



# Political Affairs Digest

A daily summary of political events affecting the Jewish Community

## Contents

[Home Affairs](#)

[Israel](#)

[Relevant Legislation](#)

[Consultations](#)

[Back issues](#)

## Home Affairs

### House of Lords Grand Committee

#### Higher Education (Freedom of Speech) Bill: Committee Stage

*col 6GC Lord Moylan (Conservative):* ... Amendment 28 is an attempt to put that approach—the idea that you can say something as long as it is not prohibited by law—into statute. ... It contains an exception for Holocaust denial, but otherwise I think it resolves this question of defining freedom of speech in a clear and unambiguous way. ...

*col 11GC Baroness Fox of Buckley (Non-affiliated):* ... how do we define free speech? At the moment, free speech is constantly maligned as nothing more than hate speech. It is constantly said to me, “Oh, you support free speech. That is because you want the excuse to have hate speech”, ... I am concerned that hate speech is also ill-defined and too often amounts to little more than speech that we hate.

Perhaps we have to bite the bullet in our definitions here and recognise that there is a huge range of ideas that can be and are silenced as hateful. Even if we take hate speech at face value—something that most of us would agree was hateful, such as racist speech, bigoted views or whatever—as a free-speaker, and as I think is true in academic circles, I think we have to defend views that we do not like or consider to be bigoted. ...

One reason I worry about Amendment 3, from the noble Lord, Lord Collins, is that it claims that freedom of speech should not include freedom to espouse Holocaust denial—this is an awkward thing to talk about. It is also in Amendment 28, to which I have added my name, but I feel queasy about it. I want to probe why we would make Holocaust denial a special case. I understand that the Holocaust is a special case, and we all understand that Holocaust denial is abhorrent and monstrous, and part of the vile anti-Semitic playbook, and needs to be challenged at every opportunity. But it is not illegal in the United Kingdom. I wonder whether it is appropriate to use this legislation to make this one named exception. It might give a green light to it being said of other speech, “If that can be exempt from academic freedom, why cannot this particular hate speech be banned, even if it is legal?” There is a disingenuous strand of argument that says that the Bill will allow Holocaust denial, as though the nation’s students and academics are just waiting for the Bill to pass so that they can all rush out to deny the Holocaust. It just confuses what is really at stake here. ...

**col 12GC Lord Mann (Non-affiliated):** ... I have on more than one occasion been banned, or attempted to be banned, from speaking at a university. I was last issued a banning order by the University of Nottingham in 2009 ... The argument put forward then was that I might say something offensive because I was speaking at the Jewish society.

In the 1980s I was banned ... because—it was very simple and straightforward—I had had the audacity the year before to visit the state of Israel. I spent four days there with the Government, but I also spent four days with Fatah, the Palestinian liberation organisation on the West Bank. It seemed to me a balanced visit, and very interesting and educational. But I was banned from speaking at a university and in two other universities my publicity was withdrawn, which made it rather difficult for anyone to attend a meeting because they did not know that one was taking place. ...

**col 13GC** I recall in 1985 the banning of Jewish societies, on the basis that they were bound to be racist because they were full of racists and therefore should not be allowed any space in a university. ...

I want to pick up one particular point from these amendments: the proposal on Holocaust denial. It is true that Holocaust denial is not a criminal offence in this country, unlike in other countries, such as Germany and Austria—I think seven or eight countries across western Europe have that. To me, that does not seem a sufficient reason not to have such an egregious denial of history in this legislation. It would be a positive outcome if the Government wished to go further in terms of criminal justice. That would be done by a separate department, with separate legislation, and it may well get some support. In this context, it seems that provisions on the acceptability of entirely turning history on its head would be helpful to our universities, although the main problem we have these days is of course Holocaust distortion and minimisation. I would not suggest going further into a much greyer area, but I think this proposal ought to be considered very strongly by the Government. ...

**col 19GC Lord Collins of Highbury (Labour):** ... We need to ensure that this Bill does not inhibit good practice when it becomes an Act. The danger is that some of the things in these clauses will. Universities UK issued a very clear statement on good practice ... about protecting and promoting free speech and academic freedom, and the obligation on universities to defend staff. I shall refer to one bit that struck me: “Universities must also invest in good relations between different groups on campus, creating a climate in which all students and staff can discuss a range of topics—including the complex and controversial—in the knowledge that they will be listened to and treated with mutual dignity, tolerance, and civility.”

I do not think that this Bill will do that. What will is universities taking their responsibilities seriously, giving leadership and complying with the law. ...

