Lessons to be drawn from experience of the Labour Party
Action Plan on Antisemitism

Fourth Submission by Jewish Voice for Labour to the Equalities and Human
Rights Commission

12 March 2022
Introduction

1. This submission (the “Fourth Submission”) is made by Jewish Voice for Labour (“JVL”), further to the previous submissions sent to the EHRC on 5 August 2021 (the First Submission), 27 August 2021 (the Second Submission) and 2 December 2021 (the Third Submission), and our email of 7 January 2022.

2. Enclosed with these submissions are the following annexes: (omitted from this document to comply with data protection regulations).
   - Annex 18: Appeal of Jonathan Rosenhead;
   - Annex 19: Correspondence in Jenny Manson’s case;
   - Annex 20: Rejection of complaints made by JVL members

3. The purpose of the Fourth Submission is to provide the EHRC with significant updates and new information in respect of the areas of concern noted by the EHRC in its letters to JVL and Bindmans LLP.

Preliminary issues

4. Bindmans are separately in direct correspondence with you about Diana Neslen’s case. You will be aware that Mrs Neslen will be putting in a complaint about the continuing harassment and discrimination she faces from the Labour Party (“the Party”) because of her anti-Zionist beliefs, which relate strongly to her Jewish ethnicity. However, under the current procedure there seems little point in her doing this, given the Party’s failure to properly investigate her complaints or the complaints from other JVL members. In this respect, we draw your attention to the information set out in this submission and update in new Annex 20 on earlier submissions relating to ‘Complaints by JVL members that have been ignored’, which have recently been rejected with no apparent investigation or satisfactory explanation.

5. In Bindmans’ emails to the EHRC of 11 February and 1 March 2022, they asked for confirmation of when the independent process is being implemented and are grateful for the indication that it should be in place this month, which is more information than the Party has been willing to provide.
**Significant updates and new information**

6. We have taken into account the areas of concern that the EHRC notes in its letters as relevant to its ongoing monitoring of the Action Plan, currently being implemented by the Party, namely:

- the Party’s process for appointing its Advisory Board on antisemitism;
- its failure to engage with a range of stakeholders;
- its failure / delay in responding to complaints;
- the disproportionate number of actioned complaints taken against Jewish Party members, and in particular anti-Zionist members;
- its failure to keep complainants updated with the progress of their complaints;
- breaches of the code of conduct on confidentiality and extensive delays in responding to SAR requests.;

7. We have set out below some updates in respect of the above areas of concern. Some of the issues raised below relate to more than one of the above bullet points.

**The disproportionate number of actioned complaints taken against Jewish Party members, and in particular anti-Zionist members**

8. The numbers in our records of actioned complaints against Jewish Party members as at 7th March 2022 are 49 Jews, undergoing a total of 62 investigations. What we wish to emphasise is that the Jews accused of antisemitism by a largely non-Jewish Labour Party feel threatened, isolated, outraged and unprotected. Most are retired, 65 plus, Jews whose backgrounds and life experience encouraged the practice of questioning assumptions and of fighting racism of all sorts. Given their respective ages, almost all will have had direct family experience of the attempted extermination of Jews in Twentieth Century Europe.

9. As we have reported ever since our First Submission on 5 August 2021, the treatment of such Jews as ‘the wrong sort of Jews’ appears to have become more common and ever harsher. This has the appearance of a political desire by the leadership to prove they are ‘tough’ on antisemitism without the required growth in any understanding of what antisemitism is. We fear the same political pressure is being brought to bear on the NEC panels as it was on the side-lining of the NCC.

10. NEC disciplinary decisions are never explained: as far as we can tell the officers and the Disputes panels do not take into account representations made by Jews of their Jewish identity This is an issue that we urge the EHRC to require the Party to give serious consideration and in particular to examine whether accusations of antisemitism against Jews is a continuation of an age-old internal debate among Jews over Zionism. It is inappropriate for the Party to take one side in this debate and to discipline those whose Judaism or Jewish identity leads them to take a contrary view.
11. The action plan must include commitments by the Party to ensuring that members who have been adjudged to have transgressed are aware of the specific problems claimed to have been caused by their activities and of the courses of action required to improve that behaviour. Without this the process will both be ineffective and fail to meet basic standards of natural procedural justice.

12. There are at least twelve notices threatening expulsion received by Jews in recent months for ‘support’ of proscribed organisations. The arguments for retrospection assume clairvoyance by members not shared by the Party apparatus. Its proscription of LAW, as explained, is of a significantly Jewish organisation which diligently and with elements of the expertise of Jewish experience carefully examined false accusations of antisemitism while calling out the real thing.

