



# Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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## Home Affairs

### UK Parliament Joint Committee on Human Rights

#### Government proposals on extremism

**Q1 Chair (Joanna Cherry, SNP):** We know that the Government have changed the definition of extremism, but it is not a legal definition as such. Can you explain for us ... what change has been made, how the definition will be used, and what effect you think it will have in practice?

**Joshua Rozenberg (KC, Legal Commentator):** The old definition said that extremism is “vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs”. It was not really a definition; it was more a summary that appeared in the glossary at the end of the 2011 report.

The new definition says that extremism is “the promotion or advancement of an ideology based on violence, hatred or intolerance that aims to: negate or destroy the fundamental rights and freedoms of others; or undermine, overturn or replace the UK’s system of liberal parliamentary democracy and democratic rights; or intentionally create a permissive environment for others to achieve the results” of the above.

The third point can be summed up as enabling the spread of extremism. ... it is really a statement of intent on behalf of the Government rather than a strictly legal definition as you might find in a statute. ...

The Government say that the definition will be used by government departments to ensure that they “are not inadvertently providing a platform, funding or legitimacy to individuals,

groups or organisations who attempt to advance extremist ideologies”. In other words, the Government intend to test the organisations that they support.

On the effect in practice, last week Michael Gove told MPs that “organisations and individuals with views that are clearly extreme have nevertheless benefited from state engagement, endorsement and support”. That obviously includes money. He also said that there will be funding consequences for groups that fall within the extremism definition, so their money will not be provided by the state. ...

**Chair:** I think he also mentioned that there would be some sort of centre of excellence involved in deciding who fell foul of the definition.

**Joshua Rozenberg:** Yes ... Here is the definition: “We are also setting up a new counter-extremism centre of excellence in my department, as a world-leading authority on best practice, data and research”. ...

... it “will also help us to understand the role played by state actors and state-linked organisations in extremist activity that is taking place in our country. The wider knowledge of what constitutes extremist behaviour and who is behind it, will ... help all of us to identify potential threats”. ...

**Dame Sara Khan (Independent Adviser for Social Cohesion and Resilience, Department for Levelling Up, Housing and Communities, former Commissioner for Countering Extremism):** ... In my former role as the counterextremism commissioner, I felt that the 2011 definition ... was very broad. I spoke to operational partners who said that they did not find it useful or helpful in any shape or form. This definition is much narrower and clearer. The bar is higher in trying to capture clearly what I believe are neo-Nazi or neo-fascist and Islamist groups ...

What is the purpose of having a clear definition of extremism? I would put forward three important reasons. First, for those who work in the counterextremism sector, if you cannot define extremism, how on earth you are supposed to counter it or know what activity or behaviour you are countering? ...

Secondly—this is something that I do not think we acknowledge enough—by having a clear definition of extremism, the opportunity to include people who should not be included also becomes narrower. If the focus is on unlawful neo-Nazi groups and others, it becomes more difficult to include, say, people who may hold legitimate conservative religious beliefs or any other types of views that should be protected in a liberal democracy.

Finally, we have to recognise that the landscape of hateful extremism, as I call it, has changed substantially in the last decade. ...

**Ruth Ehrlich (Head of Policy & Campaigns, Liberty):** We still have concerns about this new definition. We believe that it remains vague and broad, particularly aims 2 and 3. We think that the word “undermine” is vague enough to potentially include strongly worded criticisms of government policy. It is unclear what would constitute a permissive environment or how intention would be assessed. We also have concerns about the new guilt by association risk, which risks people and organisations being labelled as extremists for simply engaging with other organisations, and it is not clear enough how that engagement is defined at this point.

Broadly, we fear this Government or future Governments having the power to define groups they disagree with as extremist. ...

**Q2 Baroness Lawrence of Clarendon (Labour):** ... Who monitors this guidance? ...

**Joshua Rozenberg:** ... Michael Gove said, “Impartial civil servants with training in this area will be supplemented in their work by studies by academics and academic bodies ... If groups are designated as extremist by the Secretary of State, they can challenge this by way of judicial review, but ... this depends on individuals making judgments as to whether an organisation and its activities come within this definition, which is clearly more precise than it was but is obviously open to doubt.

**Q3 Chair:** ... Many of us take the view that people’s right to hold and express beliefs, and

their right to associate and demonstrate, are the foundations of our democracy. ... do you think this new definition will strike the right balance between addressing concerns about the types of ideology identified by the Government and protecting the rights that I have just mentioned?

**Ruth Ehrlich:** The short answer is no. We are concerned about the focus in this definition on ideology rather than actions. ...

It is important to remember that it is not a crime to have violent thoughts, to hate someone, to be intolerant if it is not tied to a specific behaviour resulting in an offence, and although that is an uncomfortable concept, those are the protections that we have in human rights law. ...

We also have serious concerns about the impact of this new definition on freedom of expression. The right to have views that shock and offend is protected in human rights law, but we fear that this new definition will create a chilling effect. Labelling organisations as extremist will delegitimise their views and exclude people from wider public conversation. It will discourage engagement with those organisations, and it could deter people from further exercising their fundamental rights to assembly.

**Q4 Chair:** ... Do you think that the potential interference with Article 9, 10, 11 rights could be grounds for judicial review?

**Ruth Ehrlich:** Yes. ...

**Joshua Rozenberg:** ... many of the articles in the human rights convention are qualified. In other words, the rights of the individuals have to be balanced against the rights of others. So if this were to come before a court, it is not clear how the rights of the people bringing the challenge would be balanced against the rights of others. ...

**Sara Khan:** ... Fundamentally, the question we have to ask ourselves is how, as a liberal democracy, we can counter extremism and extremist activity without undermining the civil liberties and hard-won human rights that our country has established over centuries. ...

There is not enough discussion about how extremist activity itself undermines Articles 9, 10 and 11. There are neo-Nazi organisations in this country, such as Combat 18, which are openly neo-Nazi and openly spreading neo-Nazi ideology in this country but do not meet the threshold for proscription orders ... Other neo-Nazi organisations, like the Order of Nine Angles or the British Nationalist Socialist Movement, are spreading destructive narratives about Jews and Muslims and attempting to replace our democracy with a neo-Nazi state.

This is clearly intolerable in a liberal democracy. Take Combat 18, which is a British neo-Nazi organisation. Other western liberal democracies, such as Germany and Canada, have found ways of banning it. ...

We must be very mindful that a lot of extremist groups are at the forefront of creating a chilling impact on freedom of expression and the rights of women, homosexuals and Jewish people and Muslim people. ...

I disagree that the Government's definition is an attempt to curtail belief. It clearly talks about action and activity, not just belief. It talks "promotion or advancement". That is not passive; it is clearly active. Negating or destroying is active; it is not passive, and it is clearly not just belief. ...

**Q5 Caroline Johnson (Conservative):** ... Ruth mentioned that it is not illegal to hold or to express hateful thoughts or ideas, provided you are not encouraging others to do the same. ... Dame Sara said that it was about action, but, Ruth, you did not seem to think so. Could explain your perception of it further?

**Ruth Ehrlich:** Our key concern is with aims 2 and 3 of the definition, which is where the vagueness and broad definitions pose real risks to how groups can operate. We think that words like "undermine", "permissive environment" and guilt by association are particularly risky. ...

**Caroline Johnson:** ... do you think that someone simply expressing a view could be

considered to be creating a permissive environment for others to express the same view?

**Ruth Ehrlich:** It is extremely broad, and we do not fully know what it means. I do not know what a permissive environment is, and that is a problem for civil society and organisations that work with others or engage with others on social media.

**Sara Khan:** ... these are people who are clearly promoting and advancing an ideology. The definition of terrorism in the Terrorism Act 2000, for example, includes the idea of people motivated by or intending to advance a racial, religious, political or any other ideological cause. What makes extremism different to any other type of activity or criminality is the fact that people are motivated by or intending to advance a particular ideology. It is very much about dehumanising others. It is the us versus them narrative, which has existed as long as mankind itself, I am afraid; it is part of human civilisation. ... The notes alongside this definition make it clear that it is looking at persistent patterns of behaviour, not one-off actions ...

My personal preference ... is that if this is such a serious threat, which I believe it is, we should create a legal framework. ...

**Chair:** It is not just giving funding or legitimacy; it is government not speaking to organisations. The consequences of governmental decisions not speaking to organisations could be far-reaching for our democracy.

**Sara Khan:** ... my view is very much that, to a certain degree, you have to engage with extremists and those sympathetic to extremist narratives. What is the purpose of counterextremism if not to turn people away from extremism, to win hearts and minds and to show how their narrative is so divisive? It is about moving people back into the mainstream. The purpose of engagement matters. ...

