



# Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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## Home Affairs

### Welsh Government

#### Updated guidance on funerals: COVID 19

<https://gov.wales/guidance-funerals-covid-19-html>

### Equality and Human Rights Commission

#### Investigation into antisemitism in the Labour Party finds unlawful acts of discrimination and harassment

The Labour Party has been served with an unlawful act notice after an investigation into antisemitism by the Equality and Human Rights Commission found it responsible for unlawful acts of harassment and discrimination. ...

The investigation has identified serious failings in the Labour Party leadership in addressing antisemitism and an inadequate process for handling antisemitism complaints. The Party is responsible for three breaches of the Equality Act (2010) relating to:

- political interference in antisemitism complaints
- failure to provide adequate training to those handling antisemitism complaints
- harassment

The equality body's analysis points to a culture within the Party which, at best, did not do enough to prevent antisemitism and, at worst, could be seen to accept it.

This is in direct contrast to the comprehensive guidance and training in place to handle sexual harassment complaints that demonstrates the Party's ability to act decisively when it needs to, indicating that antisemitism could have been tackled more effectively.

The investigation states that the Party needs to instil a culture that encourages members to challenge inappropriate behaviour and to report antisemitism complaints.

The EHRC has warned that, despite some recent improvements, the Labour Party must do more if it is going to regain the trust of the Jewish community, the public and many of its members. It has set out clear, fair and achievable recommendations to help the Party make positive changes to its policies, processes and culture. The new leadership's public commitment to implement our recommendations is welcome.

The Labour Party has until 10 December to draft an action plan to implement the

recommendations, which is legally enforceable by the court if not fulfilled.

Caroline Waters, Interim Chair of the Equality and Human Rights Commission, said: "The Labour Party made a commitment to zero tolerance for antisemitism. Our investigation has highlighted multiple areas where its approach and leadership to tackling antisemitism was insufficient. This is inexcusable and appeared to be a result of a lack of willingness to tackle antisemitism rather than an inability to do so.

"It is encouraging to see the Party's new leadership has committed to implementing our recommendations in full. If the Party truly wants to rebuild trust with its members and the Jewish community, it must acknowledge the impact that numerous investigations and years of failure to tackle antisemitism has had on Jewish people, and take swift, sincere action to improve. ..."

The EHRC found evidence of political interference in the complaints process, with 23 instances of inappropriate involvement by the Leader of the Opposition's Office (LOTO) and others in the 70 files looked at. This included LOTO staff influencing decisions on complaints, especially decisions on suspensions or to investigate a claim. ...

The Labour Party adopted a practice of political interference in certain complaints and the evidence indicates that it occurred more regularly in antisemitism cases. The EHRC has found this to be indirectly discriminatory and unlawful. ...

The Labour Party's response to antisemitism complaints has been inconsistent and lacking in transparency in its process and decision-making. The report also identifies issues with record-keeping, lengthy delays and communication with complainants. ...

The failure to provide adequate training to those handling antisemitism complaints contributes to a lack of trust and confidence in the complaint handling system. We find that this failure indirectly discriminated against Jewish Labour Party members up until August 2020. The Labour Party has now formally committed to provide proper training for those handling antisemitism complaints and we recommend that this should be mandatory and fully implemented within the next six months. ...

Two individuals are identified whose antisemitic conduct the Labour Party is responsible for, resulting in a finding of unlawful harassment. Their conduct included using antisemitic tropes and suggesting that complaints of antisemitism were fake or smears. These comments were made by Ken Livingstone, former Mayor of London and a former member of the Labour Party's National Executive Committee, and social media posts made by Pam Bromley, a Labour Party local authority councillor in Rossendale. ...

These cases were only the tip of the iceberg. A further 18 'borderline' cases were found where there was not enough evidence to conclude that the Labour Party was legally responsible for the conduct of the individual. ...

### **Recommendations**

The final report sets out a number of recommendations to the Party to incorporate in their legally binding action plan, which include:

- Commission an independent process to handle and determine antisemitism complaints, as soon as rule changes allow. ...
- Acknowledge the effect that political interference has had on the handling of antisemitism complaints.
- Implement clear rules and guidance that prohibit and sanction any inappropriate interference in the complaints process.
- Put in place long-term arrangements for independent oversight of the complaint handling process ...
- Audit its complaint handling process to address any ongoing issues.
- Measure staff and stakeholder confidence in the complaint handling process.
- Publish a comprehensive policy and procedure, setting out how antisemitism complaints will be handled and how decisions will be made. ...
- Review and update its 'Code of Conduct: Social Media Policy' to make it clear that

members may be investigated and subject to disciplinary action if they share or like any antisemitic social media content.