**col 21GC Earl Howe (Conservative):** ... As regards Holocaust denial, referred to in Amendments 3 and 28, let me make clear that any attempt to deny the scale or occurrence of the Holocaust is morally reprehensible and has no basis in fact. In many cases, those who deny the Holocaust also have links to neo-Nazi extremism, anti-Semitic violence and intimidation. The European Court of Human Rights has held that Holocaust denial is not protected speech under Article 10 of the ECHR, as such speech is intolerable in a democratic society, and that Holocaust denial, even if dressed up as impartial historical research, must be seen as connoting an anti-democratic ideology and anti-Semitism.

There is no place in universities for extremist views that masquerade as facts but are in fact complete fiction and are deeply offensive. We certainly do not encourage higher education providers, constituent colleges or student unions to invite individuals who deny that the Holocaust ever happened to speak on campus. However, I should note that it is not the intention of the Bill to change what speech is held to be lawful or unlawful. ...

**col 24GC** Amendment 25 seeks to clarify the position regarding balancing the right to freedom of speech with the right to protest. The purpose of the Bill is to protect freedom of speech, but the right to peaceful protest is a fundamental tool of civic expression and will

not be curtailed by this Government. Of course, it can itself be an aspect of freedom of speech. If there is a protest against a particular academic because they have said something controversial but lawful, providers will need to decide what reasonably practicable steps they can take to ensure that the academic can speak freely. ...

**col 34GC Lord Mann:** ... Under the Bill as currently worded, would the emeritus professor at Sussex University—who was not an employee but would have been covered—who was sacked four years ago for saying that 9/11 was an Israeli plot have had the option of suing the university?

**Earl Howe:** I do not think it is for the Bill—or indeed the Government—to specify an answer to that question one way or the other. It would depend on the policy of the university as to whether it wished to still regard that person as an emeritus professor if it took exception to what he said. ...

**col 35GC Lord Mann:** So, is the Minister clarifying that there is nothing in the Bill that would prohibit the university from sacking that emeritus professor if the university determined that it was appropriate?

**Earl Howe:** Exactly right. ...

**col 37GC Lord Stevens of Birmingham (Crossbench):** ... universities should be allowed to move events around the campus without cancelling them, on the grounds that it should be reasonable to move a controversial and possibly noisy event so that it does not occur, for example, next to an exam hall at exam time. It is reasonable to move an event so that it happens on a part of the campus that makes event management easier or so that it does not conflict with other events at the same time.

Some people may argue that these flexibilities might mean the surreptitious or indirect cancelling of events, but other parts of the Bill address this concern. ... in fact they may make it easier to invite people and expand the number of speakers invited to campus, knowing that these flexibilities exist. ...

**col 38GC Lord Mann:** ... There is one other good reason. If one wanted to be politically aggressive, when booking a room one could insist that an anti-Israel meeting, to use one example, was located in a room next to a synagogue or the Jewish chaplaincy. That would seem egregious to me. It could be—this happens a lot in the United States at the moment—directly in and among the Jewish student accommodation, the Hillel accommodation, which would be more than egregious. ...

**The Lord Bishop of Coventry:** ... My concern, perhaps slightly similar to that of the noble Lord, Lord Mann, was that an unintended consequence could be that spaces designated for pastoral, religious and spiritual needs might find themselves appropriated by bodies that would be offensive to those. ...

**col 39GC Baroness Smith of Newnham (Liberal Democrat):** ... How far are universities or, indeed, student unions expected to cover the cost of security? Do the Government think there is a limit to those costs? How do they view “exceptional circumstances”? Some clarification is needed on the expectations here, because although moving venues might be relatively straightforward and incur but a small cost for the education providers, providing security could prove prohibitive, certainly for student bodies. That then raises the question: if we are trying to enhance academic freedom but are then imposing costs on the providers, is there not a tension there? ...

**col 40GC Baroness Bennett of Manor Castle (Green):** ... If the cost of security is laid on student bodies particularly, that may stop an event going forward. ...

**col 41GC Earl Howe:** ... a provider, college or students’ union is not required under the Bill to allow the use of their premises at all times and in an unlimited way. It is open to them to offer particular rooms for use by event organisers at specified times. ...

In this context, it might be helpful to touch specifically on the point raised at Second Reading by the right reverend Prelate the Bishop of Coventry regarding concerns about

the use of faith spaces. I was very happy to meet him some days ago to discuss this. The example given by the noble Lord, Lord Mann, of having an anti-Israel talk right next to Jewish premises, touches on a similar point. Sections A1(3) and (4) on the use of premises essentially replicate the wording of the Education (No. 2) Act 1986, referring to beliefs among other things in that context. As I said earlier, the provisions link back to the main reasonably practicable duty in subsection (1), so it is not an absolute requirement. I think that was an initial cause for concern on this point, so I am happy to clarify that. In fact, the “reasonably practicable” steps wording enables providers to continue to designate spaces for use by faith groups without any obligation for the provider to open those spaces up to other groups, whether or not they have conflicting ideologies. ...