**Q6 Lord Dholakia (Liberal Democrat):** ... If the glossary or definition is a statement of intent, it will be very difficult to prove in court. If the Government wanted to bring proscription to any such organisation, would that justify a particular action in the courts of law in this country?

**Joshua Rozenberg:** If the Government were to proscribe an organisation, they would not rely on this definition; they would rely on existing or new law. ...

**Q7 Baroness Kennedy of The Shaws (Labour):** ... Freedom of religion and belief is a fundamental right, so the idea of thought crime is abhorrent in a liberal democracy. An attempt is being made to move us to something that is not quite incitement but is somewhere in the middle.

Has there been any look at Scotland's hate crime law ... It has in it the offence of stirring up hatred, and I imagine that it is somewhat similar to this business of creating a permissive environment for certain kinds of behaviours that are deemed acceptable or that are written off as banter. ...

**Sara Khan:** ... On your point about hate crime legislation, I looked at the existing laws on hateful extremism, and we showed that there are currently gaps in the legislation and that it is failing to deal with extremist organisations. We discovered, for example, that it is currently lawful in Britain to glorify terrorism, terrorists and their ideologies and actions as long as you avoid encouraging the commission, preparation or instigation of acts of terrorism. What does this mean in practice? It means that if I decided tomorrow to praise Thomas Mair, who murdered Jo Cox, and say, "What a great guy he is. Look what he did"—I could say that to children, by the way—or if I wanted to praise Anders Breivik, or Brenton Tarrant, who carried out the attack in New Zealand, or Robert Bowers, who carried out the attack on the synagogue and murdered Jews in America, it is currently lawful for me to do so in this country and to glorify terrorists as long as I do not encourage the commission or preparation of acts of terrorism.

There are other gaps in the legislation at the moment, which is allowing extremists to operate with impunity. It is currently lawful to intentionally stir up racial hatred as long as you avoid being threatening, abusive or insulting. Again, what does that mean in practice?

It could mean that tomorrow, if I decide to establish a neo-Nazi organisation, if I want to persistently praise the actions of Adolf Hitler, encourage members to spread Holocaust denial materials and anti-Semitic conspiracy theories, that is currently legal as long as it is not abusive, insulting or threatening.

There are a whole range of other activities that are currently not being captured by hate crime or counterterrorism legislation—the two areas of law that we said were the most relevant to what we called hateful extremism—and, in that gap, because of that lack of legislation, you are seeing neo-Nazi groups and others operating with impunity in our country.

**Baroness Kennedy of The Shaws:** ... I specifically want to deal with the business of stirring up. Incitement, as you know, requires a high level of specific intent—that you intend the person to do the things that you describe. Stirring up is more generally about creating the permissive environment that is described here. ...

**Sara Khan:** But that is exactly where extremists are operating. They are creating a climate of incitement. We very much agreed with the Law Commission's view that we should be strengthening the incitement laws, as they do not go far enough in capturing extremist organisations, which are very careful not to cross over into existing stirring-up offences. ...

**Q8 Lord Alton of Liverpool (Crossbench):** ... I hope you will be able to help the committee further by giving us a note on the kind of mechanism, either stand-alone or legislative, that could address the reasonable concerns of people such as the Archbishop of Canterbury and the Archbishop of York—they are not normally regarded as extreme in their views—in their statement last week about freedom of religion or belief. ... I would like to see more about this idea of having independent oversight ...

Going back to the Prevent strategy, some of us feel that we have been here before ... I was struck by Sir William Shawcross's review from 2023. Is this new definition going to tackle some of the things that he identified in his recommendations and conclusions? For instance, he said there should be a return to the overarching objective of stopping individuals becoming terrorists or supporters. ...

**Sara Khan:** ... the Archbishop of Canterbury ... agreed with the idea that we should have a legal framework for hateful extremism, as did the Chief Rabbi and Qari Asim, the chair of the Mosques and Imams National Advisory Board. ...

... William Shawcross ... was right to talk about counterextremism. He obviously looked at it through the lens of when extremism leads to terrorism. The harms of extremism are incredibly broad. Extremism can lead to terrorism, genocide and ethnic cleansing at the very worst, but it can also undermine social cohesion and the democratic rights and freedoms of other people. ...

**Joshua Rozenberg:** Michael Gove did say that most extremist materials and activities are not illegal and do not meet the terrorism or national security threshold, but that extremism could lead to terrorism. ...

As you will recall, William Shawcross was very critical in his report on Prevent last year. He said, "Prevent is not doing enough to counter non-violent Islamist extremism. Challenging extremist ideology should not be limited to proscribed organisations but should also cover domestic extremists operating below the terrorism threshold who can create an environment conducive to terrorism". ...

**Ruth Ehrlich:** ... we are not yet clear how the new definition will impact the Prevent strategy from 2011. It is unclear how you could replace a statutory definition with a non-statutory one. ...

**Q9 Bell Ribeiro-Addy (Labour):** ... Have there been any shortcomings with the Government's previous approach to countering extremism?

**Sara Khan:** ... As I said, we need a legal framework. It is the right thing for us to do as a liberal democracy, but also because we are failing in the struggle against extremism in this



country. That is quite clear from the statistics on Prevent referrals. Counter Terrorism Policing says that the rate of young people being referred and convicted for terrorist offences is the highest on record. Online extremist content and propaganda, including glorifying convicted terrorists who have carried out bombings—we can all agree they are clearly terrorists—is incredibly shocking and literally off the scale. ...

**Ruth Ehrlich:** Given the number of terrorism and hate crime laws that already exist, we are concerned about the Government introducing further policy and legislation. We would echo Robin Simcox, the Commissioner for Countering Extremism, who says that we have reached the limit of what legislation can achieve in this area now. ...

**Sara Khan:** Can I give you a very quick example of anti-Semitism? If I decided to send an anti-Semitic tweet to a Jewish MP, that would rightfully be caught under hate crime legislation. If somebody decided to blow up a synagogue, that clearly falls under counter terrorism legislation. However, as I said earlier, if someone decided to create a neo-Nazi group that was praising Adolf Hitler, spreading dangerous anti-Semitic conspiracy theories and so forth, that is not currently captured by hate crime or counterterrorism legislation for the reasons outlined in the 2021 Operating with Impunity report. So it is not true that we have enough legislation. ...

**Chair:** Having said that, both David Anderson, the previous independent reviewer of terrorism, and Jonathan Hall think that we have enough legislation in this space. ...

**Q10 Baroness Kennedy of The Shaws:** To be frank, do you think the protests that have taken place since October over the conflict in the Middle East demonstrate a need for new legal tools or a new approach to tackling extremism? Is that what has generated this?

**Joshua Rozenberg:** I think Michael Gove has said that it has generated this. He accepts that this has spurred the Government into announcing what they have done. There is also the Criminal Justice Bill, which is at or is about to reach Report stage in the Commons. No date has been fixed for that, but the Government will bring in a new offence to stop people purposely concealing their identities or possessing flares, fireworks and other pyrotechnics at protests. The Prime Minister made it very clear that these proposals were firmly rooted in the pro-Palestinian protests. Rishi Sunak said that, since the 7 October attacks, we have witnessed “appalling examples of anti-Semitism, violent intimidation, and the glorification of terrorism” at protests across the country. Certainly, this is a response by the Government to what has happened, as is the proposal to bring in more legislation. Whether it is the right response is another matter.

**Baroness Kennedy of The Shaws:** ... The difficulty is with this is that many in the Muslim community go on those marches every week because they are horrified by what they see on their televisions and shocked at the extent of the deaths of children. They have a humanitarian objection but are somehow being tarnished with the same brush as the extremist elements—by far the smaller part of those who go along—but the impact of this is problematic. There is no Muslim around these tables today, but the Muslim community is likely to feel that this as a way of crushing their entitlement to protest.

**Sara Khan:** I can speak as a Muslim. Matt Jukes, the head of Counter Terrorism Policing, said that 7 October was a “radicalising moment”. It will be “unprecedented” in relation to the risk of increasing hate crime, extremism and even potentially terrorism in our country alone, so there has clearly been a problem. I would argue that these issues well pre-date what happened on October 7 and the subsequent protests we have seen in our country. ... I agree with you ... that attempts to talk about the pro-Palestinian protests being extremist or hate marches are incredibly dangerous, as this will marginalise mainstream voices. ... We need to bring people together, not make the debate even more polarising. ... We do not talk enough about the scale of censorship that is happening on both sides, and I do not think that academia and others collect enough evidence on this. We know that around 89% of British Jews do not feel comfortable going into the centre of London and other places where protests are being held.