- Commission and provide education and practical training for all individuals involved in the antisemitism complaints process. ...
- Make sure that all members found to have engaged in antisemitic conduct undertake an educational course on identifying and tackling antisemitism, regardless of the level of sanction applied.
- Engage with Jewish stakeholders to develop and embed clear, accessible and robust principles and practices to tackle antisemitism and to instil confidence for the future.

**To read the full press release see**

<https://www.equalityhumanrights.com/en/our-work/news/investigation-antisemitism-labour-party-finds-unlawful-acts-discrimination-and>

**Report: Investigation into antisemitism in the Labour Party**

<https://www.equalityhumanrights.com/sites/default/files/investigation-into-antisemitism-in-the-labour-party.pdf>

## The Labour Party

### **Keir Starmer's statement in response to EHRC's report into anti-semitism**

... When the Commission was set up by the last Labour Government to tackle discrimination, promote equality, and protect human rights, it never occurred to me or anyone else, that one day the Labour Party would be investigated for breaching the equality legislation that a Labour Government had introduced.

Worse still, that the Labour Party would be found to have committed unlawful acts under that same legislation.

But that is what this report finds.

Both in terms of unlawful harassment through the acts of our agents and unlawful indirect discrimination.

The report's conclusions are clear.

And stark.

They leave no room for equivocation.

The report finds:

Serious failings in leadership, processes and culture in dealing with anti-semitism within our Party; specific examples of unlawful harassment and unlawful indirect discrimination; "clear examples" of political interference from the Leaders' Office in anti-semitism cases; an inadequate process for handling complaints of anti-semitism; a failure to deliver adequate training for staff responsible for investigating cases; repeated failure to implement the recommendations of previous reports into anti-semitism; A culture that is, and I quote: "at odds with the Labour Party's commitment to zero-tolerance of anti-semitism"; And – perhaps most telling of all: "a clear breakdown of trust between the Labour Party, many of its members and the Jewish community."

I found this report hard to read.

And it is a day of shame for the Labour Party.

We have failed Jewish people. Our members. Our supporters. And the British public.

And so: on behalf of the Labour Party: I am truly sorry for all the pain and grief that has been caused.

To Jewish people, our Jewish members, our long-standing Jewish affiliate, JLM.

To the people driven out of our Party, the Jewish Members driven out of Parliament, including Louise Ellman and Luciana Berger.

And to the members of Labour Party staff who spoke out, I want to say this: I know how

hard these last few years have been for you.  
How painful today will be and how hard you have had to fight to have your voices heard.  
So let me be clear, I hear you.  
And I can promise you this: I will act.  
Never again will Labour let you down.  
Never again will we fail to tackle anti-semitism.  
And never again will we lose your trust.  
The Labour Party I lead accepts this report in full.  
And without qualification.  
We will implement all the recommendations.  
And we will implement them in full.  
That process starts today.  
I have already instructed my staff to start work with the Commission to implement the recommendations at the earliest possible opportunity. ...  
And we must go further. Because – as the report makes clear – this cannot be solved just by changing the Labour Party’s processes and structures.  
We also need a culture change in the Labour Party.  
It must become, once again, an open and welcoming place for people from all backgrounds, and all communities.  
Under my leadership, zero-tolerance of anti-semitism will mean precisely that.  
If you’re anti-semitic, you should be nowhere near this Party.  
And we’ll make sure you’re not.  
And if – after all the pain, all the grief, and all the evidence in this report, there are still those who think there’s no problem with anti-semitism in the Labour Party. That it’s all exaggerated, or a factional attack.  
Then, frankly, you are part of the problem too. And you should be nowhere near the Labour Party either. ...  
Under my leadership, Labour will act decisively against anti-semitism in all its forms. ...  
We have made progress. It will intensify today.  
But I will only consider it a success when those members who left our Party because of anti-semitism feel safe to return. And when we no longer hear the words “Labour” and “anti-semitism” in the same sentence.

**To read the full transcript see**

<https://labour.org.uk/press/keir-starmers-statement-in-response-to-ehrcs-report-into-anti-semitism/>

## The Scottish Labour Party

**Richard Leonard:** There is no place for anti-Semitism or racism in our Party. We must work tirelessly with the Jewish community to rebuild trust and we have a responsibility to lead by example to show there is no place for anti-Semitism or racism of any kind in our society.

<https://twitter.com/LabourRichard/status/1321844460683218945>

## Board of Deputies, Jewish Leadership Council, and CST

### **EHRC report is ‘a damning verdict’ on antisemitism in the Labour Party**

The leaders of the Board of Deputies of British Jews, the Jewish Leadership Council and the Community Security Trust have issued the following statement in response to the release of the report by the Equality and Human Rights Commission on antisemitism in the Labour Party.

“This report is a damning verdict on what Labour did to Jews under Jeremy Corbyn and his allies. It proves why British Jews were so distressed and it disgraces those who attacked us for speaking out against anti-Jewish racism.

