



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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House of Commons Written Answer

Marriage: Coronavirus

Steve McCabe (Labour) [100283] To ask the Secretary of State for Justice, if he enable local registry offices to permit wedding ceremonies to be held outdoors in the grounds of approved premises if covid-19 social distancing regulations cannot be complied with inside the premises.

Alex Chalk: The Government announced in June 2019 that the Law Commission will conduct a fundamental review of the law on how and where people can legally marry in England and Wales. This is an important and complex social policy reform and requires careful thought and consideration.

The Law Commission published its consultation paper on 3 September 2020 and the Government, following the final report, will decide on provision on the basis of the Law Commission's recommendations.

In parallel, the Government made clear when it announced the Law Commission project that it would also, as an interim measure, undertake work to allow more civil weddings and civil partnerships to take place outdoors through secondary legislation. This work is ongoing.

The Government has published guidance on planning COVID-19 secure marriages and civil partnerships at

<https://www.gov.uk/government/publications/covid-19-guidance-for-small-marriages-and-civil-partnerships/covid-19-guidance-for-small-marriages-and-civil-partnerships>.

<https://questions-statements.parliament.uk/written-questions/detail/2020-10-07/100283>

Information about the Law Commission review referred to above can be read at <https://www.lawcom.gov.uk/law-commission-begins-work-on-weddings-reform/>

Ministry of Housing, Communities and Local Government

COVID-19: updated guidance for the safe use of places of worship during the pandemic

<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-places-of-worship-during-the-pandemic-from-4-july/covid-19-guidance-for-the-safe-use-of-places-of-worship-during-the-pandemic-from-4-july>

Updated guidance: Special religious services and gatherings COVID-19 checklist
<https://www.gov.uk/government/publications/covid-19-guidance-for-the-safe-use-of-places-of-worship-during-the-pandemic-from-4-july/special-religious-services-and-gatherings-covid-19-checklist>

Supreme Court

R (on the application of Z and another) (AP) (Appellants) v Hackney London Borough Council and another (Respondents): Whether the Second Respondent can lawfully restrict the provision of its social housing to members of the Orthodox Jewish community.

This appeal is about the application of anti-discrimination law to charities, where they are established to provide benefits (in this case, social housing) for particular groups which are the subject of their charitable objectives. ...

The charitable objective of Agudas Israel Housing Association Ltd (the "Housing Charity") is to make social housing available primarily for members of the Orthodox Jewish community in Hackney, in particular the Haredi community. ... The Council cannot compel the Housing Charity to take tenants who do not fall within scope of its charitable objective and its selection criteria. This, combined with a significant surplus of need for social housing on the part of the Orthodox Jewish community, means that in practice the Council only nominates and the Housing Charity only accepts members of that community for the Housing Charity's properties. ...

The principal appellant (the appellant) is a single mother with four small children, two of whom have autism. The Council identified the appellant as having a priority need for social housing in a larger property, and she has now been housed by the Council in such a property. However, she had to wait longer to be allocated suitable housing as she is not a member of the Orthodox Jewish community and so larger properties owned by the Housing Charity which became vacant were not available to her. She issued proceedings against the Council and the Housing Charity, alleging that she had thereby suffered unlawful direct discrimination on grounds of race or religion contrary to the Equality Act 2010. The Divisional Court dismissed the claim and the Court of Appeal dismissed her appeal.

The appellant now appeals to this Court. She was given permission to add to her claim based on the Equality Act 2010 a new claim that the allocation policy of the Housing Charity contravened the Race Directive by unlawfully discriminating against her on the grounds of race or ethnic origin. ...

The Supreme Court unanimously dismisses the appeal. ...

Lord Sales upholds the lower courts' findings that the Housing Charity's allocation policy is proportionate and lawful under sections 158 and 193(2)(a) of the Equality Act 2010. ...

