Home Affairs

Public Bill Committee Debate

Higher Education (Freedom of Speech) Bill (Ninth sitting)

col 280 Matt Western (Labour): … Many universities and student unions are concerned that they will spend significant time and money fighting these battles. …

Ms Jamdar from Shakespeare Martineau said: “Some of the cases may be small claims, where even if the university is successful in defending the claim, it will not recover its legal costs. Even getting rid of vexatious claims by striking them out can be expensive.” …

Do the Government really want to take money from hard-hit students and place it into the hands of far-right holocaust deniers or … those state actors wishing to do us harm? …

col 282 To finish, I want to raise the much-cited case of David Irving, who was uninvited from speaking to the Oxford union as long ago as 2001 because of pressure from academics and members of the student union, who were furious that he was being given a platform for his views on the holocaust. A High Court judge had previously described him as “racist” and “antisemitic” during a libel trial. During the evidence sessions, one of the witnesses hypothesised:

“If I am disinvited because I am David Irving—I have published a book and then I was disinvited because people read the High Court judgment—what is the material loss to David Irving? I suspect that it is quite small, but we do not know. That is the level of detail that the legislation does not take us to.”—[Official Report, Higher Education (Freedom of Speech) Public Bill Committee, 13 September 2021; c. 102, Q211.]

Lloyd Russell-Moyle (Labour Co-op): The contradiction in using that example is that the Bill would not make any difference, because it excludes the Oxford Union. The very thing that Government Members are worried about will not be dealt with, because the Bill excludes the bodies that have done this in the past and includes bodies that have never done it, such as further education college student unions. It is a blunt implement pointing in the wrong direction.

col 283 Matt Western: My hon. Friend is absolutely right. The examples that are being cited by lobbyists—perhaps more on the Government side—of where there is perhaps an issue are centred around those bodies. Currently … they are not included in the Bill. …
Matt Western (Labour): I beg to move amendment 54, in clause 5, page 6, line 39, at end insert—

“(4) The OfS must ensure that the ongoing registration conditions of each registered higher education provider that is eligible for financial support include a condition requiring the governing body of the provider to report to the OfS each year on the number of events that have been cancelled following a complaint about the opinions held by a person due to speak at the event.”

This amendment would require higher education providers to report to the OfS each year the number of events that have been cancelled following a complaint about the opinions of the speaker, as part of OfS registration conditions. …

The data has been cited so often in our debate, but we have to ask how much of a problem this is in terms of events. There are increasing claims of self-censorship from witnesses and Government Members, but the data shows that 99.8% of external speaker events go ahead and suggests that the system is working. …

It is hard to address something that, clearly, hardly exists. The Government’s own data from the Office for Students shows only a tiny percentage of cancellations. That is the only report that was available. In 2017-18, it showed that of 62,000 events, just 53 were rejected, or about 0.1%. The cancellation of some of those events had nothing to do with people’s views,…

The Minister for Universities (Michelle Donelan): The OfS did publish data around no-platforming, but as we heard from several of the witnesses who appeared before the Committee, no-platforming is just the tip of the iceberg. It is the chilling effect that we are dealing with in the Bill. To minimise that, and focus just on no-platforming, is to fail to understand the gravity of the issue that we are trying to tackle.

…the Government do not feel that no-platforming is the crux of the issue; the issue is a chilling effect. We have been very open about the fact that the number of no-platforming incidents is low, but the Bill is about the broader issue of the chilling effect. …

Amendment, by leave, withdrawn.
harassment, abuse and threats of violence as set out in the Equality Act 2010, the Prevent
duty and other legislation, none of which we are changing."—[Official Report, 12 July 2021;
Vol. 699, c. 49.]

I accept that those duties already exist, but why not make it clear in the Bill that they
interact with freedom of speech issues?

