



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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House of Lords Debate

Online Safety Bill: Report Stage

col 2069 **The Parliamentary Under-Secretary of State, Department for Culture, Media and Sport (Lord Parkinson of Whitley Bay):** ...the Government recognise that people with multiple and combined characteristics suffer disproportionately online and are often at greater risk of harm. ... amendment [288A] therefore adds a provision in the new interpretation clause, Clause 1, to put beyond doubt that all the references to people with “a certain characteristic” throughout the Bill include people with a combination of characteristics.

col 2135 **Lord Allan of Hallam (Liberal Democrat):** ...The pressure to deal with illegal content will be huge, yet illegality itself covers a broad spectrum, from child sexual exploitation and abuse material, where in many cases it is obvious from the material that it is illegal and there is strict liability—there is never any excuse for distributing that material—and pretty much everyone everywhere in the world would agree that it should be criminalised and removed from the internet, through to things that we discussed in Committee, such as public order offences, where, under some interpretations of Section 5 of the Public Order Act, swearing at somebody or looking at them in a funny way in the street could be deemed alarming and harassing. There are people who interpret public order offences in this very broad sense, where there would be a lot less agreement about whether a specific action is or is not illegal and whether the law is correctly calibrated or being used oppressively. ...

The question we need to consider is where we want providers to draw the line. They will be making judgments on a daily basis. ...

This is really challenging in areas such as hate speech, where exactly the same language has a completely different meaning in different contexts, and may or may not be illegal.

col 2136 Again, to give a concrete example, we would often deal with anti-Semitic content being shared by anti-anti-Semitic groups—people trying to raise awareness of anti-Semitic speech. Our reviewers would quite commonly remove the speech: they would see it and it would look like grossly violating anti-Semitic speech. Only later would they realise that the person was sharing it for awareness. The N-word is a gross term of racial abuse, but

if you are an online platform you permit it a lot of the time, because if people use it self-referentially they expect to be able to use it. If you start removing it they would naturally get very upset. People expect to use it if it is in song lyrics and they are sharing music. I could give thousands of examples of speech that may or may not be illegal depending entirely on the context in which it is being used.

We will be asking platforms to make those judgments on our behalf. They will have to take it seriously, because if they let something through that is illegal they will be in serious trouble. If they misjudged it and thought the anti-Semitic hate speech was being circulated by Jewish groups to promote awareness but it turned out it was being circulated by a Nazi group to attack people and that fell foul of UK law, they would be in trouble. These judgments are critical. ...

We look at the current wording in Clause 173 and see that the test there has two elements. One is: "Do you have reasonable grounds to infer?" and then a clause in brackets after that says, "If you do have reasonable grounds to infer, you must treat the content as illegal". In ... amendment [228] we seek to remove the second part of that phrasing because it seems problematic. If we say to the platform, "Reasonable grounds to infer, not certainty"—and it is weird to put "inference", which is by definition mushy, with "must", which is very certain, into the same clause—we are saying, "If you have this mushy inference, you must treat it as illegal", which seems quite problematic. Certainly, if I were working at a platform, the way I would interpret that is: "If in doubt, take it out". ... if it is the kind of abusive content that you have reasonable grounds to infer may be an offence under the Public Order Act, "must" you always treat that as illegal? As I read the rest of the Bill, if you are treating it as illegal, the sense is that you should remove it. ...

However, we need something else—a different kind of behaviour where we are dealing with content where it is much more marginal. Otherwise, the price we will pay will be in freedom of expression. ...

col 2138 Baroness Fox of Buckley (Non-affiliated): ... when it comes to what is seen as illegal speech, decisions about illegality are very complicated. They are complicated in the law courts and offline, and that is when they have the full power of lawyers, the criminal justice system and so on trying to make decisions. Leaving it up to people who, through no fault of their own, are not qualified but who work in a social media company to try to make that decision in a climate of quite onerous obligations—and having phrases such as "reasonable grounds to infer"—will lead to lawful expression being overmoderated. ...

col 2139 Where a user chooses to filter out hateful content based on race, on being a woman or whatever, it should catch only content that genuinely falls under those headings. ...