Equally, I do not think we understand the scale of censorship that is being felt by those who support the pro-Palestinian side. In my current role, I am very aware of academics and people working in the arts and culture sector who are frightened to talk about what is happening in Palestine or Israel because of the impact it may have on their jobs, friendships and all kinds of things. ...

**Q11 Jill Mortimer Conservative):** You have touched a little on the impacts of being designated an extremist group. Sara, you said that it could have a positive impact, because it means that we can engage with them and explain what they are doing wrong. Joshua, you said there was a negative impact; we could withdraw funding. ...

**Sara Khan:** As a country, we currently struggle with dealing with Islamist extremist groups. There are a number of them, but I will name CAGE ... There has been long-standing concern about CAGE, which portrays itself as a human rights or civil liberties organisation. It uses the argument of civil liberties as a cover for its Islamist activity, but this is an organisation that has supported convicted terrorists. It has published and invited al-Qaeda ideologues to speak at its events. It has advocated violent jihad overseas. Its senior leaders have refused to condemn the stoning of women. When giving evidence to the Home Affairs Committee a couple of years ago, it talked about the need to establish an EU-style Islamist caliphate. ...

I find it shocking that, to this day, there are human rights and civil liberties organisations that choose to align themselves with organisations like CAGE. We would not align ourselves with neo-fascist organisations, for example, but when it comes to Islamist extremist groups we appear to have a binary double-blind view. It is almost as if people say, "They're a minority community. We should treat them differently". I have to say as a Muslim that that is incredibly patronising. ...

**Chair:** This definition is only about the Government saying, "We are not going to engage". It will not stop other people from engaging with them.

**Sara Khan:** That is true, but one outcome will be that, if they are named, it will be very difficult for environmentalist groups and others to suddenly give legitimacy to an organisation that is doing a lot of harm to Muslim communities first and foremost. ...

**Joshua Rozenberg:** News organisations will presumably refer to them as extremist organisations or perhaps organisations designated by the Government as extremist.

**Chair:** ... There might be a chilling effect, because if news organisations and others refer to them as an organisation designated as extremist, MPs and others may be quite reluctant to engage with them, so it will have a wider effect than just non-governmental engagement. ...

**Q12 Baroness Lawrence of Clarendon:** Do you think there should be an appeal process that groups could use to challenge the designation as extremists? ...

**Joshua Rozenberg:** As a matter of principle, if an organisation is designated as extremist by the Secretary of State, the first thing it would do is write back to the Secretary of State and challenge it. No doubt, the department would have some sort of internal appeal process. It expects judicial review, so it would have prepared its documents. ...

**Baroness Lawrence of Clarendon:** Would you like to see an independent process?

**Joshua Rozenberg:** ... It would save the cost of going to court, and maybe an independent process would be better able to decide whether an organisation was extremist or not. But you need a mechanism to decide who will be on the independent organisation and what criteria they operate and so on. It may be simpler just to say that it is a matter for the courts.

**Sara Khan:** I would hope, and suggest, that the new unit announced by Michael Gove, after it has collected all its evidence, goes to that organisation and gives it the right to reply: "This is all the evidence we have. Is this the position you hold? Do you stand by it, or do you no longer hold it. Has it perhaps changed?" Giving those organisations a right to reply

has to be part of that process. ...

**Ruth Ehrlich:** ... in principle, we do not agree with creating power for a Minister to designate certain groups as extremist, but if such a power existed, of course we think that those people or organisations should benefit from due process, a proper appeals process that is independent. ...

**Q13 Lord Murray of Blidworth (Conservative):** ... If there were to be an appeals process, it seems to me that the only way that could be done would be to have some sort of legislative framework, and then we come back to the question of whether we need legislation. If we simply have a guidance definition, as we have now, there cannot then be a statutory appeal process on top of guidance. ...

**Joshua Rozenberg:** The Crown Prosecution Service has a victims' right to review a decision not to bring a prosecution. That means that the decision not to bring a prosecution is reviewed by somebody more senior in the Crown Prosecution Service—on the same criteria, but it is a fresh pair of eyes. It is not statutory; it is just another chance for somebody else to look at the papers and think, "Did the person ranked one below me get the wrong decision?" But ultimately it is for the Director of Public Prosecutions to decide. So you could say that, in the government department that designates somebody as extremist ... senior officials take a decision that may be endorsed by the Secretary of State. If you were to challenge it, a more senior official or a separate official from another part of the department would look at it again. Ultimately, though, the Secretary of State has to take the decision on the advice of officials ...

**Q14 Lord Dholakia:** Would there be a possible risk if groups or individuals were to bring challenges on the basis of reputational damage, particularly in relation to being designated as extremists?

**Joshua Rozenberg:** There is a risk to the Secretary of State in designating an organisation as extremist and in deciding not to designate an organisation as extremist. ...

**Sara Khan:** ... One challenge for those working in the counterextremism is that a tactic is increasingly being used by clearly extremist organisations to sue and use libel law to silence anybody, including sections of the press. ...

**Chair:** On the other hand, people have a legitimate right to defend their reputation. ...

**Sara Khan:** ... The challenge is that the tactics of extremists have changed substantially in the last 10 years. As I said, they use the language of human rights, civil liberties, and freedom of expression as a cover to promote their hateful language and extremist narratives. ... I have seen the neo-Nazi side and the Islamist side do that repeatedly—regularly use libel law to try to shut down any attempt to investigate or report on their activity, which is why a legal framework would be a better way of managing this issue. ...

**Q15 Lord Murray of Blidworth:** ... if the Secretary of State were to designate a certain group as being extremist for the purposes of this policy, and instead of challenging it by judicial review they decided to bring a libel claim, saying that the reputation of those involved had been lowered in the eyes of right-thinking people, it would not be very difficult for the Secretary of State to run a defence of fair comment and produce the evidence. ...

**Q16 Sarah Dines (Conservative):** ... As a society, are we forgetting that we should be working through civil society first? Are these issues just a symptom of what we have not been doing for years? Why go for your preference of further statutory involvement? Why not concentrate on rebuilding civil society, allowing people to say outrageous things and not effectively criminalising them all the time?

**Sara Khan:** The definition is just one tiny aspect. When we talk about what counterextremism looks like, it is multifaceted and there have to be legal and non-legal measures. ...

I strongly believe that we need to focus much more on social cohesion efforts. They have fallen by the wayside in the last couple of years, which is really disappointing. Even with



the recent debates about the pro-Palestinian demonstrations and the tensions between Israeli, Muslim, Jewish and other communities in this country, there has been so much focus on the policing and the downstream issues, rather than the upstream social cohesion efforts and what we are doing to overcome the tensions that clearly were there prior to 7 October. We need a much more rigorous social cohesion approach and strategy, a legal framework, and we need to deal with a non-statutory counterextremism strategy. ...

**Q17 Sarah Dines:** ... should we not be focusing on wider society, our education, and how we rebuild relations?

Sara Khan: ... I always envisage terrorism as three nets: counterterrorism initiatives, counterextremism initiatives, and social cohesion. Some people will just go past the cohesion issue. No matter what you say or do, they will never feel they belong to this country and will always view our country as being an enemy and hostile. You have to capture them through other means, such as the counterextremism net, but you need a different strategy and approach. The counterextremism strategy has to be different to a cohesion strategy. ...

The social cohesion side is imperative, and we do not talk about it enough or about how we bring people in, how we build and promote the fundamental rights and freedoms about the rule of law, all the things we celebrate as a nation and what it means to live in a diverse democracy such as ours. ...

**Sarah Dines:** It is not just what has happened in the past couple of years. This is a post-war journey of 30 to 40 years. Are we throwing the baby out with the bathwater to think that just a definition or even a new law could solve this? ...

Sara Khan: I agree. That is why I think we need to focus on social cohesion. ...

**Q18 Sarah Dines:** If the Government are just taking a guidance route, what more could they do by way of non-statutory measures? ...

**Sara Khan:** [Michael Gove] mentioned religious hatred and social cohesion ...

**Q19 Sarah Dines:** ... What do you think the problem with the marches has been in the way they have whipped up upset from all communities? Operationally, what could be done differently in your view?

**Sara Khan:** The Home Affairs Committee did an excellent report on this. My concerns have been about the initial celebratory events on 7 and 8 October onwards. They were clearly not protests; they were something of a different category celebrating the horrific attack and the murder of Israelis and Jewish people in Israel on 7 October.