The dispute in this case centres on what constitutes a legitimate aim ... As found by the Divisional Court and the Court of Appeal, the legitimate aims here include the minimisation of disadvantages which are connected to the Haredi community's religious identity and counteracting discrimination which they suffer, including in the private housing market, and the fulfilment of relevant needs which are particular to that community ... The Housing Charity was entitled to adopt a clear and strict rule about who could and could not apply for its social housing, which meant that it was made available just for members of the Orthodox Jewish community, to ensure that its charitable activities were focused on that community, so that its activities did in fact fulfil its charitable objective to alleviate the problems of that community ...

... the Court dismisses the argument for the appellants that the provision is subject to an implied proportionality requirement. There is no sound basis on which such a requirement could be read into the provision ...

The Race Directive provides that discrimination on grounds of race or ethnic origin must

be unlawful, particularly in relation to housing. The Court finds that the Housing Charity is not in contravention of this directive for the simple reason that its allocation policy differentiates on the basis of religious observance and not race or ethnic origin ...

To read the full press release see

<https://www.supremecourt.uk/cases/docs/uksc-2019-0162-press-summary.pdf>

To read the full judgement see

<https://www.supremecourt.uk/cases/docs/uksc-2019-0162-judgment.pdf>

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Israel

House of Commons Written Answers

Israel: Embassies

Stephen Crabb (Conservative) [100918] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what delivery partners were chosen by the British Embassy in Tel Aviv for funding of covid-19 related activities.

James Cleverly: The British Embassy ran an open competition in which three organisations were successful in their application for funding. One of the projects includes funding for Physicians for Human Rights Israel who are helping migrant and asylum seekers in Israel in response to the COVID-19 crisis. Tel Aviv University also received funding to analyse which forms of preventative behaviour can allow economic recovery from COVID-19. We are still in negotiations with the third organisation.

<https://questions-statements.parliament.uk/written-questions/detail/2020-10-08/100918>

Middle East: Peace Negotiations

Matthew Offord (Conservative) [100962] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment he has made of the implications for his policies of the refusal by the Arab League to condemn the peace agreement signed between Israel, Bahrain and the UAE as requested by the Palestinian Authority.

James Cleverly: We warmly welcome the normalising of relations, and the strengthening of ties, between Israel and its neighbours. We urge others across the region to follow the example of the UAE and Bahrain. The changing regional context and converging Arab and Israeli interests present an opening to develop relations and create the conditions for serious Israeli-Palestinian talks to resume. We profoundly hope that this moment can be used as a step towards direct talks between Israel and the Palestinians, as there can be no substitute in order to reach a two-state solution and a lasting peace. We urge the Palestinian Authority to resume co-operation with Israel, which is in the interests of the Palestinian people. We also call on both parties to make constructive and open steps towards a return to dialogue.

<https://questions-statements.parliament.uk/written-questions/detail/2020-10-08/100962>

Foreign, Commonwealth and Development Office

Quint statement on Israeli settlements

Statement from the governments of the UK, France, Germany, Italy and Spain:

We are deeply concerned by the decision taken by the Israeli authorities to advance more than 4,900 settlement building units in the occupied West Bank.

The expansion of settlements violates international law and further imperils the viability of a two-state solution to bring about a just and lasting peace to the Israeli-Palestinian conflict. It is also a counterproductive move in light of the positive developments of normalisation agreements reached between Israel, the United Arab Emirates and Bahrain. As we have emphasised directly with the Government of Israel, this step also undermines efforts to rebuild trust between the parties with a view to resuming dialogue.

We therefore call for an immediate halt to settlement construction, as well as to evictions and to demolitions of Palestinian structures in East-Jerusalem and the West Bank.

We call for the full implementation of UN Security Council resolution 2334 with all its provisions. We emphasise that we will not recognise any changes to the 4 June 1967 lines, including with regards to Jerusalem, unless agreed to between the parties. The suspension of plans to annex parts of Occupied Palestinian Territories must become permanent. We call on both sides to refrain from any unilateral action and resume a credible dialogue, as well as direct negotiations on all final-status issues.