*col 42GC* Under the reasonably practicable steps duty, it would be legitimate for a provider not to offer a particular faith space to any group that wants to hold an event, but to offer another suitable space, thereby upholding the freedom of speech duties and preserving the integrity of the space set aside for the faith group. The legislation enables providers to respect the religious views of those with designated rooms, taking into account the duties under the Equality Act, while still complying with the freedom of speech duties. ...

*col 43GC* We know that certain minority groups face serious security concerns when speaking on university campuses ... My right honourable friend the Minister spoke in the other place about the University of Bristol students’ union imposing a £500 security bill on a student society in order to allow the Israeli ambassador to give a talk. This is simply not right. The cost of securing events should not stand in the way of people having a voice. The Bill as currently drafted protects these groups while also giving autonomy to providers, colleges and student unions to make their own decisions about what constitute exceptional circumstances. ...

**Lord Triesman (Labour):** ... When the police decide to intervene, it is often not because a host organisation decides that they should or invites them to. They make a judgment, as constables, as to what would constitute a way of securing a peaceful circumstance for the event or for the premises. Nobody knows that it is going to happen unless they decide to do it, and nobody decides who is going to pay for it in advance, but happen it does, and arguments about who should then pay for it occur. How would a code of practice deal with that?

**Earl Howe:** I am not sure I accept the noble Lord’s argument. If an event is properly planned—which it should be, particularly if it is sensitive or controversial—its security implications should surely be considered in advance. If it involves a police presence, that consideration should surely encompass the cost of that police presence. It would be a very remiss institution that did not look at the effects and requirements of the event in the round before it happened. ...

*col 44GC* **Lord Grabiner (Crossbench):** ... It is obviously critical that people give careful consideration in advance as to whether they are going to invite a particular speaker, or whoever it may be, to come along and speak. I made a note of what I regard as a rather important observation the Minister made a little earlier this evening; he said that there is no right to a platform. ... it would be helpful to record that point in the code of practice in due course, because if at the outset the relevant university organisation can anticipate a problem, one way of resolving that problem, including the cost question, is simply to say, “There is no right to a platform and we are not going to invite this person to speak”. ... the code of practice should emphasise the importance of that discretionary power, which would not give rise to any liability or obligation on the institution under the Bill, if and when it becomes legislation, and that institutions are free to say no from the outset. ...

**Earl Howe:** ... This is a set of issues relating to an event that might be considered controversial that will need to be looked at altogether in the round. ...  
To conclude, we want these provisions to offer a safeguard to groups that might come

under serious security pressures, while also giving providers, colleges and student unions the independence that they need. ...

**To read the full transcript see**

[https://hansard.parliament.uk/lords/2022-10-31/debates/1D9B4436-D0DD-4F9E-9D58-E56C1C718B4B/HigherEducation\(FreedomOfSpeech\)Bill](https://hansard.parliament.uk/lords/2022-10-31/debates/1D9B4436-D0DD-4F9E-9D58-E56C1C718B4B/HigherEducation(FreedomOfSpeech)Bill)

*The amendments discussed in Committee can be read at*

<https://bills.parliament.uk/publications/48256/documents/2391>

*and*

<https://bills.parliament.uk/publications/48293/documents/2400>

*The Universities UK guidance referred to above can be read at*

<https://www.universitiesuk.ac.uk/latest/news/higher-education-sector-statement>

## House of Commons Written Answer

### Religious Buildings: VAT

**Valerie Vaz (Labour)** [72246] To ask the Secretary of State for Digital, Culture, Media and Sport, if she will make it her policy to ensure spending on repairs and renovations to listed places of worship are permanently exempt from VAT to enable conservation of heritage sites.

**Stuart Andrew:** The Government recognises that listed places of worship represent some of the nation's finest heritage, and that there are particular burdens to the upkeep of such spiritual architecture. The Government funded Listed Place of Worship Grant Scheme aims to support the works by giving grants that cover the VAT incurred in making repairs to listed buildings in use as places of worship. This supports the effective conservation of these sites.

In 2012, my Department and the Treasury became joint funders, with annual funding increased up to £42 million per annum. I am pleased to confirm this amount of funding has been secured for the current spending period until 31st March 2025. Whilst the government cannot confirm this funding permanently, my officials remain in close contact with the sector and are aware of the ongoing need for support for this scheme.