Hizb ut-Tahrir is an Islamist extremist organisation that has been lawful in our country for 40 years and has actively opposed democratic norms. It believes in the establishment of a theocratic caliphate and does not subscribe to any idea of human rights or civil liberties. We saw them chanting "Jihad" out on the streets. If we had hateful extremism proscription orders separate from terrorism proscription orders, my view is that we would not have seen them chanting "Jihad" on the streets and creating that kind of climate and incitement against Jewish people and others. We could have handled this better if we had a legal framework.

As I said earlier, many of these protests are overwhelmingly peaceful. The Met Police have made that clear, and it is really important that people in this country have the right to protest. It is a fundamental right that we have to protect. We have to make sure we do not conflate them or suggest they are all hate marches or extremist marches, which is completely counterproductive.

**Q20 Sarah Dines:** Is it a question of numbers rather than glorification? As a society, are we able to accept a certain sort of protest that veers on glorification if it is smaller in number? Is it the way they take over the whole city that is so overwhelming and why people say they are frightened to go out at the weekend?

**Sara Khan:** That is possible.

**Joshua Rozenberg:** Numbers are important. One could restrict the number of people who attend a march or a demonstration; the police have various powers. It is a bit difficult to say, “Well, a lot of people are protesting, but we are only going to let some protest”. On the other hand, you have the practicalities. It is a matter of concern if Members of Parliament cannot get into or out of this building, or if I cannot walk past Parliament to go from the tube station to the BBC studios because there are too many protesters outside. It is widely known I am Jewish, and I certainly would not go anywhere near one of these demonstrations. I would not wander around that part of London on a Saturday afternoon, because I have no wish to encounter the people who might be on that demonstration. I presume I would be perfectly safe, but I do not want to give it a chance. You also have the whole question about projecting a slogan on Victoria Tower, on Big Ben. It does not harm me; it offends me. It is support for a proscribed terrorist organisation according to any definition of the slogan there and should be prevented. I think it frightens and disturbs members of the Jewish community, as well as the wider community, so it is a matter of concern. Equally, Sara is entirely right: people are entitled to protest. I would like to make a final point to endorse what Sara said about the demonstrations immediately after the attacks on 7 October. There was one the following day, a Sunday. That demonstration and those that followed immediately afterwards cannot have been to protest against Israel’s response to the murderous attack on people in Israel—1,200 were killed, kidnapped, raped; they were appalling atrocities—because the response did not happen for another three weeks. So it is clear to me that those people must inevitably have been supporting these murderous attacks on people in Israel.

**Ruth Ehrlich:** ... Obviously, the events of 7 October and subsequent events in Gaza have caused immense pain for many communities across the country. We have seen an astonishing and distressing rise in anti-Semitism, Islamophobia and anti-Palestinian racism, and rhetoric from many places has not been particularly helpful in encouraging cohesion ... It is extremely dangerous to enter into a territory where we are conflating all protesters with a minority who hold extremist views. ...

It is really important that people are alive to the fact that our civil liberties are being eroded, because there is a highly febrile, stressful and upsetting external environment going on, and I would exercise caution. Hundreds of thousands of people are taking to the streets. Communities are not monolithic; lots of different people are out there, and it is really important that we do not allow this moment to be monopolised and used to strip back our civil liberties.

**Q21 Baroness Kennedy of the Shaws:** Is the timing not likely to accelerate the concern amongst our Muslim communities up and down the country that this is disproportionately responding to them, that this is about them? Many Muslim organisations have a sense that this is about a taking of sides and, therefore, far from creating community cohesion, which is needed particularly given the divisions in our society. There is in particular the timing, how it is put together and who will be on the list? Will this not be seen as being disproportionate to one section of our society?

**Sara Khan:** In my view, the definition is ideologically blind. ...

**Baroness Kennedy of the Shaws:** The timing is of the essence here. ...

**Joshua Rozenberg:** The short answer to Lady Kennedy’s question is yes, this is about them. The Secretary of State named the British National Socialist Movement and Patriotic Alternative. I do not think they get much funding from the Government. The others were not Muslim organisations but Islamist organisations in the Secretary of State’s definition.

**Sara Khan:** I disagree. It is much more complicated than that. ... communities are not monolithic. Many Muslim voices in this country feel threatened by Islamist extremism and very disheartened by the fact that the Government have not done enough about Islamist extremism, because it is their children who are being radicalised and dragged into all kinds of conflicts where they are targeted by hate preachers.

**Baroness Kennedy of the Shaws:** Their children are also being demonised, which they are feeling very anxious about at this moment in time.

**Sara Khan:** ... I agree, but what the Government are doing about anti-Muslim hatred is a legitimate concern. I do not think the Government have done enough on this issue, and I would like to see them do more, but that does not mean that we should not tackle the threat of extremism, including Islamist extremism. ...

**To read the full transcript see**

<https://committees.parliament.uk/oralevidence/14576/html/>

*The guidance to the new definition of extremism, referred to above, can be read at <https://www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024>*

*Scotland's Hate Crime law, referred to above by Baroness Kennedy of The Shaws, can be read at*

<https://www.legislation.gov.uk/asp/2021/14/contents>

*The joint statement from the Archbishops of Canterbury and York referred to above by Lord Alton of Liverpool can be read at*

<https://www.archbishopofcanterbury.org/news/news-and-statements/joint-statement-archbishops-warns-government-over-new-extremism-definition>

*The Shawcross Review, referred to above by Lord Alton of Liverpool, can be read at*

[https://assets.publishing.service.gov.uk/media/63e26968d3bf7f17385a3421/Independent\\_Review\\_of\\_Prevent.pdf](https://assets.publishing.service.gov.uk/media/63e26968d3bf7f17385a3421/Independent_Review_of_Prevent.pdf)

*Operating with Impunity, referred to above by Sara Khan, can be read at*

[https://assets.publishing.service.gov.uk/media/602fe034d3bf7f7220fe10e1/CCE\\_Operating\\_with\\_Impunity\\_Accessible.pdf](https://assets.publishing.service.gov.uk/media/602fe034d3bf7f7220fe10e1/CCE_Operating_with_Impunity_Accessible.pdf)

*The Home Affairs Committee report referred to above can be read at*

<https://committees.parliament.uk/publications/43477/documents/216201/default/>

## Scottish Parliament Oral Answers

### Hate Incidents (Recording)

**Douglas Ross (Conservative):** ... My colleague Murdo Fraser was the subject of a spurious complaint about a social media post that was critical of the Scottish National Party Government. He discovered that Police Scotland had recorded the complaint against him as a non-crime hate incident. No crime was committed, but he is now on the police record as a perceived offender in a supposed hate incident, despite never having been charged, tried, convicted or even informed that the police had a file on him.

How can it be right that innocent people are put on the police record when they have done nothing wrong?

**The First Minister (Humza Yousaf):** ... It is important that, when we talk about hate, hatred, hate crime or, indeed, the Hate Crime and Public Order (Scotland) Act 2021, we do so in a way that is not just considered but ensures that we stick to the facts.

First, we should remember that the recording of non-crime hate incidents came as a direct result of the Stephen Lawrence inquiry. It was contained in recommendations 12 to 17 of the Macpherson report. The recording of non-crime incidents has been around for many years.

Secondly, as well as having been around for many years, the recording of non-crime incidents is done for other incidents that do not meet a criminal threshold, such as domestic abuse incidents. I do not know whether Douglas Ross is suggesting that domestic abuse incidents should not be recorded if they do not

meet a criminal threshold, or whether his views apply only in relation to hate crime. Thirdly, I will be clear: the Hate Crime and Public Order (Scotland) Act 2021 is not yet in force, and nothing within it changes how hate crime or, indeed, a non-crime hate incident is recorded. I will make that point by quoting Professor James Chalmers ... He says that the recording of non-crime hate incidents “is a long-standing feature of police practice. Communicating clearly just how little the Act changes is essential to avoid both undue fears about its impact and any attempts to abuse it.”

Lastly—I know that this is a substantial issue—notwithstanding what I have quoted, Police Scotland made it clear last year, and again recently because of press inquiries, that it will review how non-crime hate incidents are recorded, in cognisance of the changes that have been made in England and Wales.

... There is far too much hatred in our society. We all accept that and we should all come together to help to tackle it. ...

**Douglas Ross:** We all have a zero-tolerance approach to hatred in society, but my question ... was whether innocent people should have a police record when they have done nothing wrong. ...

[Humza Yousaf] said previously that the issue is about monitoring and about gathering data, but what will the value of that data be if, as we now see, individuals can put forward multiple complaints with little or no substance to them and data about those will be stored and recorded in the way that has been the case with Murdo Fraser?

