



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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15.54 Willie Rennie (Liberal Democrat): ... My final example of failure on the international stage relates to antisemitism. The SNP is now in a coalition Government with a party that has not endorsed, and still refuses to endorse, the International Holocaust Remembrance Alliance's definition of antisemitism. The Greens have voted in favour of a motion that describes Israel as a "racist state" based on "Jewish supremacy", but the First Minister still authorised the coalition agreement without even challenging the Greens on that incredibly sensitive and important matter. How is it possible for the coalition Government to champion progressive values across the world when it will not fully endorse the international definition of antisemitism?

Whether it is human rights abuses in Qatar and Africa, kowtowing to the Chinese over the Dalai Lama, hypocrisy on Afghanistan or antisemitism, there is little justification for today's smug motion. The SNP is in no position to lecture anyone about progressive values here or anywhere else in the world. ...

16.56 Willie Rennie: ... is [the Minister] going to address the points that I raised about investment from Qatar, about SinoFortone and about the relationship of the Green Party with antisemitism? ...

To read the full transcript see

<https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13348&i=121102#ScotParIOR>

Scottish Parliament Oral Answers

Post-mortem Reports (Delays)

Monica Lennon (Labour): To ask the Scottish Government, in light of reports of a backlog in toxicology analyses, how many final post-mortem reports following a sudden or unexplained death were not issued within the 12-week target in 2020 and 2021. (S6O-00237)

The Lord Advocate (Dorothy Bain QC): Post-mortem reports are issued by pathologists to the Crown Office and Procurator Fiscal Service at the conclusion of their investigations. Pathologists do not have a target to provide those reports within 12 weeks. The Crown Office and Procurator Fiscal Service aims to conduct its investigation and advise the next of kin of the outcome within 12 weeks of the initial report of the death in at least 80 per cent of those cases.

In 2019-20, 70 per cent of cases were closed within the 12-week period, and in 2020-21 the figure was 59 per cent. Previous delays with toxicology analysis have played a significant part in that 12-week target not being met, but there are other legitimate reasons why it is not possible to conclude an investigation within 12 weeks, such as the need for further investigations with a view to determining whether a fatal accident inquiry should be held.

Significant work has been done by Crown Office and Procurator Fiscal Service toxicologists and pathologists to address the issue. Since the beginning of 2021, there has been no backlog of toxicology reports. All reports have been submitted to pathologists within agreed timescales, and the Crown Office and Procurator Fiscal Service has established a dedicated team to manage the final post-mortem reports, which have now been received and require to be considered.

Monica Lennon: ... I do not have time to respond to all of that answer, but I note that this has been a deeply upsetting period for many families, because before the pandemic bereaved families experienced long and agonising waits for final post-mortem reports. Instead of being told that it could take around 12 weeks to receive a report, many were told that it could take 12 months and some were told that it could take two years.

I am pleased that there have been improvements, but under the new service level agreement between the Scottish Police Authority's forensic services and the Crown Office and Procurator Fiscal Service, what robust measures will be put in place, and are families being consulted? Will the Lord Advocate meet me and affected families to make sure that we never get the issue wrong again?

The Lord Advocate: I understand entirely what Ms Lennon has said and the impact that the history of the issue has had on bereaved families. I would be happy to meet and discuss the issue at significant length with Ms Lennon and those who have been profoundly affected, as she rightly described.

The success of the toxicology improvement plan has meant that pathologists have received delayed toxicology reports alongside toxicology reports from more recent cases. A significant number of final post-mortem reports have therefore been received by the Crown Office and Procurator Fiscal Service this year. That is set against a background of an increase of 40 per cent on the previous year's figure for the number of deaths that are being reported to the Crown, with a resultant significant increase in the number of post-mortem examinations requiring to be instructed. ...

Jamie Greene (Conservative): The Faculty of Advocates has said that "delayed instruction of post-mortems is a direct result of a dearth of forensic pathologists". Does the Lord Advocate agree with that assessment, and if so, what is being done about it?