The Minister for Universities (Michelle Donelan): ... The Bill ... does not supersede,
contradict or replace existing law in relation to the Prevent duty—which is not a law,
actually—or the Equality Act 2010. It is quite simple: we cannot get into the practice of
having legislation where we list every other law on the face of each Bill. ...

col 335 The Bill does not say that the freedom of speech duties override other duties, and
so it must be read consistently with other legislation. ... Accordingly, when the OfS
considers whether there has been a breach of freedom of speech duties, it will already
have to consider all the circumstances, including other legal duties on the provider or the
student union. ...

To read the full transcript see
https://hansard.parliament.uk/commons/2021-09-22/debates/610988eb-772a-4b5a-b5bb-
42c24fe66caf/HigherEducation(FreedomOfSpeech)Bill(EleventhSitting)

House of Commons Written Answer

Hamas: Proscribed Organisations

Lee Anderson (Conservative) [50141] To ask the Secretary of State for the Home
Department, what recent assessment she has made of the UK’s proscription of Hamas.

Damian Hinds: The Government does not routinely comment on intelligence
matters.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-15/50141

House of Commons Library

Reforms to the coroner service in England and Wales


Ministry of Housing, Communities and Local Government

Updated Guidance: Faith New Deal Pilot Fund

Closing date extended to 14 October 2021


Scottish Parliament Written Answer

Universities: IHRA definition

Monica Lennon (Labour) [S6W-02816] To ask the Scottish Government, further to the
answer to question S6W-00480 by Jamie Hepburn on 14 June 2021, when it last met the
Scottish Funding Council to discuss the (a) International Holocaust Remembrance Alliance’s (IHRA) working definition and (b) low uptake of universities adopting this.

Jamie Hepburn: The Scottish Government and Scottish Funding Council meet regularly to discuss a range of matters, including equalities issues.

Universities, as autonomous institutions, are aware of the IHRA definition of
antisemitism. Many are actively and presently consulting within their diverse communities and stakeholder interests on the definition, with three (University of Glasgow, University of Edinburgh and Abertay University) having adopted it to date. Universities UK is working with the Union of Jewish Students to raise awareness and understanding of antisemitism and to share best practice in tackling and eliminating it.

The Scottish Government continues to work with universities and the Scottish Funding Council to tackle racism and antisemitism.


The answer referred to above can be read at

Israel

See also the Commons written answer 50141 “Hamas: Proscribed Organisations” included in the Home Affairs section above.

House of Commons Written Answers

The following two questions both received the same answer

Palestinian Authority

Steve McCabe (Labour) [49944] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, with reference to the 2018-19 Memorandum of Understanding between her Department and the Palestinian Authority, whether her Department carried out an assessment to determine whether there had been any breach of commitments by the Palestinian Authority in 2018-19; and whether her Department raised with the Palestinian Authority any concerns on breaches of the Memorandum of Understanding in that period.

Steve McCabe (Labour) [49946] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, with reference to the 2019–20 Memorandum of Understanding between her Department and the Palestinian Authority, whether her Department carried out an assessment to determine whether there had been any breach of the commitments by the Palestinian Authority in 2019-20; and whether her Department raised with the Palestinian Authority any concerns on breaches of the Memorandum of Understanding in that period.

James Cleverly: Our partnership with the Palestinian Authority (PA) includes a commitment from the Palestinian leadership to adhere to the principle of non-violence and to tackle any language and actions that could incite violence or hatred. We have a regular dialogue with the PA in which we reiterate the need for both sides to prepare their populations for peaceful coexistence, including by promoting a more positive portrayal of each other. We continue to assess the PA's commitment to peace in line with our Partnership Principles and we assess that the PA continues to demonstrate a credible commitment to our agreements.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-15/49944
and
https://questions-statements.parliament.uk/written-questions/detail/2021-09-15/49946

The MoUs referred to above can be read at
Israel: Palestinians

Steve McCabe Labour) [49945] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, with reference to the Department for International Development's Research Study into Value for Money Investment in People to People Programming in Israel and Palestine, what steps her Department has taken to implement the recommendation from that study that donors invest in a wide range of programme sectors.