Say that someone chooses to filter out abusive content targeting the protected characteristic of race. I imagine that they would have a reasonable expectation that that filter would target aggressive, unpleasant content demeaning to a person because of their race, but does the provider agree with that? Will it interpret my filtering choice as a user in the most restrictive way possible in a bid to protect my safety or by seeing my sensibilities as having a low threshold for what it might consider to be abuse?

The race issue illustrates where we get into difficulties. ...

col 2140 ... you might think, "I am going to have racism filtered out", but if there is too much caution then you will have filtered out very legitimate discussions on immigration and cultural appropriation. You will be protected, but if, for example, the filterer follows certain universities that have deemed the novels of Walter Scott, the plays of William Shakespeare or Enid Blyton's writing as racist, then you can see that we have some real problems. ...

col 2141 Lord Parkinson of Whitley Bay: ... platforms will need to have reasonable grounds to determine whether content is illegal or a fraudulent advertisement. Only when a provider has reasonable grounds to infer that said content is illegal or a fraudulent advertisement must it then comply with the relevant requirements set out in the Bill. This would mean removing the content or preventing people from encountering it through risk-

based and proportionate systems and processes. ...

To read the full transcript see

<https://hansard.parliament.uk/lords/2023-07-17/debates/1F1A09C2-293E-42A1-8DD5-D4C114971FEF/OnlineSafetyBill>

The amendments referred to above can be read at

<https://bills.parliament.uk/publications/52305/documents/3826>

House of Lords Oral Answers

Schools: Admissions

Baroness Burt of Solihull (Liberal Democrat): To ask His Majesty's Government what assessment they have made of the United Nations Committee on the Rights of the Child's recommendation that the United Kingdom should prevent the use of religion as a selection criterion for school admissions in England.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran): My Lords, the UK is a proud signatory of the UN Convention on the Rights of the Child. However, the Government support faith schools' ability to set faith-based oversubscription criteria. This allows parents to have their children educated in line with their religious beliefs. Faith schools can give priority to applicants on the basis of faith only when they are oversubscribed. Where places are available, they must admit all children who apply.

Baroness Burt of Solihull: My Lords, I am not sure that is quite correct. Not a lot of people know this, but children from non-religious families may experience double discrimination when it comes to selection at schools. Approximately 40% of all faith schools and 60% of Catholic schools give priority to children of families of any religion against those of no religion. As the equalities spokesperson and a humanist, I agree with the UN Committee on the Rights of the Child, which has urged the UK to end the use of religion as a selection criterion for school admissions in England. Does the Minister agree that all children, irrespective of faith or belief background, should have equal right to access schools funded by taxpayers' money?

Baroness Barran: As I tried to set out in my initial Answer, we believe that all children have equal access. Only when a school is oversubscribed can the admissions authority introduce additional restrictions. Indeed, many faith schools do not restrict on the basis of faith.

Baroness Whitaker (Labour): How does the Minister respond to these remarks from a parent in Oldham who told Humanists UK that "the 2021 Census found that those of no religion, and those of other faiths than Christianity, now form a majority of the population in our town. So it is a great injustice that one of the best schools in Oldham actively prevents local children from benefiting from its excellent teaching"?

Baroness Barran: If there is a specific example where the noble Baroness believes that the admissions code is not being followed by a school, I will be delighted for her to refer it to me.

Lord Baker of Dorking (Conservative): My Lords, as there is no Anglican bishop in the House to put forward the view of the Anglican Church, I remind the House that I went to a Church of England primary school back in the 1940s, when we had been evacuated to Southport. Neither of my parents was asked whether they were members of the Church of England—neither was. I know of no secondary Anglican school that has ever debarred a child on grounds of religion. They are open to all.

