a) Canadian and (b) Australian counterpart on the investigations those countries are conducting into reports that the United Nations Relief and Works Agency has distributed educational material to Palestinian children reportedly promoting hatred of Israel to aid home-learning during the covid-19 pandemic.

James Cleverly: I met with the Canadian Minister for International Development to discuss how we can collectively ensure that the educational materials provided to Palestinian children for home-learning continue to remain in line with UN values and promote peace.

UNRWA has reported that these materials are no longer circulated and are not used in current lessons. The issue was rectified by November 2020. We continue to monitor the situation to ensure self-learning materials remain in line with UN values.

<https://questions-statements.parliament.uk/written-questions/detail/2021-02-01/146853>

Palestinians: Curriculum

Matthew Offord (Conservative) [146854] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, whether he has received a copy of the United Nations Relief and Works Agency Curriculum Framework in the West Bank and Gaza.

James Cleverly: As a donor to the United Nations Relief and Works Agency (UNRWA), a copy of their Curriculum Framework was shared with the UK. This document is also accessible to the public via UNRWA's website.

<https://questions-statements.parliament.uk/written-questions/detail/2021-02-01/146854>

The curriculum framework referred to above can be read at

https://www.unrwa.org/sites/default/files/unrwa_curriculum_framework_2013.pdf

United Nations

UN reiterates its call for demolitions to end and for international law to be respected: Statement by Sarah Muscroft, Head of OCHA in the occupied Palestinian territory, James Heenan, Head of the UN Human Rights Office in the occupied Palestinian territory, and Lucia Elmi, UNICEF Special Representative in State of Palestine

United Nations representatives met yesterday with the Palestinian Bedouin community of Humsa al Bqai'a, in the northern Jordan Valley of the West Bank. On 1 and 3 February, 60 people, including 35 children, were displaced from their homes and their belongings

seized or destroyed by Israeli forces. Among items seized were tents provided to them as humanitarian assistance following an earlier demolition of [83 other structures in November 2020](#), the largest single demolition since 2009.

The demolitions and confiscations were carried out after the families were verbally ordered to leave the area, although the community has made it clear they want to remain. The community has made appeals to the courts and rejected previous proposals to be moved to another location. This situation where the community is put under pressure to move raises a real risk of forcible transfer, which is a breach of international law.

The humanitarian community has also consistently expressed concerns over other impending demolitions, including of schools. One school in Um Qussa, in the southern West Bank, is currently under imminent threat of demolition, which would impact 50 children. Bedouin children, especially girls, are amongst the most vulnerable to human rights violations. Limiting their access to education and other basic services during a pandemic only exacerbates this vulnerability. Currently 53 schools, which are attended by 5,200 children, have demolition orders placed against them. The rights of children to protection, safety, and well-being must be upheld at all times.

The humanitarian community will continue to provide assistance to those impacted by this demolition, ensure their humanity is recognised and dignity upheld, and advocate for respect for international law. ...

To read the full press release see

<https://www.ochaopt.org/content/un-reiterates-its-call-demolitions-end-and-international-law-be-respected>

International Criminal Court

ICC Pre-Trial Chamber I issues its decision on the Prosecutor's request related to territorial jurisdiction over Palestine

... Pre-Trial Chamber I of the International Criminal Court ("ICC" or "Court") decided, by majority, that the Court's territorial jurisdiction in the Situation in Palestine, a State party to the ICC Rome Statute, extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem. ...

By ruling on the territorial scope of its jurisdiction, the Chamber is neither adjudicating a border dispute under international law nor prejudging the question of any future borders. The Chamber's ruling is for the sole purpose of defining the Court's territorial jurisdiction.

Pre-Trial Chamber I examined the [Prosecutor's request](#) as well as the [submissions](#) of other States, organisations and scholars who participated as *amicus curiae* and groups of victims. The Chamber held that, in accordance with the ordinary meaning given to its terms in their context and in the light of the object and purpose of the Statute, the reference to '[t]he State on the territory of which the conduct in question occurred' in article 12(2)(a) of the Statute must be interpreted as a reference to a State Party to the Rome Statute. The Chamber found that, regardless of its status under general international law, Palestine's accession to the Statute followed the correct and ordinary procedure and that the Chamber has no authority to challenge and review the outcome of the accession procedure conducted by the Assembly of States Parties. Palestine has thus agreed to subject itself to the terms of the ICC Rome Statute and has the right to be treated as any other State Party for the matters related to the implementation of the Statute.