James Cleverly: We are taking forward relevant recommendations in the research study undertaken by the Department for International Development "Value for Money Investment in People to People Programming in Israel and Palestine". A just and lasting resolution that ends the occupation and delivers peace for both Israelis and Palestinians is long overdue. That is why we support steps to increase understanding and dialogue between the parties that can help create the conditions for meaningful negotiations.

Palestinians: Textbooks

Steve McCabe (Labour) [43385] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment he has made of the most effective ways to avoid educational materials with hateful content funded by the UK being produced for Palestinian children.

James Cleverly: It is essential to have a strong and thriving Palestinian education system to provide opportunities for the next generation. We have been clear that incitement to hatred or violence is unacceptable from all parties and should have no place in education. We will continue to raise concerns about this with the Palestinian Authority (PA) and continue to urge all parties to condemn incitement wherever and whenever it occurs.

Jerusalem: Schools

Clive Betts (Labour) [50614] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment she has made of the implications for her policies of the reported (a) raid of school in the Wadi Al Joz neighbourhood of East Jerusalem, (b) detention of the school principal and an employee and (c) seizure of computers and files by Israeli forces on 1 September 2021.

James Cleverly: It is essential to have a strong and thriving Palestinian education system in order to provide opportunities, economic development and hope for the next generation. While we recognise Israel's legitimate need to deploy security measures, we encourage them to deploy these in a way that minimises tension. We repeatedly call on Israel to abide by its obligations under international law and have a regular dialogue with Israel on legal issues relating to the occupation, including the treatment of Palestinian children.

Israel: Defence for Children International

Clive Betts (Labour) [50615] To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, what assessment she has made of the implications for her
policies of reports that Israeli forces raided the offices of the human rights NGO, Defence for Children International-Palestine, during which files relating to child detainees were seized.

James Cleverly: The UK and officials from other like-minded missions met with Defence for Children International - Palestine on 31 August. We have followed developments in this case, including an ongoing military court petition filed by the organisation. We have called upon the Government of Israel to fully respect the fundamental rights and freedoms of human rights defenders and organisations and to allow them to freely operate in Israel and Occupied Palestinian Territories. Israel's long-standing commitment to democratic values is one of its great strengths as a fellow democracy, and we continue to make clear that a strong, vibrant civil society is in Israel's own interest. As a friend of Israel, we would be concerned by any developments that may undermine this commitment.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-16/50615

House of Lords Written Answers

Israel: Palestinians

Baroness Sheehan (Liberal Democrat) [HL2458] To ask Her Majesty's Government what assessment they have made of comments by the Prime Minister of Israel in an interview with The New York Times, published on 24 August, that he will oppose the creation of a Palestinian state and expand Israeli settlements in the Occupied Palestinian Territories.

Lord Ahmad of Wimbledon: The UK remains committed to making progress towards a two-state solution. Our position on settlements is clear: they are illegal under international law, present an obstacle to peace, and threaten the physical viability of a two-state solution. We urge the Government of Israel to cease its policies related to settlement expansion immediately, and instead work towards the establishment of a Palestinian state along 1967 lines, with its capital in East Jerusalem. We also call bilaterally and in international fora, for Israel to provide a clear, transparent route to construction for Palestinians in Area C.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-06/hl2458

A report of the interview referred to above can be read at https://www.nytimes.com/2021/08/24/world/middleeast/israel-bennett-biden-iran.html

Israel: Palestinians

Baroness Sheehan (Liberal Democrat) [HL2459] To ask Her Majesty's Government what representations they have made to the government of Israel about licensing Palestinian water authorities to operate in Area C of the West Bank in order (1) to drill additional wells, or (2) to install booster pumps.