“Our Jewish community never wanted this fight, but we had to defend ourselves and are proud to have done so. We thank all those who stood with us, despite the abuse they received as a result.

“Jeremy Corbyn will rightly be blamed for what he has done to Jews and Labour, but the truth is more disturbing, as he was little more than a figurehead for old and new anti-Jewish attitudes. All of this was enabled by those who deliberately turned a blind eye.

“Now, the task of cleaning out the problem lies with the current leadership. We welcome the start that Keir Starmer has made, but the scale of the challenge that lies ahead should not be underestimated.

“We will continue to give our support to all who work to drive racism out of our politics and out of our society.”

*Marie van der Zyl – President, Board of Deputies of British Jews*

*Jonathan Goldstein – Chair, Jewish Leadership Council*

*Mark Gardner – CEO, Community Security Trust*

<https://www.bod.org.uk/joint-statement-on-release-of-ehrc-report/>

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## Other Relevant Information

### Court of Justice of the European Union

**The refusal by a patient’s Member State of affiliation to grant prior authorisation for the reimbursement of cross-border healthcare costs when effective hospital treatment is available in that Member State but the method of treatment used is against the insured person’s religious beliefs brings about a difference in treatment indirectly based on religion**

... In its judgment of 29 October 2020, the Court (Second Chamber) held, in the first place, that Article 20(2) of Regulation No 883/2004, read in the light of Article 21(1) of the Charter,

does not preclude the insured person’s Member State of residence from refusing to grant that person the authorisation ... where hospital care, the medical effectiveness of which is not contested, is available in that Member State, although the method of treatment used is contrary to that person’s religious beliefs.

In that regard, the Court found, inter alia, that the refusal to grant the prior authorisation ... introduces a difference in treatment indirectly based on religion or religious beliefs. Indeed, patients who undergo a medical procedure including the use of a blood transfusion have the corresponding costs assumed by the social security system of the Member State of residence, while those who decide for religious reasons not to have such a procedure in that Member State and to have recourse, in another member State, to treatment which does not conflict with their religious beliefs, do not benefit from such assumption of costs in the Member State of residence.

Such a difference in treatment is justified where it is based on an objective and reasonable criterion and is proportionate to the aim pursued. The Court found that that was the situation in the present case. First, it observed that if benefits in kind provided in another Member State give rise to higher costs than those relating to benefits which would have been provided in the insured person’s Member State of residence, the obligation to refund in full may give rise to additional costs for the Member State of residence. It then noted

that if the competent institution were obliged to take account of the insured person's religious beliefs, such additional costs could, given their unpredictability and potential scale, entail a risk in relation to the need to protect the financial stability of the health insurance system, which is a legitimate objective recognised by EU law.

The Court concluded from this that, in the absence of a prior authorisation system based exclusively on medical criteria, the Member State of affiliation would face an additional financial burden which would be difficult to foresee and likely to entail a risk to the financial stability of its health insurance system. Consequently, not to take into account the insured person's religious beliefs appears to be a justified measure in the light of the aforementioned objective, which satisfies the requirement of proportionality.

In its judgment, the Court found, in the second place, that Article 8(5) and (6)(d) of Directive 2011/24, read in the light of Article 21(1) of the Charter, precludes a patient's Member State of affiliation from refusing to grant that patient the authorisation provided for in Article 8(1) of that directive, where hospital care, the medical effectiveness of which is not contested, is available in that Member State, although the method of treatment used is contrary to that patient's religious beliefs. The position would be different if that refusal were objectively justified by a legitimate aim relating to maintaining treatment capacity or medical competence, and were an appropriate and necessary means of achieving that aim, which it is for the referring court to determine. ...

**To read the full press release see**

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200134en.pdf>

**To read the full judgement see**

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=5D350846799137136612D6A568BAC038?text=&docid=233023&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=11415620>

*The Charter, referred to above, can be read at*

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

*Regulation No 883/2004, referred to above, can be read at*

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004R0883-20140101&from=EN>

*Directive 2011/24, referred to above, can be read at*

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0024&from=EN>

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

### **UK Parliament**

#### **Animal Welfare (Sentencing) Bill**

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

#### **Assisted Dying Bill**

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

#### **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**

### **Domestic Abuse (Protection) (Scotland) Bill**

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

### **Hate Crime and Public Order (Scotland) Bill**

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

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

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

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## **Consultations**

\*\* new or updated today

### **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/>

### **Ethnic disparities and inequality in the UK** (closing date 30 November 2020)

<https://www.gov.uk/government/consultations/ethnic-disparities-and-inequality-in-the-uk-call-for-evidence/ethnic-disparities-and-inequality-in-the-uk-call-for-evidence>

### **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