Baroness Barran: It is not quite clear to me what my noble friend's question was, but he is absolutely right that, on oversubscription, certainly at primary, there is no difference between faith and non-faith schools.

Baroness Meacher (Crossbench): My Lords, the Minister will probably be aware that the

UK is one of only four countries in the OECD that allows state-funded schools to discriminate on grounds of religion in their admission practices. The others are Israel, Ireland and Estonia. Ireland recently ended discrimination in admission practices for Catholic junior schools. Does the Minister accept that it is high time for this country also to end its discrimination on grounds of religion for state-funded schools?

Baroness Barran: It is really hard to compare the role of faith-based schools between countries with an overwhelmingly dominant faith and those, such as the one we are all very proud to live in, with many faiths, all of which are respected.

Lord Cormack (Conservative): My Lords, I agree with my noble friend Lord Baker that it is a great pity that, of the 26 of them entitled to sit in your Lordships' House, there is no bishop here to defend the wonderful contribution that the established Church has made to education through the centuries. Should we not pay proper regard to that and, in doing so, accept that Christian parents should have some degree of priority if there are vacancies in a Church of England school?

Baroness Barran: I share my noble friend's warm welcome for the remarkable work of all our schools, including our faith schools, all around the country.

Lord Singh of Wimbledon (Crossbench): My Lords, I was present when the then Education Secretary Michael Gove, on a visit to the Guru Nanak school in Hayes, applauded Sikh respect for other faiths, shown in assemblies and teaching. This and high academic performance lead to oversubscription for entry. Does the Minister agree that greater support should be given to faith schools that teach respect and inclusivity over those grounded in the divisive belief that their faith alone has a monopoly on the truth?

Baroness Barran: I do not accept that there are faith schools that have the kind of perspective that the noble Lord set out. We work hard with all our schools, and schools work together in local areas, to make sure that those values of respect—particularly for those of any other faith or none—are upheld. That is part of our citizenship curriculum and our fundamental British values.

Baroness Thornton (Labour): My Lords, it is estimated that 1.2 million school places are subject to religious selection. There is evidence of low numbers of pupils eligible for free school meals, which is a measure of deprivation, in English faith schools. Will the Minister share her reflections and concerns about the selection process that may have led to this and whether the Department for Education will take a deeper look at this?

Baroness Barran: I looked at those numbers just before this Question, because I anticipated that the noble Baroness might raise them. I am happy to pick this up with her afterwards, but the data that I looked at suggest very little difference in the profile of deprivation between faith and non-faith schools.

Lord Storey (Liberal Democrat): My Lords, I declare an interest as a former head teacher of a Church of England school. As the Minister knows, a third of all our schools in England are faith schools. She will also know that in 2010 we introduced the 50% rule whereby 50% of new academies had to have open places. Has her department reviewed the success of that scheme in terms of community cohesion, understanding of different cultures and faiths, and whether we should now extend it to all faith schools?

Baroness Barran: I am not aware that we have looked in detail at any of those proposals in the way that the noble Lord describes, but I am aware that all schools—potentially faith schools in particular—take their role in community cohesion very seriously.

Lord Moylan (Conservative): Does my noble friend accept that the rights of parents to have their children educated according to their own religious beliefs is protected by Article 2 of the first protocol of the European Convention on Human Rights? Does she accept that Catholic schools, at least, are not state schools?

Baroness Barran: I am not quite sure that I follow. To the best of my knowledge, all Catholic schools outside the independent sector are funded by the state.

Lord Carey of Clifton (Crossbench): My Lords, as a former Archbishop of Canterbury,

perhaps I might speak on behalf of the absent Bishops' Benches. I echo the words of the noble Lord, Lord Baker: the very heart of Anglicanism and the Church of England has been a tolerance of and welcome to other faiths. Does the Minister agree that that has always been the focus of education in England, and that we all want it to continue?