Lord Ahmad of Wimbledon: The UK has raised the issue of access to water in the Occupied Palestinian Territories with the Israeli authorities, including stressing the urgent need for Israel to take immediate and practical measures to improve the current situation and ensure fair distribution of water in the West Bank.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-06/hl2459

Israel: Palestinians

Lord Hylton (Crossbench) [HL2432] To ask Her Majesty's Government what plans they have to ask the government of Israel (1) to freeze settlement building in the Occupied Palestinian Territories, (2) to enable the development of Palestinian-owned land in Area C, and (3) to increase trade and employment; and what plans they have to ask the Palestinian Authority to respond with confidence-building measures.
Lord Ahmad of Wimbledon: The UK regularly calls on Israel to end illegal settlement expansion in the West Bank and closely monitors reports of further settlement advancements. We also call bilaterally, and in international fora, for Israel to provide a clear, transparent route to construction for Palestinians in Area C. We continue to stress to the Israeli authorities the damage that their restrictions on movement, access and trade are doing to the living standards of ordinary Palestinians.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-06/hl2432

Gaza: Israel

Lord Hylton (Crossbench) [HL2431] To ask Her Majesty's Government what assessment they have made of the increased cross-border fighting in Gaza; and what representations they have made to the government of Israel to prevent any escalation and ensure adequate living conditions for the local population.

Lord Ahmad of Wimbledon: We have made clear our concern about the ongoing humanitarian situation in Gaza, including significant damage and destruction of civilian infrastructure including homes, schools, hospitals, and clinics. The UK priority now is ensuring timely humanitarian access into and out of Gaza, including for essential health services. We are urging the Government of Israel to ensure this access is maintained.

https://questions-statements.parliament.uk/written-questions/detail/2021-09-06/hl2431

Scottish Parliament Written Answer

Scottish Government Procurement: Illegal Settlements

Katy Clark (Labour) [S6W-03000] To ask the Scottish Government, in light of its position stated in the procurement notice issued to local government in 2014 that it "strongly discourages trade with illegal settlements in the Occupied Palestinian Territories", whether this remains its position.

Ivan McKee: Yes, this remains Scottish Government position. We strongly discourage trade with all illegal settlements, including those in the Occupied Palestinian Territories.


Other Relevant Information

United Nations

World Leaders Vow Accelerated Fight against Racism, as General Assembly Adopts Text Marking Adoption of Durban Declaration, Action Programme

World leaders, gathering at United Nations Headquarters … vowed to accelerate the fight against racism in their respective countries, also renewing their commitment to implement the Durban Declaration and Programme of Action – a landmark anti-discrimination framework adopted 20 years ago.
… the General Assembly adopted, without a vote, the Political Declaration … By that text, they proclaimed their strong determination to mobilize political will at the national, regional and international levels, and to accelerate momentum to make the fight against racism, racial discrimination, xenophobia and related intolerance - and the protection of the victims - a high national priority. …  

Abdulla Shahid (Maldives), President of the General Assembly, recalled that the Durban Declaration and Programme of Action was adopted in 2001 with the emphasis on tackling racial discrimination and intolerance. Sadly, two decades later, that doctrine is still being pursued, he said. That is not to say, however, that the instrument has failed, but rather that the global community has not done enough to tackle the pervasiveness of racism, racial discrimination, intolerance, and xenophobia …

António Guterres, Secretary-General of the United Nations, recalled that, at the dawn of the present century, world leaders and human rights advocates journeyed to Durban determined to banish the hatred and prejudice that disfigured previous centuries. … Today, the twentieth anniversary of the Durban Declaration and Programme of Action offers an important opportunity to reflect on the current status and the way forward, he said. Racism and racial discrimination still permeate institutions, social structures and everyday life in every society, he emphasized, pointing out that structural racism and systematic injustice still deny people their fundamental human rights. He went on to warn against the troubling rise in anti-Semitism, growing anti-Muslim bigotry, the mistreatment of minority Christians and other forms of intolerance around the world. …

Michelle Bachelet, United Nations High Commissioner for Human Rights, recalled that eliminating violations of human dignity and human rights was a matter of immediate urgency 20 years ago. Today, however, many groups continue to suffer discrimination and marginalization. “It is vital that we rise above past controversies” and unite to combat racism and related intolerance in today’s world, she emphasized. …