That unacceptable incident is just the tip of the iceberg. The SNP’s hate crime act will come into force in just a few days’ time and could lead to more such cases. The controversial new law is ripe for abuse. In a letter to this Parliament’s Criminal Justice Committee, the Association of Scottish Police Superintendents said that some individuals will “seek to weaponise the new legislation and associated police investigation.”

Does Humza Yousaf agree with some of the most senior police officers in Scotland, and does he accept that this law could be weaponised?

**The First Minister:** ... On the issue of non-crime hate incidents, their impact and effect, and the purpose of their recording, I refer Douglas Ross to the chief constable, who was very clear at the Scottish Police Authority board meeting last week about the value of the recording of hate incidents. She said that: “on recording and reporting hate incidents, they can and do give us a sense, initially, of community tensions. So they are useful to us in terms of engaging with communities, engaging with different groups in communities and being able to understand where there is potential for tensions to be raised.”

There is an understanding of the reasons and rationale why hate incidents are recorded. That is precisely why the Macpherson report recommended them in the first place around 25 years ago.

In relation to the hate crime act, we of course take seriously what is said by the Scottish Police Federation, ASPS and any other representative organisation that represents police officers.

However, it is incumbent on me to say that this act and the new offences in relation to stirring up are hugely important. Those stirring-up offences have existed in relation to racial hatred since 1986. We are simply extending those protections to other marginalised groups.

It is important for Douglas Ross to be honest and tell members in the chamber and the people of Scotland who it is that he thinks are not deserving of those protections, in the same way that I have been protected because of my race since 1986.

**Douglas Ross:** The problem is that people will not be protected if the police cannot do their job. We have had warnings, week after week, from officers on the front line, the Police Federation and now the Association of Scottish Police Superintendents. The line at the top



of its letterhead says: “representing the operational leaders of the police service in Scotland”.

It is giving as stark a warning as possible to this SNP Government that the act is flawed. It is not going to do what MSPs who supported it wanted it to do. Those warnings are being ignored by Humza Yousaf.

Let us see whether he will also ignore others. Katharina Kasper is the chair of the Scottish Police Authority’s complaints and conduct committee. She said that an investigation itself “can become a punishment which may have a chilling effect on the freedom of expression.” ... one of his most senior SNP MPs, Joanna Cherry KC? ... said: “for many, the process will be the punishment. Being under police investigation will be stressful, costly, damaging to reputations and could lead to problems in the workplace.”

The police should not be dispatched to people’s doors to check their thinking. Does the First Minister not recognise the chilling effect that his law will have on free speech?

**The First Minister:** These issues were rehearsed last week, but I emphasise and reiterate to Douglas Ross that explicit protections for freedom of expression and freedom of speech are, of course, in the bill. In fact, there is a triple-lock protection, because, first, there is explicit reference in the bill to freedom of expression. That was a matter of compromise between the Government and members of the Opposition, which was a good example of how we do legislation in this Parliament. There is also, of course, a reasonable person defence in the legislation, and our legislation has to comply with the European convention on human rights and its important articles in relation to freedom of expression.

I have absolute faith in the police’s ability to weed out vexatious complaints. Unfortunately, they have to deal with vexatious complaints across a whole range of legal matters and right across the legal landscape. I have absolute faith in the police’s ability to address those issues in ways that are appropriate.

I go back to the central point that stirring-up offences are not new. They have existed since 1986—so for most of my entire life—therefore I have absolute confidence in Police Scotland’s ability to police new stirring-up offences in ways that are appropriate.

I say again to Douglas Ross that his party, the Conservatives, supported the extension of stirring-up offences for England and Wales at Westminster. If they are okay to protect people in England and Wales, why are they not okay to protect people here in Scotland? If Douglas Ross believes in a zero-tolerance approach, and if he believes that someone who is Jewish, elderly, gay or disabled should be protected from behaviour that is threatening, abusive or intended to stir up hatred, why is he opposing the legislation? From my point of view, it certainly looks as though it is just for the sake of opposition. ...

**Douglas Ross:** Humza Yousaf can see absolutely no flaw in the legislation that he took through the Parliament, despite the overwhelming evidence that we are getting from front-line officers and many others. The hate crime act will come into force on April fool’s day, but it is no joke. The Scottish Conservatives opposed it when it was passed and we still do.

The act is so flawed that, whatever its intentions, it is likely to create more division. Overworked and underresourced police officers will be forced to deal with hundreds of malicious complaints. Humza Yousaf’s law could be weaponised against people with opposing views. Police investigations will tarnish the names of innocent people and could silence them. That law is overreach by the Scottish National Party. How long will it take before the hate crime act goes the same way as the legislation on named persons, offensive behaviour at football matches and gender recognition reform and every other flawed Scottish National Party law?

**The First Minister:** Not only am I proud of the Hate Crime and Public Order (Scotland) Act 2021; the entire Parliament should be proud of it. Every single

political party came together to support that act, except the Scottish Conservatives. Why should members be proud of it? They should be proud of it because it was supported by a number of groups that represent some of the most marginalised people in our communities. The Scottish Council of Jewish Communities stated: “We ... strongly support both the introduction of this new offence”—that is, the stirring-up offence—“and its application across all protected characteristics.”

Why is that important? It is important because Lord Bracadale, who led the independent review that helped us to develop the hate crime act, said: “Stirring up of hatred may lead to violence or public disorder. It may incite people to commit offences such as assault”. He called such conduct “morally wrong”, and he was absolutely right to do so.

The Hate Crime and Public Order (Scotland) Act 2021 contains provisions that protect people’s right to freedom of expression. However, it also ensures that Scotland, the Parliament and this country send a message to people who are often the targets of hatred that we truly have a zero-tolerance approach. That is something that I am very proud of indeed.

**To read the full transcript see**

<https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=15790&i=134780#ScotParIOR>

*The Hate Crime and Public Order (Scotland) Act 2021, referred to above, can be read at <https://www.legislation.gov.uk/asp/2021/14/contents>*

*The Macpherson Report, referred to above, can be read at <https://assets.publishing.service.gov.uk/media/5a7c2af540f0b645ba3c7202/4262.pdf>*

*The letter from the Association of Scottish Police Superintendents referred to above can be read at*

<https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2024/hate-crime-and-public-order-act-asps-response-20-march-2024.pdf>

*The Bracadale Review, referred to above, can be read at*

<https://www.gov.scot/publications/independent-review-hate-crime-legislation-scotland-final-report/>

## Scottish Government

**Marches, parades and static demonstrations: guidance**

<https://www.gov.scot/publications/marches-parades-static-demonstrations-guidance/>

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**First Minister** First Minister @HumzaYousaf was honoured to host an Interfaith Iftar meal at Bute House. The evening was spent sharing and valuing Scotland’s diverse religious traditions and further strengthening bonds across our communities. [plus photos]

<https://twitter.com/ScotGovFM/status/1773445781321617909>

**Humza Yousaf** It was a real honour hosting our diverse faith communities in Bute House for iftar. In the face of rising hatred and tensions, it is crucial that we work to bring communities together. I thanked those present for the enormous contribution our faith communities make to Scotland.

<https://twitter.com/HumzaYousaf/status/1773464995843494060>

**First Minister** "With the end of lent, and the emergence of spring here in Scotland, Easter reminds us of the light of hope in times of darkness." First Minister @HumzaYousaf has

## Israel

*See also the Joint Committee on Human Rights evidence session on “Government proposals on extremism” that is included in the Home Affairs section above.*

### House of Commons Written Answers

*The following two questions both received the same answer*

#### **Open General Export Licences: Israel**

**Liam Byrne (Labour)** [19281] To ask the Secretary of State for Business and Trade, what reviews have been conducted for the terms of each Open General Export Licence that lists Israel as a permitted destination since October 2023.

#### **Open General Export Licences: F-35 Aircraft**

**Liam Byrne (Labour)** [19282] To ask the Secretary of State for Business and Trade, whether the Open General Export Licence for exports in support of joint strike fighter: F-35 Lightning II has been reviewed since October 2023.

**Greg Hands:** The Government continues to monitor closely the situation in Israel and Gaza.

The Government can and does respond quickly and flexibly to changing international circumstances. All export licences, including Open General Export Licences, are kept under careful and continual review as standard. We are able to amend, suspend or revoke extant licences and refuse new licence applications as circumstances require.

Any changes to Open General Export Licences would be communicated through a Notice to Exporters which would be published on GOV.UK.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19281>

and

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19282>

*The following four questions all received the same answer, 19484 from Andrew Mitchell and the others from Greg Hands*

#### **Arms Trade: Israel**

**Ben Bradshaw (Labour)** [19231] To ask the Secretary of State for Business and Trade, how many UK arms export licences have been issued where the end user is the Israeli Defence Force for (a) equipment and (b) parts of equipment in the last 6 months.