<https://www.gov.uk/government/news/quint-statement-on-israeli-settlements>

United Nations

Speakers Urge Fulfilment of Decolonization Agenda, End to Israel's Impunity in Occupied Palestinian Territories, as Fourth Committee Continues Debate

... The observer for the State of Palestine noted that the support of the international community has allowed UNRWA to continuously provide Palestine refugees with education, health-care, relief, social and protection services. "While tending to humanitarian and human development needs, UNRWA also continues to provide a measure of hope to the refugees, at times life-saving and transformative, especially for youth." The Agency is also widely recognized for its distinct contribution to stability, in both the refugee camps and host communities, a critical role against the backdrop of pervasive regional turmoil and emergence of the COVID-19 pandemic, she said. ...

It is difficult to understand how the Assembly can accept that UNRWA's mandate be so blatantly politicized, she continued, rejecting distorted narratives and attacks against the Agency aimed at negating the status and rights of Palestine refugees. Those rights are not diminished by the passage of time, she stressed. In that regard, she pointed out that Israeli measures to obstruct or terminate UNRWA's operations in occupied East Jerusalem are in violation of international law, the Comay-Michelmores Agreement, the Convention on Privileges and Immunities and relevant resolutions. ... "Allowing Israel to continue getting away with its crimes without consequence will never lead to change."

Those who believe that Israel has actually suspended or ceased its annexation plans are ignoring the reality of what is actually happening on the ground, she cautioned. Moreover, Israel persists in its construction of the separation wall, confiscation of Palestinian land, exploitation of natural resources, excavations under holy sites, and violations of the historic status quo at Al-Haram Al Sharif. Collective action, in line with international law and the relevant United Nations resolutions, is the only way to chart a more just reality, she stressed. It must include legal action, including in the International Criminal Court and the International Court of Justice, and other lawful countermeasures to confront Israel's violations and compel compliance with the law, she added. Turning to the banning of products from Israeli settlements, she described it as a basic and minimal "ask" and an obligation to ensure that agreements between any State and the State of Israel do not include the Occupied Palestinian Territory, including East Jerusalem. She declared: "Stopping Israeli impunity is as much about salvaging the prospects for just Palestinian-Israeli peace, as it is about salvaging the international rules-based order,

which has been so damaged and destabilized by the culture of impunity that has been permitted for far too long to our collective detriment and peril.” ...

The representative of Lebanon ... said [UNRWA] is especially essential now due to deteriorating socioeconomic conditions and instability in the Middle East that are further aggravated by the pandemic. ... he said the people of the Gaza Strip continue to suffer in unliveable conditions. Meanwhile, Palestinians living in the West Bank, including East Jerusalem, endure restrictions on their movement, continued expansion of Israeli settlements, settler violence, excessive use of force by Israel’s security forces and house demolitions. Such policies are a clear breach of international law and international human rights law and in violation of Israel’s obligation as an occupying Power, he affirmed, stressing that the international community must pressure Israel to refrain from such violations and end its occupation. ...

To read the full press release see

<https://www.un.org/press/en/2020/gaspd718.doc.htm>

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Relevant Legislation ** new or updated today

UK Parliament

Assisted Dying Bill

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

Education (Assemblies) Bill

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

Genocide Determination Bill

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

Marriage Act 1949 (Amendment) Bill

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

Marriage and Civil Partnership (Minimum Age) Bill

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

Scottish Parliament

Hate Crime and Public Order (Scotland) Bill

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

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

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

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Consultations ** new or updated today

Human Tissue (Authorisation) (Specified Type B Procedures) (Scotland) Regulations
(closing date 20 November 2020)

<https://consult.gov.scot/population-health/consultation-specified-type-b-procedures/>

Getting Married: A Consultation Paper on Weddings Law (closing date 3 December 2020)

<https://www.lawcom.gov.uk/project/weddings/#weddings-consultation-paper>

Hate crime laws (closing date 24 December 2020)

<https://www.lawcom.gov.uk/project/hate-crime/>

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