Pedro Brolo Vila, Minister for Foreign Affairs of Guatemala … voiced regret that the Durban discussions did not adequately reflect the issue of anti-Semitism and, by extension, the Holocaust. “This remains a pending debt within the Durban Declaration,” he said, emphasizing that minimizing or omitting it reflects a serious manifestation of anti-Semitism that deserve attention. …

Karl Lagatie (Belgium) rejected the anti-Semitism expressed during today’s meeting, while welcoming the explicit reference to anti-Semitism in the Political Declaration. …

To read the full press release see

Political Declaration: United against racism, racial discrimination, xenophobia and related intolerance
https://www.undocs.org/en/A/76/L.2

Relevant Legislation  ** new or updated today

UK Parliament

Animal Welfare (Sentience) Bill
https://bills.parliament.uk/bills/2867

Assisted Dying Bill
https://bills.parliament.uk/bills/2875
Charities Bill
https://bills.parliament.uk/bills/2877

Education (16 to 19 Academies) (Religious Character) Bill
https://bills.parliament.uk/bills/2946

Education (Assemblies) Bill
https://bills.parliament.uk/bills/2878

** Higher Education (Freedom of Speech) Bill
https://bills.parliament.uk/bills/2862

Amendment paper

Public Bill Committee
https://hansard.parliament.uk/commons/2021-09-20/debates/d15b0ec4-2950-47d2-8edc-585c8f49cf48/HigherEducation(FreedomOfSpeech)Bill(NinthSitting)
and
https://hansard.parliament.uk/commons/2021-09-20/debates/57ba279f-531f-498a-8eb4-6361af89ba4/HigherEducation(FreedomOfSpeech)Bill(TenthSitting)
and
https://hansard.parliament.uk/commons/2021-09-22/debates/610988eb-772a-4b5a-b5bb-42c24fe66caf/HigherEducation(FreedomOfSpeech)Bill(EleventhSitting)

Israel Arms Trade (Prohibition) Bill
https://bills.parliament.uk/bills/3025

Marriage Act 1949 (Amendment) Bill
https://bills.parliament.uk/bills/3017

Marriage and Civil Partnership (Minimum Age) Bill
https://bills.parliament.uk/bills/2900

** Nationality and Borders Bill
https://bills.parliament.uk/bills/3023

Public Bill Committee
https://hansard.parliament.uk/commons/2021-09-21/debates/c08d585d-759e-4ed6-8a62-dd3e4a52dd62/NationalityAndBordersBill(FirstSitting)
and
https://hansard.parliament.uk/commons/2021-09-21/debates/86708e23-7b74-4b2e-baeb-ecfbcfe05eb4/NationalityAndBordersBill(SecondSitting)
and
https://hansard.parliament.uk/commons/2021-09-23/debates/7ca593db-c83d-48c0-98ff-300ed88e15ce/NationalityAndBordersBill(ThirdSitting)
and
https://hansard.parliament.uk/commons/2021-09-23/debates/122e6daf-470b-49c5-a05e-4daba0170c73/NationalityAndBordersBill(FourthSitting)
Online Safety Bill (Draft)
https://www.gov.uk/government/publications/draft-online-safety-bill

Palestine Statehood (Recognition) Bill
https://bills.parliament.uk/bills/2942

Northern Ireland Assembly

** Organ and Tissue Donation (Deemed Consent) Bill

Second Stage debate
http://aims.niaisassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/09/20&docID=349761#3609217
and
http://aims.niaisassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/09/20&docID=349761#3609721

Consultations

** new or updated today

** closes in 6 days
Dispute Resolution in England and Wales (closing date 30 September 2021)

** closes in 6 days
Equality and Human Rights Commission Strategic Plan for 2022 to 2025 (closing date 30 September 2021)

The Scottish Government’s international work (closing date 29 October 2021)
https://yourviews.parliament.scot/cteea/international-engagement-external-affairs/

Labelling for Animal Welfare (closing date 6 December 2021)

** Proposed Assisted Dying for Terminally Ill Adults (Scotland) Bill (closing date 22 December 2021)

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