Baroness Barran: The noble and right reverend Lord makes a very important point, and I absolutely agree with him.

<https://hansard.parliament.uk/lords/2023-07-17/debates/3F01E73D-5C6D-423E-A6E8-28AD95627510/SchoolsAdmissions>

The UN Committee on the Rights of the Child's report and recommendations, referred to above, can be read at

https://digitallibrary.un.org/record/4013807/files/CRC_C_GBR_CO_6-7-EN.pdf?ln=en

Home Office

CONTEST: The United Kingdom's Strategy for Countering Terrorism 2023

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1171084/CONTEST_2023.pdf

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Holocaust

House of Commons Written Answer

Czechia and Poland: Holocaust

Bob Blackman (Conservative) [192983] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what discussions he has had with his counterparts in (a) the Czech Republic and (b) Poland on compensation for properties and possessions that were seized during the Holocaust.

Leo Docherty: The UK continues to meet its commitments under Terezín Declaration on Holocaust Era Assets. Lord Pickles, the UK Special Envoy for Post-Holocaust Issues, raises these issues with his Polish and Czech counterparts at every appropriate opportunity, most recently with Czechia at the June International Holocaust Remembrance Alliance plenary in Dubrovnik. In March, Lord Pickles hosted a meeting of his counterparts where the Foreign Secretary also spoke. In November 2022, Lord Pickles chaired a discussion on property restitution in Czechia. The UK will continue to encourage partners, including Czechia and Poland, to ensure that any restitution or compensation claims are addressed.

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-07/192983>

The Terezin Declaration, referred to above, can be read at

https://wjro.org.il/wp-content/uploads/2019/06/terezin_declaration.pdf

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House of Commons Written Answers

Imports: Israeli Settlements

Liz Saville Roberts (Plaid Cymru) [192388] To ask the Secretary of State for Business and Trade, what assessment she has made of the potential merits of implementing a ban on importing goods produced in Israeli settlements which the UK considers to be illegal; and if she will make an estimate of the quantity of goods imported from those areas in the last 12 months.

Nigel Huddleston: There are no import sanctions on goods originating from Israeli settlements and no plans to introduce any bans. The UK government has always been clear on this. Under the existing UK-Israel trade agreement, goods originating from illegal Israeli settlements are not entitled to tariff and trade preferences under either the agreement between the UK and Israel, nor the agreement between the UK and the Palestinian Authority. I can confirm that this will not change in the upgraded free trade agreement with Israel.

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-04/192388>

Israel: Islamic Revolutionary Guard Corps

Gareth Bacon (Conservative) [192294] To ask the Secretary of State for Defence, whether he has had discussions with his counterpart in Israel on the security impact of the Islamic Revolutionary Guard Corps.

James Heapey: The Secretary of State for Defence has engaged with the Israeli Defence Minister Yoav Gallant on a range of issues.

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-03/192204>

Israel: Military Alliances

Kenny MacAskill (Alba) [193414] To ask the Secretary of State for Defence, if he will publish the agreement for military cooperation signed by the UK and Israel in December 2020.

James Heapey: In December 2020, the UK and Israel signed a joint agreement to strengthen the defence relationship between the two nations. The agreement is an important piece of defence diplomacy that formalises and deepens cooperation. Both the UK and Israel share a commitment to improving and integrating capabilities in maritime, land, air, space, and cyber and electromagnetic domains. The cooperation includes defence medical training, organisational design and concepts, and defence education. The Ministry of Defence is not publishing the agreement for national security reasons.

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-11/193414>

Israel: Palestinians

Kenny MacAskill (Alba) [193412] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, when he last made a statement calling on Israel to end its occupation of Palestinian territories.

David Rutley: A negotiated peace settlement between Israel and the Palestinians leading to a two-state solution means the end to the occupation. The UK remains committed to a two-state solution, resulting in a safe and secure Israel living alongside a viable and sovereign Palestinian State; based on 1967 borders with agreed land swaps, with Jerusalem as the shared capital of both states. The FCDO Minister for the Indo-Pacific most recently reaffirmed our support for a two-state solution on 4 July.