**Ben Bradshaw (Labour)** [19232] To ask the Secretary of State for Business and Trade, how many UK arms export licences are currently active for (a) equipment and (b) parts of equipment whose end user is the Israeli Defence Force.

**Fleur Anderson (Labour)** [19484] To ask the Minister of State, Foreign, Commonwealth and Development Office, whether there are pending applications for arms export licences for arms to Israel.

#### **Gaza: Humanitarian Aid**

**Liam Byrne (Labour)** [19283] To ask the Secretary of State for Business and Trade, how many export licences have been granted to assist in the provision of humanitarian aid to Gaza since 1 October 2023; and what items have been licensed.

**Greg Hands/Andrew Mitchell:** HM Government publishes data on export licensing decisions on a quarterly basis in the Official Statistics, including data on outcome, end user destination, overall value, type (e.g. military, other) and a summary of the

items covered by these licences. This data is available at:

<https://www.gov.uk/guidance/strategic-export-controls-licensing-data>

The most recent Official Statistics cover the period 1 April - 30 June 2023.

Information regarding export licensing decisions made between 1 October – 31 December 2023 will be published after April 2024 and information regarding export licensing decisions made between 1 January – 31 March 2024 will be published later this year.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19231>

and

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19232>

and

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19484>

and

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19283>

### **Exports: Hamas**

**Liam Byrne (Labour)** [19284] To ask the Secretary of State for Business and Trade, what assessment she has made of the potential (a) risk and (b) prevalence of (i) re-export and (ii) diversion of UK exports to Hamas.

**Greg Hands:** The Department for Business and Trade works alongside other government departments to regularly assess UK export licences. This includes working with the Ministry of Defence on risks of diversion of exported goods and national security risks arising from hostile state activity.

The Export Control Joint Unit will not issue an export licence to any destination where to do so would be inconsistent with the UK's Strategic Export Licensing Criteria, including where there is a clear risk that the items might be used to commit or facilitate a serious violation of International Humanitarian Law. HMG can and does refuse applications where there is a planned re-export that is inconsistent with the Criteria, or where we assess that the goods may be diverted to an undesirable destination.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19284>

### **Armed Conflict: International Law**

**Liam Byrne (Labour)** [19285] To ask the Minister of State, Foreign, Commonwealth and Development Office, what the priority areas of work are for the International Humanitarian Law Compliance Assessment Process Cell in his Department.

**Andrew Mitchell:** Ministers regularly review advice about Israel's adherence to International Humanitarian Law (IHL) and act in accordance with that advice. The Foreign Secretary has been clear that Israel is the occupying power, it is responsible and that has consequences, including when we look at if Israel is compliant with international humanitarian law. We continue to call for International Humanitarian Law to be respected and civilians to be protected.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19285>

### **Armed Conflict: International Law**

**Liam Byrne (Labour)** [19286] To ask the Minister of State, Foreign, Commonwealth and Development Office, what (a) staff and (b) legal resources have been committed to the International Humanitarian Law Compliance Assessment Process Cell in his Department.

**Andrew Mitchell:** The FCDO currently has a small bespoke capability, including legal resources, to look specifically at international humanitarian law issues in the context of the Israel/Gaza conflict. This is part of a larger team in the UK and across our overseas network actively delivering the Government's goals of ending the conflict and reaching a lasting peace.



### **Armed Conflict: International Law**

**Liam Byrne (Labour)** [19287] To ask the Minister of State, Foreign, Commonwealth and Development Office, if he will publish the findings of each assessment by the International Humanitarian Law Compliance Assessment Process Cell in his Department of Israel's compliance with such law.

**Andrew Mitchell:** Legal advice to Ministers and policy assessments related to it are confidential. We therefore do not publish the International Humanitarian Law Cell's assessments of Israel's compliance with international humanitarian law (IHL). It is for Ministers to decide what to say publicly about each assessment.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19287>

### **Armed Conflict: International Law**

**Liam Byrne (Labour)** [19288] To ask the Minister of State, Foreign, Commonwealth and Development Office, whether his Department has previously established a country-specific cell similar to the International Humanitarian Law Compliance Assessment Process Cell.

**Andrew Mitchell:** The International Humanitarian Law (IHL) Cell's approach to assessment of IHL compliance by Israel is informed by a methodology adopted by the Foreign and Commonwealth Office following a request by the Campaign Against Arms Trade in 2017 for a judicial review of export licensing decisions for Saudi Arabia during the conflict in Yemen.

I refer the honourable member for Hodge Hill to the then Secretary of State for International Trade's statement of 7 July 2020 following the High Court judgment on military export licences to Saudi Arabia [Volume 678:Column 32-34WS].

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19288>

*The statement referred to above can be read at*

<https://hansard.parliament.uk/commons/2020-07-07/debates/20070747000017/ExportLicencesSaudiArabia>

*The judgement referred to above can be read at*

<https://www.bailii.org/ew/cases/EWCA/Civ/2019/1020.html>

### **Israel: Hamas**

**Caroline Lucas (Green)** [19591] To ask the Minister of State, Foreign, Commonwealth and Development Office, pursuant to the Answer of 20 March 2023 to Question 17856 on Israel: Hamas, when he last made an assessment of Israel's (a) capability and (b) commitment to International Humanitarian Law.

**Andrew Mitchell:** We have previously assessed that Israel is committed and capable of complying with International Humanitarian Law. We regularly review our assessment.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-20/19591>

*The answer referred to above can be read at*

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-11/17856>

### **Gaza: Israel**

**Caroline Lucas (Green)** [19592] To ask the Minister of State, Foreign, Commonwealth and Development Office, with reference to his oral contribution in response to the question from the hon. Member for Hodge Hill, during the Urgent Question on Israel and Gaza of 19 March 2024, Official Report, column 820, how many occasions he has (a) received and (b) made a Statement to the House on the Law Officers' advice in relation to the Israeli Government's compliance with international humanitarian law.

**Andrew Mitchell:** We have previously assessed that Israel is committed and

capable of complying with International Humanitarian Law. We regularly review our assessment.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-20/19592>

*The oral contribution referred to above can be read at*

<https://hansard.parliament.uk/commons/2024-03-19/debates/3C0812EC-E75C-4F39-873B-2EAC5CF71E51/IsraelAndGaza#contribution-4FF4EE7A-85B1-4F11-B13F-731EB6CF977D>

### **Israel: Hamas**

**Michael Ellis (Conservative)** [19346] To ask the Minister of State, Foreign, Commonwealth and Development Office, what assessment he has made of the implications for his policies of recent Hamas rocket fire into Israel.

**Andrew Mitchell:** As the Government has stated previously, for there to be a lasting peace Israel's security must be assured. Removing Hamas' capacity to launch attacks against Israel and Hamas no longer being in charge of Gaza are among the vital elements for a lasting peace.

We are calling for an immediate pause to get aid in and hostages out, then progress towards a sustainable, permanent ceasefire, without a return to destruction, fighting and loss of life. This is the focus of all our diplomatic efforts.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19346>

### **Gaza: Israel**

**Michael Ellis (Conservative)** [19347] To ask the Minister of State, Foreign, Commonwealth and Development Office, what assessment he has made of the potential implications for his policies of the analysis of casualty figures in Gaza by the Professor of Statistics and Data Science at The Wharton School of the University of Pennsylvania, published on 7 March 2024.

**Andrew Mitchell:** Like many of our partners, we routinely use reports from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) to monitor daily figures for casualties in Gaza. OCHA rely on reporting from the Hamas-run Ministry of Health in Gaza. Casualty figures are only one data point of many we use to understand the scale of the conflict and its impact on civilians. Satellite imagery of building damage, eye-witness accounts from hospitals and data on living conditions all feed into our assessment.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19347>

*The analysis referred to above can be read at*

<https://www.tabletmag.com/sections/news/articles/how-gaza-health-ministry-fakes-casualty-numbers>

### **Gaza: Israel**

**Caroline Lucas (Green)** [19310] To ask the Minister of State, Foreign, Commonwealth and Development Office, whether he has sought recent legal advice on the Israeli government's compliance with (a) international law and (b) the International Court of Justice's decision in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) in the context of trends in the level of food insecurity in Gaza.