The Lord Advocate: The delay in the provision of toxicology services related to the fact that the University of Glasgow toxicology department was no longer capable of producing the necessary toxicology reports. In 2019, the Crown Office and Procurator Fiscal Service began experiencing significant delays in production of the reports, and the university indicated that it no longer wished to undertake the contract. Subsequently, there was a reduction in the number of staff available within the university to produce reports, although a toxicology improvement plan was put in place with the university that has directly targeted the backlog of cases.

Since the beginning of 2021, there has been no backlog in toxicology reports being provided to pathologists, who then need to conduct their final pathology analyses

and reports. The difficulties arose because of the delay in provision of forensic services in the University of Glasgow, which had a knock-on effect. I do not understand the position to be as it has been described by Mr Greene and as reported by the Faculty of Advocates.

<https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13348&i=121080#ScotParlOR>

High Court Judgement

Between Manchester University NHS Foundation Trust, and Alta Fixsler, Chaya Fixsler, and Abraham Fixsler

[In previous judgements the court has ruled that life-sustaining treatment should be withdrawn from the child Alta Fixsler.]

6. The matter now returns to court in circumstances where a further dispute has arisen between the parties. That issue is the location at which Alta's life support should be withdrawn by way of extubation, although, as is their right, the parents continue to believe that it is fundamentally wrong to withdraw Alta's life-sustaining treatment and that to do so constitutes a grave sin against God. The parents contend however, that if that step must be taken it is a step that should be taken at the family home ... The Trust contend that the step should be taken either at the PICU where Alta is being treated or at an identified children's hospice. The Children's Guardian supports the position taken by the Trust. ...

7. ... This hearing has been arranged so as to avoid the Jewish feast days that occur in September, in order to ensure that the hearing did not take place on a day when Orthodox Jews are prohibited from performing any work or on a day when, whilst not prohibited, Orthodox Jews are expected to avoid work. ...

19. ... it was agreed that the Trust would evaluate the feasibility of withdrawal of mechanical ventilation at the family home ... It was further agreed that the Family Liaison and Bereavement Support Sister would explore the parents' training needs, required to facilitate a withdrawal of mechanical ventilation at home ... The parents further agreed to make contact with an identified children's hospice to arrange a visit. ...

22. ... having considered the practicalities of withdrawal of treatment at the rented property, the Trust determined that withdrawal at that property was not a medically viable option ...

26. ... the Trust's education team informed Dr B that it would take several weeks to train the parents with the skills required to manage Alta in a domestic environment, assuming the parents were to attend at Alta's bedside each day to develop the necessary competencies. The parents have received some tracheostomy training but the Trust contends that has not been practiced and maintained. ... For their part, the parents contend that they are willing to undergo the necessary training but that the Trust has refused to provide the same. This assertion is, in turn, flatly refuted by the Trust. ...

28. In response to concerns raised by the Trust that they do not have the skills necessary to care for Alta following extubation, the parents have engaged the services of a private nursing agency ...

32. The Trust further asserts that the parents have, in any event, made clear that they could not agree to the administration of any medication that would suppress Alta's respiratory effort, that they consider that Alta should not be given pain killers unless it is "100% certain" she is in pain ...

33. Entirely understandably, and again as is their right, in seeking to preserve the life of their daughter, the parents have sought the intercession of politicians, religious leaders and Heads of State. By way of example, the court is aware that on 21 June 2021, and in the context of the father being a US Citizen, representations were made seeking the intervention of the President of the United States by Republican members of the US Congress. The court is further aware that representations have also been made to the

Prime Minister of the United Kingdom by a Democratic member of the United States Congress. Within this context, it is important to make clear that this court could not have received, and has not received, any representations from Parliament or the Executive, or from any other public institution in this or any other jurisdiction, with respect to the outcome of this matter. ...

40. Having regard to the religious duties and obligations ... the identified children's hospice has indicated, following a meeting with the parents and Rabbi Goldberg, that it can accommodate ... religious requirements ...

41. ... the father and Rabbi Goldberg contend that ... issues with religious observance remain in the context of the extremely strict nature of the religious obligations placed upon Orthodox Jews ...