<https://questions-statements.parliament.uk/written-questions/detail/2022-10-26/72246>

*Information about the Grant Scheme referred to above can be read at*

<https://www.lpwscheme.org.uk/>

## House of Commons Library Briefing

### Religious education in modern Britain

<https://commonslibrary.parliament.uk/research-briefings/cdp-2022-0182/>

## Senedd Written Answer

### Anti-semitism

**Andrew RT Davies (Conservative)** [WQ86361] What discussions has the Minister had with Jewish groups in Wales about anti-semitism?

**Minister for Social Justice:** I have regular meetings with representatives of the Jewish faith through the Faith Forum. At these meetings discrimination and hate against faith groups are discussed. I am looking forward to joining members of the Jewish community in December for the civic Chanukah lighting.

Eradicating racism and promoting race equality have always been priorities for the Welsh Government. Anti-racist Action Wales Action Plan for Wales is built on the values of anti-racism and calls for zero tolerance of racism in all its guises. The plan, developed collaboratively with our racially diverse communities, addresses all forms of racism, including anti-Semitism, with a set of deliverable actions to tackle racism and racial inequality.

The Anti-racist Wales Action Plan contains the following goals and actions to tackle anti-Semitism in all its forms:

- Create sustainable funding arrangements to fund Holocaust Memorial Day.
- Continue funding Holocaust Education Trust (HET) “Lessons from Auschwitz” programme.
- Reinforce our commitment to the International Holocaust Remembrance Association definition of anti-Semitism.
- Mainstream tackling anti-Semitism in Welsh Government’s anti-racism training and policy-making processes
- Ensure the Hate Hurts Wales campaign highlights the harm caused by religious hate and bigotry.

The First Minister met the Board of Deputies of British Jews last year. The meeting included a discussion about anti-Semitism.

<https://record.senedd.wales/WrittenQuestion/86361>

*The Action Plan referred to above can be read at*

[https://gov.wales/sites/default/files/publications/2022-06/anti-racist-wales-action-plan\\_0.pdf](https://gov.wales/sites/default/files/publications/2022-06/anti-racist-wales-action-plan_0.pdf)

TOP

## Israel

### UN Office of the High Commissioner for Human Rights

#### **Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, to hold Public Hearings in Geneva from 7 to 11 November**

As part of its mandate and its investigations, the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, will hold a first series of public hearings from 7 to 11 November 2022, in Geneva.

The hearings ... will be broadcast live in English on [UN Web TV](#). ...

The public hearings will focus on the closure orders and terrorism designation of a number of Palestinian human rights organizations, and on the incident surrounding the killing of the journalist Shireen Abu Akleh. Victims, witnesses, civil society organizations, and legal representatives will be invited to provide relevant testimony to the Commission in this forum.

In May 2021, the Commission of Inquiry was mandated by the UN Human Rights Council to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity. ...

**To read the full press release see**

<https://www.ohchr.org/en/press-releases/2022/11/commission-inquiry-occupied-palestinian-territory-including-east-jerusalem>

TOP

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

### UK Parliament

#### **Bill of Rights Bill**

<https://bills.parliament.uk/bills/3227>

#### **Education (Non-religious Philosophical Convictions) Bill**

<https://bills.parliament.uk/bills/3186>

#### **\*\* Higher Education (Freedom of Speech) Bill**

<https://bills.parliament.uk/bills/2862>

Committee Stage, House of Lords

[https://hansard.parliament.uk/lords/2022-10-31/debates/1D9B4436-D0DD-4F9E-9D58-E56C1C718B4B/HigherEducation\(FreedomOfSpeech\)Bill](https://hansard.parliament.uk/lords/2022-10-31/debates/1D9B4436-D0DD-4F9E-9D58-E56C1C718B4B/HigherEducation(FreedomOfSpeech)Bill)

#### **Marriage Act 1949 (Amendment) Bill**

<https://bills.parliament.uk/bills/3325>

#### **Online Safety Bill**

<https://bills.parliament.uk/bills/3137>

#### **Palestine Statehood (Recognition) Bill**

<https://bills.parliament.uk/bills/3217>

#### **Private Burial Grounds and Cemeteries Bill**

<https://bills.parliament.uk/bills/3188>

#### **Universal Credit (Removal of Two Child Limit) Bill**

<https://bills.parliament.uk/bills/3163>

#### **Schools Bill**

<https://bills.parliament.uk/bills/3156>

### Scottish Parliament

#### **Gender Recognition Reform (Scotland) Bill**

<https://www.parliament.scot/bills-and-laws/bills/gender-recognition-reform-scotland-bill>

TOP

## Consultations \*\* new or updated today

**Mapping Exercise - Youth Workers supporting young people facing racism & antisemitism in Scotland** (closing date 14 November 2022)

<https://www.surveymonkey.co.uk/r/Z5YX2C7>

TOP