**Andrew Mitchell:** We regularly review advice about Israel's capability and commitment to International Humanitarian Law. We act in accordance with that advice. We are clear that as the occupying power in Gaza, Israel has to make sure that humanitarian aid including food, water and shelter is available to people in Gaza.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19310>

*The International Court of Justice decision (Order) referred to above can be read at*

### **Gaza: Food Supply**

**Caroline Lucas (Green)** [19314] To ask the Minister of State, Foreign, Commonwealth and Development Office, if he will seek legal advice on the potential implications for his policies of the Integrated Food Security Phase Classification Famine Review Committee's report entitled Famine Review Committee: Gaza Strip, March 2024 – Conclusions and Recommendations, published on 18 March 2024.

**Andrew Mitchell:** The UK is also doing all it can to get as much food into Gaza as possible. We recently announced that more than 2,000 tonnes of UK-funded food aid are being distributed by the World Food Programme on the ground. This is our largest delivery of aid to Gaza in this crisis. This follows 750 tonnes of UK funded food aid arriving in Gaza in December, delivered through the World Food Programme and a second delivery of 315 tonnes in January.

We and our partners are stepping up efforts to get aid in as quickly as possible by land, sea and air.

Israel must take action to allow more aid into Gaza, including scaling up the Jordan corridor, opening a crossing in northern Gaza (Karni, Erez or a new crossing point), fully opening Ashdod Port for aid delivery and increasing screening capacity at Kerem Shalom and Nitzana to seven days a week and extended hours.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-19/19314>

*The report referred to above can be read at*

[https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Famine\\_Committee\\_Review\\_Report\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Feb\\_July2024\\_Special\\_Brief.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf)

*The announcement referred to above can be read at*

<https://www.gov.uk/government/news/largest-uk-aid-delivery-enters-gaza-to-feed-275000-people>

### **Gaza: Food Supply**

**Caroline Lucas (Green)** [19590] To ask the Minister of State, Foreign, Commonwealth and Development Office, if he will make an assessment of the potential implications for his policies of the Integrated Food Security Phase Classification Famine Review Committee's report entitled Famine Review Committee: Gaza Strip, March 2024 – Conclusions and Recommendations, published on 18 March 2024.

**Andrew Mitchell:** The UK is doing all it can to get as much food into Gaza as possible. We recently announced that more than 2,000 tonnes of UK-funded food aid are being distributed by the World Food Programme on the ground. This is our largest delivery of aid to Gaza in this crisis. This follows 750 tonnes of UK funded food aid arriving in Gaza in December, delivered through the World Food Programme, followed by a second delivery of 315 tonnes in January.

We are calling for an immediate pause to get aid in and hostages out, then progress towards a sustainable, permanent ceasefire, without a return to destruction, fighting and loss of life.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-20/19590>

*The report referred to above can be read at*

[https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Famine\\_Committee\\_Review\\_Report\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Feb\\_July2024\\_Special\\_Brief.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf)

*The announcement referred to above can be read at*

<https://www.gov.uk/government/news/largest-uk-aid-delivery-enters-gaza-to-feed-275000-people>

### **UNRWA: Finance**

**Steve McCabe (Labour)** [18834] To ask the Minister of State, Foreign, Commonwealth and Development Office, what proportion of UK aid to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is spent on (a) food, (b) medicines, (c) other essentials, (d) salaries and (e) other costs for (i) UNRWA personnel and (ii) other employees.

**Andrew Mitchell:** UK funding to the United Nations Relief and Works Agency (UNRWA) was disbursed before the allegations that UNRWA employees were involved in the appalling 7 October terror attack against Israel came to light. No more British funding is due this financial year and we are pausing any future funding of UNRWA.

We provided £19 million of unearmarked funding this financial year to UNRWA's programme budget. This enabled UNRWA to deliver education, health, relief and social services and protection to 5.9 million Palestinian refugees in the West Bank, Gaza, Syria, Lebanon, and Jordan. The UK also provided £16 million to UNRWA's Flash Appeal in response to the Gaza Crisis, supporting UNRWA to deliver humanitarian assistance, food, shelter, and non-food items for refugees in Gaza. Our decision to pause future funding to UNRWA has no impact on the UK's contribution to the humanitarian response.

Our commitment to trebling aid to Gaza still stands and we are supporting partners including the British Red Cross, UNICEF, the UN World Food Programme (WFP) and Egyptian Red Crescent Society to respond to critical food, fuel, water, health, shelter and security needs in Gaza.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-15/18834>

### **UNRWA: Finance**

**Steve McCabe (Labour)** [18835] To ask the Minister of State, Foreign, Commonwealth and Development Office, what proportion of his Department's aid to Gaza is channelled through the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

**Andrew Mitchell:** UK funding to the United Nations Relief and Works Agency (UNRWA) was disbursed before the allegations that UNRWA employees were involved in the appalling 7 October terror attack against Israel came to light. No more British funding is due this financial year and we are pausing any future funding of UNRWA.

The UK provided £16 million this financial year to UNRWA's Flash Appeal in response to the Gaza Crisis, which constitutes 22% of the UK's total humanitarian allocations to Gaza. Our decision to pause future funding to UNRWA has had no impact on the UK's contribution to the humanitarian response. We are doing everything we can to get more aid into Gaza as quickly as possible by land, sea and air, working with partners including the British Red Cross, UNICEF, the UN World Food Programme (WFP) and Egyptian Red Crescent Society to respond to critical food, fuel, water, health, shelter and security needs in Gaza.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-15/18835>

## **House of Lords Written Answers**

### **Visas: Palestinians**

**Baroness Lister of Burtersett (Labour)** [HL3250] To ask His Majesty's Government what assessment they have made of calls for a Palestinian visa or Gaza family scheme to enable Palestinians in Gaza to be reunited with relatives in the UK and access temporary sanctuary.



**Lord Sharpe of Epsom:** The UK Government is monitoring the situation in Israel and Gaza closely to ensure that it is able to respond appropriately. UKVI is working closely with the FCDO in supporting family members of British nationals evacuated from Gaza who require a visa, signposting the necessary steps and expediting appointments at the Visa Application Centre.

British citizens and those with settled status in the UK, together with their foreign national dependants, (spouse, unmarried/civil partner, child under 18), may come to the UK provided that they have valid travel documents and existing permission to enter or remain in the UK; or are non-visa nationals. They must also pass appropriate security checks.

The Government allows individuals with protection status in the UK to sponsor their partner or children to stay with or join them here through our refugee family reunion policy, provided they formed part of the family unit before the sponsor fled their country of origin to seek protection.

There are additional safe and legal routes for people to come to the UK should they wish to join family members here, work or study. They would need to meet the requirements of the relevant Immigration Rule under which they were applying to qualify for a visa.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-13/hl3250>

### **Israel: Arms Trade**

**The Marquess of Lothian (Conservative)** [HL3251] To ask His Majesty's Government whether they have raised with the government of the United States the number of weapons packages to Israel it has approved since October 2023; and whether these include (1) precision-guided munitions, (2) small-diameter bombs, (3) bunker busters, (4) small arms, and (5) other lethal aid.

**Lord Ahmad of Wimbledon:** The US has its own domestic export licensing criteria and processes. We have been clear that all parties to the conflict in Gaza must respect International Humanitarian Law and protect civilians. We have regular engagement with our allies, included the US, on the conflict.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-13/hl3251>

### **Zionism**

**Lord Triesman (Labour)** [HL3267] To ask His Majesty's Government what assessment they have made of the papers Zionism and its influence in USA and Western Europe (FCO 17/1763) and Influence of the Zionist lobby in the United States and Western Europe (FCO 51/297); who their authors were; whether any UK diplomats provided evidence or any members of the Government were involved in commissioning them; whether they will place copies of them in the Library of the House; and what assessment they have made of whether these papers are anti-Semitic.

**Lord Ahmad of Wimbledon:** The full unredacted papers dating from 1972 and 1973 are held at The National Archives under file references FCO 17/1763 and FCO 51/297. They were transferred to The National Archives under the terms of the Public Records Act and are publicly available to be viewed.

Antisemitism is evil and has absolutely no place in our - or any - society. In March 2024 the UK took on the presidency of the International Holocaust Remembrance Alliance for one year, which comes ahead of the 80th anniversary of the liberation of Auschwitz and the 25th anniversary of the Stockholm Declaration on Holocaust remembrance in January 2025.