13. We have seen three punitive suspensions specifically for alleged ‘antisemitism’ in the last year, against firstly recently deceased Mike Howard, secondly Professor Jonathan Rosenhead and most recently Pam Laurance. Prior to that, reminders of conduct were the norm, galling and unacceptable as these were: see for instance the findings in Naomi Wimborne Idrissi’s case (Annex 3 to the submission of 5 August 2021) and the two such ‘punishments’ in Diana Neslen’s case. We address the recent punitive suspensions and other investigations below.

Mike Howard

14. We have already informed you about the imposition of this sentence on the late Mike Howard, - see Para 41 of our Third Submission dated 2nd December 2021, which is set out below for your ease of reference:

“JVL draws attention in particular to the case of the late Mike Howard, whose appeal against his unjust punitive suspension is set out in Annex 15. Prior to investigation, Mr Howard had an unblemished record as a Jewish Labour, trade union and anti-racist activist. He was therefore incredibly angered and distressed to find himself subject to investigation. His appeal was filed in March 2021, with further submissions made on 13 April 2021. Following that date, Mr Howard received neither any update on progress nor any substantive response from the Party. Tragically, Mr Howard died in November 2021, without even an acknowledgement of his appeal by the Party.”

15. It is now left to his widow to instruct Bindmans, who sent a further reminder to the Party dated 1 December 2021, noting Mr Howard’s death; appallingly, still there has been no response, even acknowledging the tragedy, let alone progressing the appeal.

Professor Jonathan Rosenhead

16. In our letter of 7 January 2022, we explained and attached the extraordinary decision to suspend Professor Jonathan Rosenhead for his exploration of his Jewish identity and his questioning of the scale of antisemitism in the Labour Party; these ‘items’ are
antisemitic? We have enclosed his appeal at Annex 18, which will almost certainly be rejected if not ignored because it is about the substance as well as the process – against natural justice and common sense. We request again confirmation about whether the new procedures set up under your guidance will address this travesty of justice.

17. Mrs Neslen, Mr Howard and Professor Rosenhead were all claimants in the LA4J case against the Labour Party. Mrs Neslen felt as if she was in the dock and accused of improper political motivation at the High Court Hearing of 17 June 2021 only because of her political beliefs and willingness to defend them. This accusation reappears as you will have seen in recent correspondence with the Party. Her defence, if any needed, is that, unlike the Party, she has indeed needed to raise money for legal fees to defend herself and fight for justice. This questioning of the “genuineness” of the concerns of Jews making complaints is something of which the Labour Party itself has accused many members and indeed deemed it, wrongly, antisemitic. In contrast, it is clear that the Party, itself, is willing to question the motivations of those it deems “the wrong sort of Jew”.

_Pam Laurance_

18. A third suspension has been received by another Jew, Pam Laurance; the claimed offence in one instance was sharing a Facebook post from the Jewish writer, Leon Rosselson.

19. In Annex 17 to our Third Submission, we referred to the misuse of writing by Robert Cohen and Leon Rosselson, both Jewish, as evidence of antisemitism. Last month David Rosenberg, the most long-standing member of the Jewish Socialists’ group _resigned from the Party_. He listed, among other elements, disillusionment that citation of his own work is misrepresented as evidence of antisemitism in complaints against members seeking office in the Party; _articles such as this have been so misused._

20. In both Professor Rosenhead and Ms Laurance’s cases the new humiliation is enforced training by the JLM on what is antisemitism - it is outrageous to pit one set of Jews against another and to suggest a distinguished Jewish academic requires “training” on antisemitism from an organisation like the JLM with whose foundational beliefs he fundamentally disagrees.

_Jenny Manson_

21. In paragraph 34 of the Third Submission there is reference to the case of Jenny Manson, investigated for her participation in a Newsnight interview in November 2020 (an interview which engendered several complaints of her being bullied). We attach the correspondence in Mrs Manson’s case (Annex 19) to demonstrate how any robust response (in that case, challenging the partisanship of senior management in the Labour Party) is met with accusations, threats and bare denials without investigation. This moved the allegations against Mrs Manson from “undermines the Party’s ability to campaign against antisemitism” to antisemitism itself and warning of a fast-track
investigation, a suggestion that Mrs Manson is a threat to fellow Jews. Requests for data under the Data Protection Act have been ignored and turned into threats of a breach of confidentiality or professional misconduct against both Mrs Manson and Bindmans.

Stephen Marks

22. Stephen Marks is a JVL member who served on the NCC until his suspension on 13 July 2021. See Annex Two of the First Submission (dated 5 August 2021) for the accusations of antisemitism related to his signing petitions; “The evidence adduced consists of 3 public documents which date from July 2016, April 2017 and April 2018 where Mr Marks’ name is to be found.”

23. Mr Marks has heard no word from the Labour Party except the confirmation of receipt he asked for when he submitted his response. His Branch chair chased the Party and got just one response, received in December 2021, as follows “Mr Marks will be updated accordingly when a date has set.”