Pre-Trial Chamber I noted that, among similarly worded resolutions, the General Assembly of the United Nations in [Resolution 67/19](#) "[reaffirmed] the right of the Palestinian people to self-determination and to independence in their State of Palestine *on the Palestinian territory occupied since 1967*". On this basis, the majority, composed of Judge Reine Adélaïde Sophie Alapini-Gansou and Judge Marc Perrin de Brichambaut, found that the Court's territorial jurisdiction in the *Situation in Palestine* extends to the territories occupied

by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem. In addition, the Chamber found, by majority, that the arguments regarding the Oslo Agreements, and its clauses limiting the scope of Palestinian jurisdiction, are not pertinent to the resolution of the issue of the Court's territorial jurisdiction in Palestine. ...

Judge Marc Perrin de Brichambaut appended a partly separate opinion on the reasons for which article 19(3) of the Statute is applicable in the present situation. Judge Péter Kovács, Presiding Judge, appended a partly dissenting opinion, in which he disagrees on the fact that Palestine qualifies as '[t]he State on the territory of which the conduct in question occurred' for the purposes of article 12(2)(a) of the Statute, and that the Court's territorial jurisdiction in the Situation in Palestine extends – in a *quasi*-automatic manner and without any restrictions – to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.

To read the full press release see

<https://www.icc-cpi.int/Pages/item.aspx?name=pr1566>

Decision on the 'Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine'

https://www.icc-cpi.int/CourtRecords/CR2021_01165.PDF

Judge Péter Kovács' Partly Dissenting Opinion

https://www.icc-cpi.int/RelatedRecords/CR2021_01167.PDF

Partly Separate Opinion of Judge Perrin de Brichambaut

https://www.icc-cpi.int/RelatedRecords/CR2021_01166.PDF

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Other Relevant Information

London School of Hygiene and Tropical Medicine

Extremely high SARS-CoV-2 seroprevalence in a strictly-Orthodox Jewish community in the UK

https://datacompass.lshtm.ac.uk/id/eprint/2084/1/Preprint_UK_Jewish_SARS-CoV-2.pdf

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Relevant Legislation ** new or updated today

UK Parliament

Animal Welfare (Sentencing) Bill

<https://bills.parliament.uk/bills/2622>

Assisted Dying Bill

<https://bills.parliament.uk/bills/2592>

Domestic Abuse Bill

<https://bills.parliament.uk/bills/2709>

Education (Assemblies) Bill

<https://bills.parliament.uk/bills/2579>

Freedom of Speech (Universities) Bill

<https://bills.parliament.uk/bills/2820>

Genocide Determination Bill

<https://bills.parliament.uk/bills/2621>

Marriage Act 1949 (Amendment) Bill

<https://bills.parliament.uk/bills/2608>

Marriage (Approved Organisations) Bill

<https://bills.parliament.uk/bills/2537>

Marriage (Authorised Belief Organisations) Bill

<https://bills.parliament.uk/bills/2795>

Marriage and Civil Partnership (Minimum Age) Bill

<https://bills.parliament.uk/bills/2584>

Scottish Parliament

Domestic Abuse (Protection) (Scotland) Bill

<https://beta.parliament.scot/bills/domestic-abuse-protection-scotland-bill>

Hate Crime and Public Order (Scotland) Bill

<https://beta.parliament.scot/bills/hate-crime-and-public-order-scotland-bill>

Post-mortem Examinations (Defence Time Limit) (Scotland) Bill

<https://beta.parliament.scot/bills/post-mortem-examinations-defence-time-limit-scotland-bill>

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Consultations

** new or updated today

Introduction of a statutory opt-out system for organ donation for Northern Ireland

(closing date 19 February 2021)

<https://www.health-ni.gov.uk/consultations/organ-donation>

Human Rights Act Review (closing date 3 March 2021)

<https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/138635/call-for-evidence-the-governments-independent-human-rights-act-review/>

Social Distance, Digital Congregation: British Ritual Innovation under COVID-19

(closing date not stated)

<https://bric19.mmu.ac.uk/take-the-survey/>

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