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-11/193412>

House of Lords Written Answer

Israel: Palestinians

The Marquess of Lothian (Conservative) [HL8998] To ask His Majesty's Government whether they have discussed with the EU a policy to co-operate with the government of China to seek an end to the Israeli-Palestinian conflict, following reported remarks by the EU Special Representative for the Middle East Peace Process, Sven Koopmans, that China has a "growing role in the Middle East and they have contributions to make on the day of Israeli-Palestinian peace"; and whether ministers have held any discussions with their Chinese counterparts about working together on a Middle East peace process.

Lord Ahmad of Wimbledon: We closely monitor the security situation in Israel and the Occupied Palestinian Territories (OPTs) and are aware of the strategic partnership signed between China and the Palestinian Authority (PA). The UK continues to urge the Israeli and Palestinian leadership to engage in meaningful dialogue to further the cause of peace at every opportunity. I [Lord (Tariq) Ahmad of Wimbledon], as Minister for the Middle East, met the EU special representative for the Middle East peace process on 10 May to discuss a wide range of issues relating to the conflict.

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-03/hl8998>

Foreign, Commonwealth and Development Office

Policy paper: UK–Occupied Palestinian Territories development partnership summary

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1171316/UK_Occupied_Palestinian_Territories_Development_Partnership_Summary_July_2023.odt

TOP

Relevant Legislation ** new or updated today

UK Parliament

**** Economic Activity of Public Bodies (Overseas Matters) Bill**

<https://bills.parliament.uk/bills/3475>

Notice of amendments

https://publications.parliament.uk/pa/bills/cbill/58-03/0325/amend/econactivity_rm_pbc_0718.pdf

Education (Non-religious Philosophical Convictions) Bill

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

Holocaust Memorial Bill

<https://bills.parliament.uk/bills/3421>

Marriage Act 1949 (Amendment) Bill

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

**** Online Safety Bill**

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

Report Stage, House of Lords

<https://hansard.parliament.uk/lords/2023-07-17/debates/1F1A09C2-293E-42A1-8DD5-D4C114971FEF/OnlineSafetyBill>

Notice of amendments

<https://bills.parliament.uk/publications/52305/documents/3826>

Nakba Commemoration Bill

<https://bills.parliament.uk/bills/3461>

Palestine Statehood (Recognition) Bill

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

Private Burial Grounds and Cemeteries Bill

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

Same Sex Marriage (Church of England)

<https://bills.parliament.uk/bills/3438>

Schools Bill

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

Terrorism (Protection of Premises) Draft Bill

<https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-documents>

Universal Credit (Removal of Two Child Limit) Bill

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

Universal Jurisdiction (Extension)

<https://bills.parliament.uk/bills/3454>

Scottish Parliament

Charities (Regulation and Administration) (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/charities-regulation-and-administration-scotland-bill>

Gender Recognition Reform (Scotland) Bill

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

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Consultations

** new or updated today

**** closes in 2 days**

Charities tax compliance (closing date 20 July 2023)

<https://www.gov.uk/government/consultations/charities-tax-compliance/consultation-charities-tax-compliance>

Economic Activity of Public Bodies (Overseas Matters) Bill (closing date not specified – no later than 14 September 2023 but may be earlier)

<https://www.parliament.uk/business/news/2023/july-2023/economic-activity-of-public-bodies-overseas-matters-bill-call-for-evidence/>

A Human Rights Bill for Scotland (closing date 5 October 2023)

<https://consult.gov.scot/equality-and-human-rights/a-human-rights-bill-for-scotland-consultation/>

The future of population and migration statistics in England and Wales (closing date 26 October 2023)

<https://consultations.ons.gov.uk/ons/futureofpopulationandmigrationstatistics/>

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