24. Mr Mark’s situation is also covered in Annex 10 of the Second Submission (dated 27 August 2021): Harsh treatment of Jewish members: refusal to respond to reasonable requests for extensions.../ Again there has been no acknowledgement of the impact of the Party’s refusal to acknowledge Stephen’s request for an extension on the grounds of some serious ill health problems.

Failure to keep complainants updated with the progress of their complaints/Breaches of the code of conduct on confidentiality-

25. We describe in Annex 20 the cursory rejection of well-documented complaints by left-wing Jewish members of the Party about bullying, harassment and disrespectful treatment they have received from other members of the Party, often those holding Party or elective office.

26. The rejections took the form of

   a. “Your complaint about xxx that you raised with the Labour Party on xxxx has been assessed and we will be taking no further action at this time. This is because what you have complained about does not fall within what we can accept for investigation under our Complaints Policy.”

27. This lack of justification for, or even explanation of, the decisions not to investigate mirror the failure of the NEC to explain their findings of culpability described in Paragraph 10 of this submission.

28. In the third case in the annex the complainant has noted that in her original complaint she had explained which rules of the LP code the conduct breached, including data protection, disciplinary procedure and antisemitism.
The Party’s process for appointing its Advisory Board on antisemitism/failure to engage with a range of stakeholders

29. We have written already about the Party’s complete failure to understand antisemitism and the guidance they neglect such as the Jerusalem Declaration on Antisemitism. This impacts fundamentally on the Process the EHRC are monitoring; in para 4 of our Third Submission, we wrote that:

“JVL considers that the failure of the Party to introduce a fair process to tackle antisemitism has resulted from its failure to properly understand antisemitism.”

30. The Party issues its members:

- Appendix 9.2 of the Rule Book 2020
- The ‘NEC Code of Conduct: Antisemitism’ contained in the Labour Party Complaint Handling Handbook; and
- The IHRA definition of antisemitism, also set out in the Complaint Handling Handbook

31. No one can understand how to apply three codes, and significant elements of the second and third are irreconcilable.

32. In addition, a JVL member has just been referred to an online portal “No place for Antisemitism” and received this excerpt:

“Since the State of Israel was founded in 1948, following the horrors of the Holocaust, Zionism means maintaining that state. Jewish people have the same right to self-determination as any other people... There are many forms of Zionism both in Israel and around the world and for many Jews, Zionism represents national liberation. The concepts of Israel, Zion and Jerusalem run deeply in Jewish religion, identity and culture, and for many are symbolic of a homeland, refuge, or place of safety. The sensitivities around these concepts should be considered before using them.”

This is a simplification that obscures the meaning of Zionism and by extension anti-Zionism. The use of ‘many’ implies there are others, maybe some, maybe many, for whom this is not true and who hold different views and whose sensitivities are equally deserving of respect. It is patently unjust that the Party does not allow a diversity of Jewish opinion to be expressed in the light of their own description of Zionism. The Party is denying many Jewish party members the right to express their own strongly held beliefs, including anti Zionism that historically has been a widely held, and for decades, by a majority Jewish opinion. The Party is retrospectively casting millions of Jews who were murdered in the Holocaust as antisemites.

1 https://jerusalemdeclaration.org/ JDA
33. The apparent lack of confidence by the Labour Party in their own understanding of antisemitism is demonstrated by their inability or unwillingness to justify their selection of items as evidence of antisemitism. Their notices of investigation list items that they express concern about but never inform the member why or how, in the opinion of the Labour Party, these demonstrate antisemitic attitudes or behaviour. Similarly, the letters which inform members that they have been found culpable give no arguments justifying the verdict.

34. This ignorance is also clear from the charges our members are receiving. Examples of these charges are set out below:

- Most of our members receive the charge that their action "undermines the Party's ability to campaign against antisemitism"; disagreement with the methods used and correction of false or dubious facts is a form of antisemitism to the Party
- Criticism of Israel whether or not there is evidence of an antisemitic motive. See for instance Para 16 of NEC Code of Conduct:
  "Discourse about international politics often employs metaphors drawn from examples of historic misconduct. It is not antisemitism to criticise the conduct or policies of the Israeli state by reference to such examples unless there is evidence of antisemitic intent."
- Serious thoughts and speculations on Jewish identity such as Professor Rosenhead quoting from Shlomo Sands
- Anti-Zionism, argued in Mrs Neslen’s case to be a protected philosophical belief. Its history in the Jewish community and its complete distinction with antisemitism are set out in a blog piece by Professor Geoffrey Alderman, himself a Zionist

35. The apparent lack of confidence by the Labour Party in their own understanding of antisemitism is demonstrated by their inability or unwillingness to justify their selection of items as evidence of antisemitism. Their notices of investigation and allegation list items that they express concern about but never inform the member why or how, in the opinion of the Labour Party, these demonstrate antisemitic attitudes or behaviour. Similarly, the letters which inform members that they have been found culpable give no arguments justifying the verdict.