<https://questions-statements.parliament.uk/written-questions/detail/2024-03-13/hl3267>

*The papers referred to above are not available online.*

## Scottish Parliament Motion

**Maggie Chapman (Green) [S6M-12661] International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims** – That the Parliament recognises the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims, which took place on 24 March 2024; understands that this annual observance pays tribute to the memory of Monsignor Óscar Arnulfo Romero of El Salvador, who was murdered on 24 March 1980; commends the UN's stated objectives of this day, which are to honour the memory of victims of gross and systematic human rights violations, to promote the importance of the right to truth and justice, to pay tribute to those who have devoted their lives to, and lost their lives in, the struggle to promote and protect human rights for all and to recognise the important work and values of Monsignor Romero, who was assassinated after denouncing violations of the human rights of the most vulnerable populations and defending the principles of protecting lives, promoting human dignity and opposition to all forms of violence; notes that the decision to proclaim this International Day was made by the United Nations General Assembly in December 2010; agrees with the conclusions of the *Study on the right to the truth* report, by the Office of the UN High Commissioner for Human Rights, that the right to the truth about gross human rights violations and serious violations of human rights law is an inalienable and autonomous right, linked to the duty and obligation of the State to protect and guarantee human rights, to conduct effective investigations and to guarantee effective remedy and reparations; considers that the right to the truth implies knowing the full and complete truth as to the events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them; believes that this right is especially important and urgent in the context of what it considers as the ongoing gross violation of the human rights of the people of Palestine, and especially Gaza, and commits to promoting best practice for the effective implementation of this right, both in Scotland and throughout the world.

<https://www.parliament.scot/chamber-and-committees/votes-and-motions/S6M-12661>

The report referred to above can be read at

[https://digitallibrary.un.org/record/567521/files/E\\_CN.4\\_2006\\_91-EN.pdf?ln=en](https://digitallibrary.un.org/record/567521/files/E_CN.4_2006_91-EN.pdf?ln=en)

## International Court of Justice

### **Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel): The Court indicates additional provisional measures**

In the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), the Court, having duly considered South Africa's [request](#) of 6 March 2024, for the indication of additional provisional measures and/or the modification of its [Order of 26 January 2024](#), based on the change in the situation in Gaza, and Israel's [observations](#) of 15 March 2024 on that request, delivered its Order today, which was communicated to the Parties by a letter from the Registrar.

In its Order, the Court observes that, since 26 January 2024, “the catastrophic living conditions of the Palestinians in the Gaza Strip have deteriorated further, in particular in view of the prolonged and widespread deprivation of food and other basic necessities to which the Palestinians in the Gaza Strip have been subjected”, and that “Palestinians in Gaza are no longer facing only a risk of famine, as noted in the Order of 26 January 2024, but that famine is setting in”. In the view of the Court, “the provisional measures indicated

in the Order of 26 January 2024 do not fully address the consequences arising from the changes in the situation ..., thus justifying the modification of these measures”.

In its Order, which has binding effect, the Court: ...

Indicates the following provisional measures:

The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation ...

Take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary ...

Ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance ...

**To read the full press release see**

<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-pre-01-00-en.pdf>

**Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel): Order of 18 March 2024**

<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>

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## Other Relevant Information

### Council of Europe

**Fight the upsurge in antisemitism and anti-muslim hatred: a major challenge for European cities and regions**

The events in the Middle East have led to an unprecedented upsurge in antisemitic and anti-Muslim incidents in Europe. During the thematic debate on 26 March, Congress members shared both recent information regarding their local authorities and also best practices for preventing violence and restoring intercultural dialogue on a lasting basis.

Local and regional authorities are once again on the front line when it comes to addressing daily risks of violence. Social and cultural peace is currently under greater strain than ever in major European cities in which various religious and cultural communities live side by side.

Kaya Comer-Schwartz, Council Leader in Islington, one of the most disadvantaged boroughs in London, highlighted the decisive part which the local council plays in preserving peace and dialogue in an area where over 40% of residents were born outside the UK. As the first Black and Jewish woman to head Islington Council, she is particularly keen to promote respect between the Jewish and Muslim communities there against the background of the current crisis. Never give in to hatred was the approach she had already applied when an anti-Muslim terrorist incident left one person dead and 11 injured during Ramadan in 2017. At the time, the local council took action to prevent the risk of hatred escalating: “Instead of spreading bitterness, the incident further strengthened solidarity between communities in our area. We decided to share *iftar* – the fast-breaking meal – in

public with the Muslim community on the streets of Islington, and we're going to do that again shortly against the particularly sensitive background of the Israeli-Palestinian conflict. The attack on the illuminations we put up for the Jewish festival of Hanukkah last December also didn't deter us from repairing the installation the next day through the joint efforts of the representatives of the various communities in our area," she said. The aim of the policies pursued by Islington Council was to create shared spaces of safety and trust, as dialogue was the only remedy for fear and ignorance.

"In many countries at present, Jews are preparing to leave Europe, and that demands an urgent response," said Evein Obulor, Director of the European Coalition of Cities against Racism (ECCAR). However, an effective response to rising antisemitism and anti-Muslim hatred required structured approaches and tools capable of measuring the progress of policies implemented by local and regional authorities. ECCAR, which brought together 150 towns and municipalities, therefore offered its members practical roadmaps and toolboxes. Arranging partnerships and cultural events where different communities could share their religious ceremonies in the urban public arena could also help to create spaces of trust and intercommunity dialogue. ...

Bertil Cottier, President of the European Commission against Racism and Intolerance (ECRI), said that the commission had already sounded the alarm in December and called on European governments to introduce emergency policies to combat the rise in antisemitism and anti-Muslim hatred. ... he also recalled ECRI's policy recommendations with a particular focus on Holocaust memorial policies and the prevention of any stigmatization of Muslim officials in administrations. In conclusion, he said that "general indifference is even more dangerous than acts of aggression," and called for massive involvement of local and regional authorities to combat cultural and religious racism.

Expressing concern at the rise in the far right in many European countries, the Congress representatives underlined the importance of quickly proposing practical solutions in response to those put forward by antidemocratic forces. Referring to the example of the centuries-old coexistence between Muslims, Jews and Christians in his country, the youth delegate from Bosnia and Herzegovina, urged his elders to do their utmost to preserve peace between communities and thereby save nothing less than "Europe's soul."

**To read the full press release see**

[https://www.coe.int/en/web/congress/news-2024/-/asset\\_publisher/fcw2gC9fWfVZ/content/id/265900940](https://www.coe.int/en/web/congress/news-2024/-/asset_publisher/fcw2gC9fWfVZ/content/id/265900940)

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

### **UK Parliament**

#### **Arms Trade (Inquiry and Suspension) Bill**

<https://bills.parliament.uk/bills/3567>

#### **Criminal Justice Bill**

<https://bills.parliament.uk/bills/3511>

#### **Disestablishment of the Church of England Bill**

<https://bills.parliament.uk/bills/3539>

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

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

Amendment Paper

<https://bills.parliament.uk/publications/54924/documents/4633>

## **The Equality Act 2010 (Amendment) Regulations 2023 [Draft]**

<https://www.legislation.gov.uk/ukdsi/2023/9780348253191/contents>

## **Genocide Determination Bill**

<https://bills.parliament.uk/bills/3535>

## **Genocide (Prevention and Response) Bill**

<https://bills.parliament.uk/bills/3521>

## **Holocaust Memorial Bill**

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

## **International Freedom of Religion or Belief Bill**

<https://bills.parliament.uk/bills/3564>

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

<https://bills.parliament.uk/bills/3596>

## **Terrorism (Protection of Premises) Draft Bill**

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

## **Scottish Parliament**

### **\*\* Assisted Dying for Terminally Ill Adults (Scotland) Bill**

<https://www.parliament.scot/bills-and-laws/bills/assisted-dying-for-terminally-ill-adults-scotland-bill>

Bill as introduced

<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/assisted-dying-for-terminally-ill-adults-scotland-bill/introduction/bill-as-introduced.pdf>

Explanatory Notes

<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/assisted-dying-for-terminally-ill-adults-scotland-bill/introduction/explanatory-notes-accessible.pdf>

Policy Memorandum

<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/assisted-dying-for-terminally-ill-adults-scotland-bill/introduction/policy-memorandum-accessible.pdf>

Financial Memorandum

<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/assisted-dying-for-terminally-ill-adults-scotland-bill/introduction/financial-memorandum-accessible.pdf>

Delegated Powers Memorandum

<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/assisted-dying-for-terminally-ill-adults-scotland-bill/introduction/delegated-powers-memorandum-accessible.pdf>

Statements on Legislative Competence

<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/assisted-dying-for-terminally-ill-adults-scotland-bill/introduction/legislative-competence-accessible.pdf>



## 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

### **European Commission: 1st progress report of the EU antisemitism strategy**

(closing date 19 April 2024)

[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14204-1st-progress-report-of-the-EU-antisemitism-strategy\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14204-1st-progress-report-of-the-EU-antisemitism-strategy_en)

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