55i. The paramount consideration is the best interests of the child. ...

55iv. The term 'best interests' is used in its widest sense, to include every kind of consideration capable of bearing on the decision, this will include, but is not limited to, medical, emotional, sensory and instinctive considerations. The test is not a mathematical one, the court must do the best it can to balance all of the conflicting considerations in a particular case with a view to determining where the final balance lies. ...

59. I am satisfied that it is in Alta's best interests for treatment to be withdrawn at the children's hospice ...

80. I accept that on the evidence of the father and Rabbi Goldberg some issues regarding the compliance with strict religious obligations for Orthodox Jews would remain were the children's hospice to be the option preferred by the court. In particular, there would potentially be difficulty in ensuring that the religious obligations of a quorum of ten male adults to attend from the time death is imminent, and the father attending the synagogue three times a day to pray, both of which obligations would become impossible if Alta passed away on the Sabbath, given the prohibition on travelling by vehicle. ...

81. However ... the secular law this court must apply is equally clear that in so far as there is a conflict between the Art 9 rights of the parents and Alta's best interests, it is Alta's best interests which are determinative. Within this context, the remaining difficulties articulated by the father and Rabbi Goldberg with respect to religious observance are not sufficient in my judgement to render the option of the hospice antithetic to Alta's best interests. This is particularly so in circumstances where the risk of the applicable religious obligations not being performed can, to some extent, be mitigated by extubation of Alta taking place immediately following the Sabbath ...

82. Balancing the matters that I have set out above, and applying the legal principles that I must, I am satisfied that it is in Alta's best interests for the withdrawal of life-sustaining treatment to take place at the children's hospice identified by the parties. I am satisfied that this option best accommodates Alta's welfare need for specialist care at the end of her life under a reliable, safe and sustainable system of high calibre care protected from disruption, whilst allowing, in so far as possible and consistent with Alta's best interests, the family and the community to perform the sacred religious obligations of the Orthodox Jewish faith. ...

87. Finally, I remain acutely conscious of the fact that the original decision of this court is incompatible with the deeply held Judaic religious beliefs of the parents and that, within that context, they will consider that the option preferred by this judgment further obstructs their religious obligations. However, it remains the position that, as would be the case were the court concerned with the religious principles observed by Christianity, Islam, Hinduism, Buddhism or any of the world's established religions, it is not religious law that governs the decision in this case but the secular law of this jurisdiction. Within this context, the court has sought in the decision it has made to accommodate the religious beliefs and obligations of the parents insofar as it has been possible to do so within the context of Alta's welfare being the court's paramount consideration. ...

To read the full judgement see

Israel

See also the Scottish Parliament debate “Scotland in the World” included in the Home Affairs section above.

Foreign, Commonwealth and Development Office

Liz Truss: Good to catch up with @TzipiHotovely at conference about deepening our economic and security partnership with close allies Israel.

<https://twitter.com/trussliz/status/1445341552562290690>

Department for International Trade

Trade and Investment Factsheet: Israel

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1022778/israel-trade-and-investment-factsheet-2021-10-07.pdf

Trade and Investment Factsheet: Occupied Palestinian Territories

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1022831/occupied-palestinian-territories-trade-and-investment-factsheet-2021-10-07.pdf

Northern Ireland Assembly Written Answer

Public Sector Agreements: Israel

Gerry Carroll (People Before Profit Alliance) [AQW 22251/17-22] To ask the First Minister and deputy First Minister whether he plans to conduct an audit that would subject public sector agreements and cooperation schemes with Israel to enhanced due diligence.

Reply: International Relations is a reserved matter.

<http://aims.niassembly.gov.uk/questions/printquestionssummary.aspx?docid=349484>

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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>

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>

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

<http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/primary-legislation---bills-2017---2022-mandate/organ-and-tissue-donation-deemed-consent-bill/>

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** new or updated today

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)

<https://consult.defra.gov.uk/animal-welfare-market-interventions-and-labelling/labelling-for-animal-welfare/>

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

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

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