36. If the wish of the Party is, as it should be, that members improve their understanding and behaviour then they need to understand the effects of their specific actions. This is poorly achieved by only referring members to a generic statement.

2 https://en.wikipedia.org/wiki/Shlomo_Sand
3 https://blogs.timesofisrael.com/labours-war-on-the-wrong-type-of-jew/
37. There must be a commitment in the action plan to providing specific guidance for individual members found to have transgressed, based on detailed evidence of antisemitism provided in their letters from the Party.

38. In Mrs Neslen’s case the Party also demonstrated its failure to understand the IHRA let alone the NEC Code of Conduct.

39. On 9th February 2019, Mrs Neslen tweeted: “the existence of the state of Israel is a racist endeavour and I am an antiracist Jew.”

40. The charge against Ms Neslen relating to this tweet in the investigation of 18 August 2021 (now dropped) was that her words were capable of these allegations;

   “a. may reasonably be seen to demonstrate hostility or prejudice based on race, religion, or belief;
   b. may reasonably be seen to involve antisemitic actions, stereotypes and sentiments;
   c. Makes mendacious, dehumanising, demonizing or stereotypical allegations about Jews as such or the power of Jews as collective
   d. undermines the Party’s ability to campaign against racism:
   e. Denies the Jewish people the same right to self-determination as any other people”

41. The IHRA refers to “contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to”.

42. Mrs Neslen provided just that context: I am an anti-racist Jew.

43. The example the Party presumably was relying on is:

   “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.”

44. Note that Mrs Neslen referred to “the” not “a” state of Israel. “a” state of Israel refers to any state, under any configuration, in any location, at any time; “the” state of Israel refers to the current state implementing its current policies and making a judgement about those policies.

45. JVL draws your attention to Para 13 of the NEC code of conduct:

   “13. In contrast, discussion of the circumstances of the foundation of the Israeli State (for example, in the context of its impact on the Palestinian people) forms a legitimate part of modern political discourse. So does discussion of – including critical comment on – differential impact of Israeli laws or policies on different people within its population or that of neighbouring territories. It is not racist to assess the conduct of Israel – or indeed of any other particular State or government – against the requirements of international law or the
standards of behaviour expected of democratic States (bearing in mind that these requirements and standards may themselves be contentious).”

46. This lack of understanding has been particularly harmful in the area of 'antisemitism training'.

**Antisemitism training**

47. Looking back on the EHRC report of 29 October 2020, we note that the recommendation that:

   *The Labour Party should:*

   - Commission and provide education and practical training for all individuals involved in the antisemitism complaints process
   - Roll out a programme of education and training on identifying and tackling antisemitism, for all staff, Party officials, and other members in positions of responsibility within the Party
   - Develop all education and training programmes on antisemitism in consultation with Jewish stakeholders (p. 99)

48. The Party had, it seems, already decided who was to lead on training. In representations made to this investigation in August 2020, the Party accepted that those handling antisemitism complaints should be properly trained in that role, and that the training has to be acceptable to Jewish community stakeholders. However, it has told us that stakeholders, including the JLM, for understandable reasons, are not willing to re-engage with the Party on the issue of training until after publication of our report. The Party says ‘the right course now is to craft a process which has the confidence of the Jewish community’, and that this builds on the commitment made by Sir Keir Starmer to re-engaging the JLM ‘to lead on training about antisemitism’. (p. 94)

49. Our understanding was that in 2018 the JLM had refused to consider some revision to their training programme (broadly to make the distinction between antisemitism and anti-Zionism clearer). In 2019, the Labour Party expressed an interest in the Birkbeck course on antisemitism, led by Professor David Feldman.

50. If the wish of the Party is, as it should be, that members improve their understanding and behaviour then they need to understand the effects of their specific actions. This is poorly achieved by only referring members to a generic course which does not make use of the expertise available.

51. You have seen our critiques of the current course and we continue to hear from recent attendees the same concern about only allowing one interpretation of Zionism and of a lack of interaction.

52. Particularly worrying to us as Jews is the JLM over-simplified certitude about something so important as an accusation of antisemitism. Deep understanding and compassion are what is needed to protect us, as Jews. The current arrangements do Jews, both
Zionist and non-Zionist a disservice. They raise needless and distressing anxieties among Zionist Jews that the Labour Party has been, at any point, a threat to their lives in Britain; they produce fear among anti-Zionist Jews that arguing, respectfully, for their beliefs makes them unable to be members of a Party that many have given their lives to.